

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2592

Chapter 56, Laws of 2010

61st Legislature
2010 Regular Session

TOW TRUCK OPERATORS--INCENTIVE PROGRAMS--PROHIBITION

EFFECTIVE DATE: 06/10/10

Passed by the House February 10, 2010
Yeas 95 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2010
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 15, 2010, 2:47 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2592** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 15, 2010

**Secretary of State
State of Washington**

HOUSE BILL 2592

Passed Legislature - 2010 Regular Session

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hunt and Hasegawa

Prefiled 01/08/10. Read first time 01/11/10. Referred to Committee on Transportation.

1 AN ACT Relating to prohibiting incentive towing programs for
2 private property impounds; and amending RCW 46.55.035.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.55.035 and 1992 c 18 s 1 are each amended to read
5 as follows:

6 (1) No registered tow truck operator may:

7 (a) Except as authorized under RCW 46.55.037, ask for or receive
8 any compensation, gratuity, reward, or promise thereof from a person
9 having control or possession of private property or from an agent of
10 the person authorized to sign an impound authorization, for or on
11 account of the impounding of a vehicle;

12 (b) Be beneficially interested in a contract, agreement, or
13 understanding that may be made by or between a person having control or
14 possession of private property and an agent of the person authorized to
15 sign an impound authorization;

16 (c) Have a financial, equitable, or ownership interest in a firm,
17 partnership, association, or corporation whose functions include acting
18 as an agent or a representative of a property owner for the purpose of
19 signing impound authorizations;

1 (d)(i) Enter into any contract or agreement or offer any program
2 that provides an incentive to a person authorized to order a private
3 impound under RCW 46.55.080 that is related to the authorization of an
4 impound or a number of impounds.

5 (ii) The incentives prohibited by this section may be either
6 monetary or nonmonetary things of value, such as gifts or prizes which
7 are contingent on, or as a reward for the authorization of impounds.

8 (iii) Gifts of de minimus value that are given in the ordinary
9 course of business and are not tied to any specific decision to
10 authorize an impound or impounds are not prohibited. Permitted gifts
11 would include promotional items such as pens, calendars, cups, and
12 other items labeled with the registered tow truck operator's business
13 information, holiday gifts such as cookies or candy, flowers for
14 occasions such as illness or death, or the cost of a single meal for
15 one person when discussing business.

16 (iv) The provision of the actual physical signs required by this
17 chapter to be posted on private property and the labor and materials
18 for placing them is not a violation of this section.

19 (2) This section does not prohibit the registered tow truck
20 operator from collecting the costs of towing, storage, or other
21 services rendered during the course of towing, removing, impounding, or
22 storing of an impounded vehicle as provided by RCW 46.55.120.

23 (3) A violation of this section is a gross misdemeanor.

Passed by the House February 10, 2010.

Passed by the Senate March 4, 2010.

Approved by the Governor March 15, 2010.

Filed in Office of Secretary of State March 15, 2010.