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**SUBSTITUTE HOUSE BILL 2372**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Transportation (originally sponsored by Representatives Pollet, Kenney, Reykdal, Dickerson, Jenkins, Wylie, Hasegawa, Pettigrew, Billig, Pedersen, Ryu, Fitzgibbon, Darneille, Blake, Finn, Eddy, and Kagi)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to tow trucks; amending RCW 46.55.030; adding a new  
2 section to chapter 46.55 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is important  
5 for the public to know what the charges and fees will be for the  
6 private impound of cars and other vehicles parked on private property,  
7 and that those charges should be uniform and reasonable throughout the  
8 state.

9 **Sec. 2.** RCW 46.55.030 and 2010 c 8 s 9061 are each amended to read  
10 as follows:

11 (1) Application for licensing as a registered tow truck operator  
12 shall be made on forms furnished by the department, shall be  
13 accompanied by an inspection certification from the Washington state  
14 patrol, shall be signed by the applicant or an agent, and shall include  
15 the following information:

16 (a) The name and address of the person, firm, partnership,  
17 association, or corporation under whose name the business is to be  
18 conducted;

1 (b) The names and addresses of all persons having an interest in  
2 the business, or if the owner is a corporation, the names and addresses  
3 of the officers of the corporation;

4 (c) The names and addresses of all employees who serve as tow truck  
5 drivers;

6 (d) Proof of minimum insurance required by subsection (~~(+3)~~) (4)  
7 of this section;

8 (e) The vehicle license and vehicle identification numbers of all  
9 tow trucks of which the applicant is the registered owner;

10 (f) Any other information the department may require; and

11 (g) A certificate of approval from the Washington state patrol  
12 certifying that:

13 (i) The applicant has an established place of business and that  
14 mail is received at the address shown on the application;

15 (ii) The address of any storage locations where vehicles may be  
16 stored is correctly stated on the application;

17 (iii) The place of business has an office area that is accessible  
18 to the public without entering the storage area; (~~and~~)

19 (iv) The place of business has adequate and secure storage  
20 facilities, as defined in this chapter and the rules of the department,  
21 where vehicles and their contents can be properly stored and protected;  
22 and

23 (v) All persons having an interest in the business, or if the owner  
24 is a corporation all officers of the corporation, and all employees who  
25 serve as tow truck drivers meet the criminal background requirements  
26 set by rule by the Washington state patrol for the issuance of a letter  
27 of appointment to provide towing services.

28 (2) If the applicant is granted a registration certificate, the  
29 operator shall notify the Washington state patrol and the department of  
30 any changes in ownership or corporate officers and notify the  
31 Washington state patrol of any new employee hires who serve as tow  
32 truck drivers within three days of hiring. The new owners or officers  
33 of the company or new employees who serve as tow truck drivers must  
34 meet the same criminal background requirements required under  
35 subsection (1)(g)(v) of this section.

36 (3) Before issuing a registration certificate to an applicant the  
37 department shall require the applicant to file with the department a  
38 surety bond in the amount of five thousand dollars running to the state

1 and executed by a surety company authorized to do business in this  
2 state. The bond shall be approved as to form by the attorney general  
3 and conditioned that the operator shall conduct his or her business in  
4 conformity with the provisions of this chapter pertaining to abandoned  
5 or unauthorized vehicles, and to compensate any person, company, or the  
6 state for failure to comply with this chapter or the rules adopted  
7 hereunder, or for fraud, negligence, or misrepresentation in the  
8 handling of these vehicles. Any person injured by the tow truck  
9 operator's failure to fully perform duties imposed by this chapter and  
10 the rules adopted hereunder, or an ordinance or resolution adopted by  
11 a city, town, or county is entitled to recover actual damages,  
12 including reasonable attorney's fees against the surety and the tow  
13 truck operator. Successive recoveries against the bond shall be  
14 permitted, but the aggregate liability of the surety to all persons  
15 shall not exceed the amount of the bond. As a condition of authority  
16 to do business, the operator shall keep the bond in full force and  
17 effect. Failure to maintain the penalty value of the bond or  
18 cancellation of the bond by the surety automatically cancels the  
19 operator's registration.

20 ~~((+3))~~ (4) Before the department may issue a registration  
21 certificate to an applicant, the applicant shall provide proof of  
22 minimum insurance requirements of:

23 (a) One hundred thousand dollars for liability for bodily injury or  
24 property damage per occurrence; and

25 (b) Fifty thousand dollars of legal liability per occurrence, to  
26 protect against vehicle damage, including but not limited to fire and  
27 theft, from the time a vehicle comes into the custody of an operator  
28 until it is redeemed or sold.

29 Cancellation of or failure to maintain the insurance required by  
30 (a) and (b) of this subsection automatically cancels the operator's  
31 registration.

32 ~~((+4))~~ (5) The fee for each original registration and annual  
33 renewal is one hundred dollars per company, plus fifty dollars per  
34 truck. The department shall forward the registration fee to the state  
35 treasurer for deposit in the motor vehicle fund.

36 ~~((+5))~~ (6) The applicant must submit an inspection certificate  
37 from the state patrol before the department may issue or renew an  
38 operator's registration certificate or tow truck permits.

1           (~~(6)~~) (7) Upon approval of the application, the department shall  
2 issue a registration certificate to the registered operator to be  
3 displayed prominently at the operator's place of business.

4           NEW SECTION. **Sec. 3.** A new section is added to chapter 46.55 RCW  
5 to read as follows:

6           (1) For a private impound performed by any registered tow truck  
7 operator using tow trucks classified by the Washington state patrol by  
8 rule pursuant to RCW 46.55.050(1) as class A, class E, or class D only,  
9 the following limitations apply:

10           (a) The maximum towing hourly rate listed on the fee schedule filed  
11 with the department pursuant to RCW 46.55.063(1) may be no more than  
12 one hundred fifty percent of the maximum hourly rate for a class A tow  
13 truck at the time of filing as negotiated by the Washington state  
14 patrol, pursuant to rule, and contained in the letter of contractual  
15 agreement and letter of appointment authorizing a registered tow truck  
16 operator to respond to state patrol-originated calls.

17           (b) The maximum daily storage rate listed on the fee schedule filed  
18 with the department pursuant to RCW 46.55.063(1) may be no more than  
19 one hundred fifty percent of the maximum daily storage rate for an  
20 impound at the time of filing as negotiated by the Washington state  
21 patrol, pursuant to rule, and contained in the letter of contractual  
22 agreement and letter of appointment authorizing a registered tow truck  
23 operator to respond to state patrol-originated calls.

24           (c) The maximum after hours release fee listed on the fee schedule  
25 filed with the department pursuant to RCW 46.55.063(1) may be no more  
26 than one hundred percent of the maximum after hours release fee for an  
27 impound at the time of filing as negotiated by the Washington state  
28 patrol, pursuant to rule, and contained in the letter of contractual  
29 agreement and letter of appointment authorizing a registered tow truck  
30 operator to respond to state patrol-originated calls.

31           (2) The limitations set out in subsection (1) of this section apply  
32 to all registered tow truck operators whether or not they hold, have  
33 applied for, or received letters of appointment from the Washington  
34 state patrol to respond to state patrol-originated calls.

35           (3) The limitations set out in subsection (1) of this section do  
36 not apply to:

1 (a) Any other classes of tow trucks classified by the Washington  
2 state patrol by rule pursuant to RCW 46.55.050(1);

3 (b) Law enforcement impounds or private voluntary towing, but only  
4 to private impounds; or

5 (c) Any recovery of a vehicle unless the vehicle is parked and  
6 upright, has all its wheels and tires attached, does not have a broken  
7 axle, and has not been involved in an accident at the location from  
8 which it is being impounded.

9 (4) The state of Washington fully occupies and preempts the entire  
10 field of private property vehicle impound rate regulation within the  
11 boundaries of the state. Cities, towns, counties, or other  
12 municipalities may enact and adopt only those laws and ordinances  
13 relating to private property vehicle impound rate regulation that are  
14 consistent with this chapter. Local laws and ordinances that are  
15 inconsistent with, are more restrictive than, or exceed the  
16 requirements of state law may not be enacted and are preempted and  
17 repealed, regardless of the nature of the code, charter, or home rule  
18 status of such a city, town, county, or municipality.

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