

# FINAL BILL REPORT

## SHB 1036

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Synopsis as Enacted

**Brief Description:** Concerning business practices of registered tow truck operators by authorizing electronic records creation and storage.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Harmsworth, Kirby, Short and Muri).

**House Committee on Transportation**  
**Senate Committee on Transportation**

### **Background:**

Registered tow truck operators are required to keep a transaction file on each vehicle that has been towed for a minimum of three years. The transaction file must include the following, which must be part of the file at the time the vehicle is redeemed or becomes abandoned and is sold at public auction: (1) a signed impoundment authorization; (2) a record of the 24-hour written impound notice to a law enforcement agency; (3) a copy of the impound notification to registered and legal owners, sent within 24 hours of impoundment (which must provide the owners with the address of the impounding firm, a 24-hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded); and (4) an itemized invoice of charges against the vehicle.

For abandoned vehicles sold at public auction, the following information must also be included in the transaction file: (1) a copy of the abandoned vehicle report that was sent to and returned by the Department of Licensing (DOL); (2) a copy of the published notice of public auction; (3) a copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and the sale price; (4) a record of the two highest bid offers, with the names, addresses, and telephone numbers of the two bidders; and (5) a copy of the notice of opportunity for hearing given to those who redeem vehicles.

Records kept by tow truck operators, including transaction files, must be available for audit or inspection during normal business hours by the DOL, the Washington State Patrol, or any other law enforcement agency that has jurisdiction to perform audits and inspections.

### **Summary:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The transaction file that registered tow truck operators are required to keep for each vehicle that has been towed may be created and stored electronically using software developed for the business purpose of electronically storing records. These electronic records must be available for audit or inspection to the same extent that other records are available for audit and inspection.

Possible methods for the electronic storage of records include the use of cloud storage or another acceptable method of storage that reliably provides information storage, retrieval, and access that facilitates the availability of these records for inspection. Electronic records for each tow transaction must be maintained in an electronic folder labeled with the date the towing service was performed, with folders maintained in chronological order.

**Votes on Final Passage:**

House	98	0
Senate	49	0

**Effective:** July 23, 2017