

HOUSE BILL REPORT

SSB 5343

As Reported by House Committee On: Transportation

Title: An act relating to notice sent by and certain release of information affecting registered tow truck operators.

Brief Description: Concerning notice sent by and certain release of information affecting registered tow truck operators.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Warnick and Takko).

Brief History:

Committee Activity:

Transportation: 3/13/17, 3/15/17 [DP].

Brief Summary of Substitute Bill

- Substitutes the requirement that notice of custody and sale of an abandoned vehicle be sent by certified mail and a return receipt requested with the requirement that it be sent by first-class mail and a Certificate of Mailing obtained.
- Prohibits an abstract of a person's driving record provided to an insurance company or its agent from including information related to actions committed by a registered tow truck operator in the performance of his or her duties while at the scene of a roadside impound or recovery, provided no traffic citation has been issued to the tow truck operator at the scene.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton and Van Werven.

Staff: Jennifer Harris (786-7143).

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.

Background:

Impound Notice to Owner.

When an unauthorized vehicle is impounded, the impounding towing operator must notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the Department of Licensing (DOL). The notification must be sent by first-class mail within 24 hours after the impoundment to the last known registered and legal owners of the vehicle and the owners of any other items of personal property registered or titled with the DOL, provided the vehicle or item of personal property has not yet been redeemed. The notice must include the location, time of impoundment, and by whose authority the vehicle was impounded. The notice must also include the written notice of the right of redemption and the opportunity for a hearing to contest the validity of the impoundment.

An "unauthorized vehicle" is a vehicle that is subject to impoundment after being left unattended: (1) for any length of time (a) in a public location where it is an accident or traffic hazard, (b) in a publicly owned or controlled parking facility with the properly posted notice, (c) on residential property, or (d) on private, nonresidential property with the properly posted notice; or (2) after 24 hours (a) on a highway, once the vehicle has been tagged with a readily visible notification sticker, or (b) on private, nonresidential property without the properly posted notice.

Once an unauthorized vehicle that has been impounded by a registered tow truck operator has been held in the operator's possession for 120 consecutive hours, it is considered an "abandoned vehicle." Within 24 hours after receiving information on the owners of an abandoned vehicle from the DOL through the abandoned vehicle report, the tow truck operator must send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners (as well as a notice of the penalties for the traffic infraction "Littering–Abandoned Vehicle"). If the date notice is required to be sent falls on a weekend or postal holiday, the notice may be mailed on the next weekday that is not a postal holiday.

If, after 15 days from the date of mailing of the notice of custody and sale, the abandoned vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator with custody of the vehicle must conduct a sale of the vehicle at public auction after publishing a notice of the date, place, and time of the auction, and a method by which to contact the tow truck operator conducting the auction.

Driving Record Abstract.

The DOL is permitted to furnish an abstract of a person's driving record on proper request. The abstract, whenever possible, must include: (1) information related to motor vehicle accidents in which the person was driving; (2) any reported convictions, forfeitures of bail, or findings that an infraction was committed based on a violation of any motor vehicle law; (3) the status of the person's driving privilege in the state; and (4) any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served by an arresting officer.

An abstract of a person's driving record may be furnished: (1) to the individual named in the abstract or that individual's attorney; (2) to an employer, prospective employer, or an agent acting on behalf of an employer or prospective employer for purposes related to driving as condition of employment or otherwise at the direction of the employer, with a signed authorization of the release of the driving record by the individual named in the record; (3) to a volunteer organization or agent for a volunteer organization for which the volunteer position requires driving, with a signed authorization of the release of the driving record by the individual named in the record; (4) to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs; (5) to an insurance company, with information from a period no greater than the past three years, that (a) has motor vehicle or life insurance in effect covering the named individual or to which the named individual has applied, or (b) that has insurance in effect covering the employer or a prospective employer of the named individual; (6) to an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services; (7) to city attorneys, county prosecuting attorneys, or the named individual's attorney of record; (8) to state colleges, universities, or agencies or to units of local government authorized to self-insure for employment and risk management purposes; or (9) to the Superintendent of Public Instruction for review of public school bus driver records.

The abstract provided to an insurance company may not contain any information related to actions committed by law enforcement officers or firefighters while driving official vehicles in the performance of their occupational duties. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony.

Summary of Bill:

Impound Notice to Owner.

A notice of custody and sale and a notice of the penalties for the traffic infraction "Littering—Abandoned Vehicle" must be sent to the registered owner of an abandoned vehicle or personal property by first-class mail and a Certificate of Mailing must be obtained.

Driving Record Abstract.

The abstract provided to an insurance company may not contain any information related to actions committed by registered tow truck operators in the performance of their occupational duties while at the scene of a roadside impound or recovery provided no traffic citation has been issued to the tow truck operator at the scene. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill helps tow truck drivers by changing requirements for mailing notices to legal or registered owners of towed abandoned vehicles. Each certified letter with return receipt requested mailed costs \$6.80 and tens of thousands of these letters are mailed every year. Many of these letters cannot be delivered and are returned to tow truck operators. The declaration of mailing, at \$1.30 per letter, is an alternative that would protect consumers and provide tow truck operators with a record of the date of mailing from the United States Postal Service. The towing and insurance industries worked together to develop language on what a driving record abstract would need to include to satisfy the needs of both.

(Opposed) None.

Persons Testifying: Senator Warnick, prime sponsor; Peter Lukevich, Towing and Recovery Association of Washington; and Paul Bressi, Nisqually Towing.

Persons Signed In To Testify But Not Testifying: None.