

# SENATE BILL REPORT

## SHB 1036

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As of March 20, 2017

**Title:** An act relating to business practices of registered tow truck operators by authorizing electronic records creation and storage.

**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).

**Brief History:** Passed House: 2/28/17, 98-0.

**Committee Activity:** Transportation: 3/20/17.

### Brief Summary of Bill

- Authorizes registered tow truck operators to create and maintain a transaction file for each vehicle electronically.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kellee Keegan (786-7429)

**Background:** Registered tow truck operators (RTTOs) are required to keep a transaction file on each vehicle that has been towed for a minimum of three years. The file must include information relating to the impound authorization, record of 24 hour notice to the law enforcement agency, copy of impound notification to registered and legal owners, and invoice of charges. If the vehicle goes to auction, additional reports, notices, and information regarding the affidavit of sale and the record of the two highest bidders must be included.

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

**Summary of Bill:** An RTTO's statutorily required transaction file may be created and stored electronically using software developed for the business purpose of electronically storing

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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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: In the 1980s, the computer was created. Registered Tow Truck Operators are currently storing vast amounts of paper records in their facilities. This bill would allow them to use a computer to store these transaction files. Towing companies want to take advantage of the modern-day way of storing records. It is the 21st century. It's time to get rid of the cardboard boxes full of records.

**Persons Testifying:** PRO: Representative Mark Harmsworth, Prime Sponsor; Peter Lukevich, Towing and Recovery Assn. of WA; Paul Bressi, Nisqually Towing; Darin Hendrickson, Agri Fix Towing and Tractor Repair.

**Persons Signed In To Testify But Not Testifying:** No one.