

# SENATE BILL REPORT

## SHB 1218

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As of March 20, 2017

**Title:** An act relating to the termination of towing fees.

**Brief Description:** Modifying when towing fees terminate.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Fey, McCaslin and Goodman).

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

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

### Brief Summary of Bill

- Changes the starting time for the calculation of storage fees for a vehicle, or other items registered or titled with the Department of Licensing, to the point at which the registered tow truck operator has unloaded the vehicle and completed the necessary paperwork.
- Allows the time to unload the towed vehicle, complete required paperwork, and reasonably prepare the tow truck to return to service to be charged as part of the tow truck service.

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### SENATE COMMITTEE ON TRANSPORTATION

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

**Background:** Tow truck operators who impound vehicles from private or public property, or tow for law enforcement agencies, are regulated under chapter 46.55 RCW. Impoundment, the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (RTTOs). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or the property owner's agent.

When an unauthorized vehicle is impounded, within 24 hours the towing operator must send an impound notice to the legal owner, based on information received from law enforcement. After being held for 120 consecutive hours, a vehicle is considered abandoned and the RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In

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response to the AVR, the DOL provides information to the RTTO regarding the owner of the vehicle. Within 24 hours of receipt of this information, the RTTO must send by certified mail a notice of custody and sale to the owner. After 15 days from the receipt of information from the DOL, the RTTO may no longer accumulate storage charges. If the vehicle remains unclaimed, the RTTO must conduct a sale at public auction. The RTTO may not hold the vehicle for longer than 90 days, except in the case of a law enforcement or judicial order.

Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges. An RTTO is required to file a fee schedule of its charges with the DOL, and no fee charged by the RTTO may exceed what has been filed with the DOL. Fees that are charged for the storage of a vehicle, or for items of personal property registered or titled with the DOL, must be calculated on a 24-hour basis, and must be charged to the nearest half day from the time the vehicle arrives at a secure storage area.

**Summary of Bill:** The starting time for the calculation of storage fees for vehicles, or for items of personal property registered or titled with the DOL, is changed from when the vehicle arrived to the point at which the RTTO has unloaded the vehicle and completed the necessary paperwork.

The time to unload the towed vehicle, complete required paperwork, and reasonably prepare the tow truck to return to service is allowed to be charged as part of the tow truck service. This time must be charged in 15-minute increments, may not exceed an hour, and must be rounded up except for the last 15-minute increment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: This bill provides a solution to the current problem for RTTOs when charges for their work stop at the point where the vehicle enters the tow truck yard. There are many things that happen after that point. This bill caps the additional amount at 60 minutes, charged to the nearest 15-minute interval. There is an issue with this bill as it has evolved from the House. The RTTOs work with the WSP and in order to meet the needs of different organizations, the towers have agreed to make some changes that the WSP will be confident in as well. The towing association has agreed to do outreach to members to alert them of what the rules are and what those 15-minute increments mean. The association will also track complaints. If there needs to be a legislative correction in the future, the association will work on doing so and report back to the sponsors of this legislation to make sure everyone is aware of the circumstances. RTTOs want to make sure they get paid for the work they do.

**Persons Testifying:** PRO: Representative Jake Fey, 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.