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**SUBSTITUTE SENATE BILL 6437**

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**State of Washington**                      **65th Legislature**                      **2018 Regular Session**

**By Senate Transportation** (originally sponsored by Senator King)

READ FIRST TIME 02/06/18.

1            AN ACT Relating to the disposal of recreational vehicles  
2 abandoned on public property; amending RCW 46.79.110 and 46.80.020;  
3 reenacting and amending RCW 43.84.092; adding a new section to  
4 chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding  
5 a new section to chapter 46.68 RCW; adding a new chapter to Title 46  
6 RCW; creating new sections; and providing an effective date.

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

8            NEW SECTION.    **Sec. 1.** The legislature finds that:

9            (1) Registered tow truck operators have continuing problems  
10 involving the disposal of recreational vehicles that have been  
11 impounded and abandoned pursuant to chapter 46.55 RCW;

12            (2) Traditional methods of disposal are no longer adequate to  
13 meet the increasing problem of abandoned recreational vehicles in  
14 Washington state;

15            (3) Abandoned recreational vehicles continue to be a hazard to  
16 the health and safety of citizens, business owners, and the  
17 environment; and

18            (4) Adequate funding is necessary to resolve the problem of  
19 abandoned recreational vehicles in a manner that is environmentally  
20 friendly and economically sound so that registered tow truck

1 operators may be successful in their duties of public impounding,  
2 transporting, and storing unauthorized vehicles.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55  
4 RCW to read as follows:

5 (1) A registered tow truck operator may transport an abandoned  
6 recreational vehicle under section 5 of this act without being  
7 licensed as a hulk hauler. The transport of an abandoned recreational  
8 vehicle by a registered tow truck operator under this chapter must be  
9 completed by utilizing a reasonable, direct, and safe route on the  
10 date of transport.

11 (2) A registered tow truck operator must provide a written record  
12 of the delivery to a licensed dismantler or authorized disposal site  
13 for each abandoned recreational vehicle by use of an abandoned  
14 vehicle report or junk vehicle affidavit to be sent to the  
15 department. A copy of the report must be maintained in the vehicle  
16 transaction file. Completion of the report relieves the registered  
17 tow truck operator from any civil or criminal liability for the  
18 disposal of a properly processed abandoned recreational vehicle.

19 **Sec. 3.** RCW 46.79.110 and 2001 c 64 s 12 are each amended to  
20 read as follows:

21 Nothing contained in this chapter shall be construed to prohibit;  
22 Any individual not engaged in business as a hulk hauler or scrap  
23 processor from towing any vehicle owned by him or her to any vehicle  
24 wrecker or scrap processor, or a registered tow truck operator from  
25 transporting an abandoned recreational vehicle under section 5 of  
26 this act in compliance with this chapter.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17  
28 RCW to read as follows:

29 (1) Before accepting an application for a registration for a  
30 recreational vehicle, the department, county auditor, or other agent,  
31 or subagent appointed by the director, shall require an applicant to  
32 pay a six-dollar fee in addition to any other fees and taxes required  
33 by law.

34 (2) The abandoned recreational disposal fee must be deposited  
35 into the abandoned recreational vehicle disposal account created in  
36 section 6 of this act.

1 (3) For the purposes of this section, "recreational vehicle"  
2 means a camper, motor home, or travel trailer.

3 NEW SECTION. **Sec. 5.** (1) A registered tow truck operator, as  
4 defined in RCW 46.55.010, vehicle wrecker, as defined in RCW  
5 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap  
6 metal businesses, as defined in RCW 19.290.010, may apply to the  
7 department on a form prescribed by the department for financial aid  
8 for the transport, storage, dismantling, and disposal of abandoned  
9 recreational vehicles from public property.

10 (2) The department may only use funds under section 6 of this act  
11 for financial aid for the transport, storage, dismantling, and  
12 disposal of abandoned recreational vehicles.

13 (3) After consulting with the 2017 stakeholder group, the  
14 department may develop rules including, but not limited to, towing,  
15 storage, dismantling, and disposal rates, application form and  
16 contents, and financial aid and the reimbursement process, to  
17 implement this section.

18 (4) The department shall convene a stakeholder work group every  
19 two years, with the first meeting to be held within twelve months of  
20 rule adoption, to make recommendations on rule amendments.

21 (5) An "abandoned recreational vehicle" means a camper,  
22 motorhome, or travel trailer that has been impounded from public  
23 property, abandoned pursuant to chapter 46.55 RCW, and received no  
24 bids at auction, or declared an abandoned junk vehicle by a law  
25 enforcement officer, pursuant to chapter 46.55 RCW, while on public  
26 property.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68  
28 RCW to read as follows:

29 (1) The abandoned recreational vehicle disposal account is  
30 created in the state treasury. All receipts, except for receipts  
31 allocated to the motor vehicle fund, from the fee imposed in section  
32 4 of this act must be deposited into the account. The account may  
33 receive fund transfers and appropriations from the general fund, as  
34 well as gifts, grants, and endowments from public or private sources,  
35 in trust or otherwise, for the use and benefit of the purposes of  
36 this chapter and expend any income according to the terms of the  
37 gifts, grants, or endowments, provided that those terms do not  
38 conflict with any provisions of this section or any guidelines

1 developed to prioritize reimbursement of removal projects associated  
2 with this act.

3 (2) Moneys in the account may be spent only after appropriation.  
4 Expenditures from the account may be used only by the department to  
5 reimburse registered tow truck operators and licensed dismantlers for  
6 up to one hundred percent of the total reasonable and auditable  
7 administrative costs for transport, dismantling, and disposal of  
8 abandoned recreational vehicles under section 5 of this act when the  
9 last registered owner is unknown after a reasonable search effort.  
10 Compliance with RCW 46.55.100 is considered a reasonable effort to  
11 locate the last registered owner of the abandoned recreational  
12 vehicle. Any funds received by the registered tow truck operators or  
13 licensed dismantlers through collection efforts from the last owner  
14 of record shall be turned over to the department for vehicles  
15 reimbursed under section 5 of this act.

16 (3) Funds in the account resulting from transfers from the  
17 general fund must be used to reimburse one hundred percent of  
18 eligible costs.

19 (4) In each fiscal biennium, up to fifteen percent of the  
20 expenditures from the account may be used for administrative expenses  
21 of the department in implementing this chapter.

22 (5) Pursuant to RCW 43.88.260(2)(b), during the 2017-2019  
23 biennium, the office of financial management may grant authorization  
24 for the abandoned recreational vehicle disposal account to be in  
25 temporary cash deficiency for the start-up and establishment of the  
26 initial reimbursement for abandoned recreational vehicles as  
27 authorized by this act.

28 **Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd  
29 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to  
30 read as follows:

31 (1) All earnings of investments of surplus balances in the state  
32 treasury shall be deposited to the treasury income account, which  
33 account is hereby established in the state treasury.

34 (2) The treasury income account shall be utilized to pay or  
35 receive funds associated with federal programs as required by the  
36 federal cash management improvement act of 1990. The treasury income  
37 account is subject in all respects to chapter 43.88 RCW, but no  
38 appropriation is required for refunds or allocations of interest  
39 earnings required by the cash management improvement act. Refunds of

1 interest to the federal treasury required under the cash management  
2 improvement act fall under RCW 43.88.180 and shall not require  
3 appropriation. The office of financial management shall determine the  
4 amounts due to or from the federal government pursuant to the cash  
5 management improvement act. The office of financial management may  
6 direct transfers of funds between accounts as deemed necessary to  
7 implement the provisions of the cash management improvement act, and  
8 this subsection. Refunds or allocations shall occur prior to the  
9 distributions of earnings set forth in subsection (4) of this  
10 section.

11 (3) Except for the provisions of RCW 43.84.160, the treasury  
12 income account may be utilized for the payment of purchased banking  
13 services on behalf of treasury funds including, but not limited to,  
14 depository, safekeeping, and disbursement functions for the state  
15 treasury and affected state agencies. The treasury income account is  
16 subject in all respects to chapter 43.88 RCW, but no appropriation is  
17 required for payments to financial institutions. Payments shall occur  
18 prior to distribution of earnings set forth in subsection (4) of this  
19 section.

20 (4) Monthly, the state treasurer shall distribute the earnings  
21 credited to the treasury income account. The state treasurer shall  
22 credit the general fund with all the earnings credited to the  
23 treasury income account except:

24 (a) The following accounts and funds shall receive their  
25 proportionate share of earnings based upon each account's and fund's  
26 average daily balance for the period: The abandoned recreational  
27 vehicle disposal account, the aeronautics account, the aircraft  
28 search and rescue account, the Alaskan Way viaduct replacement  
29 project account, the brownfield redevelopment trust fund account, the  
30 budget stabilization account, the capital vessel replacement account,  
31 the capitol building construction account, the Cedar River channel  
32 construction and operation account, the Central Washington University  
33 capital projects account, the charitable, educational, penal and  
34 reformatory institutions account, the Chehalis basin account, the  
35 cleanup settlement account, the Columbia river basin water supply  
36 development account, the Columbia river basin taxable bond water  
37 supply development account, the Columbia river basin water supply  
38 revenue recovery account, the common school construction fund, the  
39 community forest trust account, the connecting Washington account,  
40 the county arterial preservation account, the county criminal justice

1 assistance account, the deferred compensation administrative account,  
2 the deferred compensation principal account, the department of  
3 licensing services account, the department of retirement systems  
4 expense account, the developmental disabilities community trust  
5 account, the diesel idle reduction account, the drinking water  
6 assistance account, the drinking water assistance administrative  
7 account, the early learning facilities development account, the early  
8 learning facilities revolving account, the Eastern Washington  
9 University capital projects account, the Interstate 405 express toll  
10 lanes operations account, the education construction fund, the  
11 education legacy trust account, the election account, the electric  
12 vehicle charging infrastructure account, the energy freedom account,  
13 the energy recovery act account, the essential rail assistance  
14 account, The Evergreen State College capital projects account, the  
15 federal forest revolving account, the ferry bond retirement fund, the  
16 freight mobility investment account, the freight mobility multimodal  
17 account, the grade crossing protective fund, the public health  
18 services account, the high capacity transportation account, the state  
19 higher education construction account, the higher education  
20 construction account, the highway bond retirement fund, the highway  
21 infrastructure account, the highway safety fund, the high occupancy  
22 toll lanes operations account, the hospital safety net assessment  
23 fund, the industrial insurance premium refund account, the judges'  
24 retirement account, the judicial retirement administrative account,  
25 the judicial retirement principal account, the local leasehold excise  
26 tax account, the local real estate excise tax account, the local  
27 sales and use tax account, the marine resources stewardship trust  
28 account, the medical aid account, the mobile home park relocation  
29 fund, the money-purchase retirement savings administrative account,  
30 the money-purchase retirement savings principal account, the motor  
31 vehicle fund, the motorcycle safety education account, the multimodal  
32 transportation account, the multiuse roadway safety account, the  
33 municipal criminal justice assistance account, the natural resources  
34 deposit account, the oyster reserve land account, the pension funding  
35 stabilization account, the perpetual surveillance and maintenance  
36 account, the pollution liability insurance agency underground storage  
37 tank revolving account, the public employees' retirement system plan  
38 1 account, the public employees' retirement system combined plan 2  
39 and plan 3 account, the public facilities construction loan revolving  
40 account beginning July 1, 2004, the public health supplemental

1 account, the public works assistance account, the Puget Sound capital  
2 construction account, the Puget Sound ferry operations account, the  
3 Puget Sound taxpayer accountability account, the real estate  
4 appraiser commission account, the recreational vehicle account, the  
5 regional mobility grant program account, the resource management cost  
6 account, the rural arterial trust account, the rural mobility grant  
7 program account, the rural Washington loan fund, the sexual assault  
8 prevention and response account, the site closure account, the  
9 skilled nursing facility safety net trust fund, the small city  
10 pavement and sidewalk account, the special category C account, the  
11 special wildlife account, the state employees' insurance account, the  
12 state employees' insurance reserve account, the state investment  
13 board expense account, the state investment board commingled trust  
14 fund accounts, the state patrol highway account, the state route  
15 number 520 civil penalties account, the state route number 520  
16 corridor account, the state wildlife account, the supplemental  
17 pension account, the Tacoma Narrows toll bridge account, the  
18 teachers' retirement system plan 1 account, the teachers' retirement  
19 system combined plan 2 and plan 3 account, the tobacco prevention and  
20 control account, the tobacco settlement account, the toll facility  
21 bond retirement account, the transportation 2003 account (nickel  
22 account), the transportation equipment fund, the transportation  
23 future funding program account, the transportation improvement  
24 account, the transportation improvement board bond retirement  
25 account, the transportation infrastructure account, the  
26 transportation partnership account, the traumatic brain injury  
27 account, the tuition recovery trust fund, the University of  
28 Washington bond retirement fund, the University of Washington  
29 building account, the volunteer firefighters' and reserve officers'  
30 relief and pension principal fund, the volunteer firefighters' and  
31 reserve officers' administrative fund, the Washington judicial  
32 retirement system account, the Washington law enforcement officers'  
33 and firefighters' system plan 1 retirement account, the Washington  
34 law enforcement officers' and firefighters' system plan 2 retirement  
35 account, the Washington public safety employees' plan 2 retirement  
36 account, the Washington school employees' retirement system combined  
37 plan 2 and 3 account, the Washington state health insurance pool  
38 account, the Washington state patrol retirement account, the  
39 Washington State University building account, the Washington State  
40 University bond retirement fund, the water pollution control

1 revolving administration account, the water pollution control  
2 revolving fund, the Western Washington University capital projects  
3 account, the Yakima integrated plan implementation account, the  
4 Yakima integrated plan implementation revenue recovery account, and  
5 the Yakima integrated plan implementation taxable bond account.  
6 Earnings derived from investing balances of the agricultural  
7 permanent fund, the normal school permanent fund, the permanent  
8 common school fund, the scientific permanent fund, the state  
9 university permanent fund, and the state reclamation revolving  
10 account shall be allocated to their respective beneficiary accounts.

11 (b) Any state agency that has independent authority over accounts  
12 or funds not statutorily required to be held in the state treasury  
13 that deposits funds into a fund or account in the state treasury  
14 pursuant to an agreement with the office of the state treasurer shall  
15 receive its proportionate share of earnings based upon each account's  
16 or fund's average daily balance for the period.

17 (5) In conformance with Article II, section 37 of the state  
18 Constitution, no treasury accounts or funds shall be allocated  
19 earnings without the specific affirmative directive of this section.

20 **Sec. 8.** RCW 46.80.020 and 2003 c 53 s 253 are each amended to  
21 read as follows:

22 (1)(a) Except as provided in (b) of this subsection, it is  
23 unlawful for a person to engage in the business of wrecking vehicles  
24 without having first applied for and received a license.

25 (b) As defined in chapter 70.95 RCW, a solid waste disposal site  
26 that is compliant with all applicable regulations may wreck a  
27 nonmotorized abandoned recreational vehicle, as defined in section 5  
28 of this act.

29 (2)(a) Except as provided in (b) of this subsection, a person or  
30 firm engaged in the unlawful activity described in this section is  
31 guilty of a gross misdemeanor.

32 (b) A second or subsequent offense is a class C felony punishable  
33 according to chapter 9A.20 RCW.

34 NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle  
35 registrations that are due or become due on or after May 1, 2019.

1        NEW SECTION.    **Sec. 10.**    The director of licensing may take  
2 necessary steps to ensure that this act is implemented on its  
3 effective date.

4        NEW SECTION.    **Sec. 11.**    Section 5 of this act constitutes a new  
5 chapter in Title 46 RCW.

6        NEW SECTION.    **Sec. 12.**    This act takes effect May 1, 2019.

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