
SECOND SUBSTITUTE SENATE BILL 5406

State of Washington

67th Legislature

2022 Regular Session

By Senate Transportation (originally sponsored by Senators Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick, and J. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to compensation for tow truck operators for
2 keeping the public roadways clear; and amending RCW 46.44.110.

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

4 **Sec. 1.** RCW 46.44.110 and 2009 c 393 s 1 are each amended to
5 read as follows:

6 (1) Any person operating any vehicle or moving any object or
7 conveyance upon any public highway in this state or upon any bridge
8 or elevated structure that is a part of any such public highway is
9 liable for all damages that the public highway, bridge, elevated
10 structure, or other state property may sustain, as well as payment
11 for vehicle recovery, impound, and storage charges to any registered
12 tow truck operator dispatched by law enforcement or other agency, as
13 a result of any illegal operation of the vehicle or the moving of any
14 such object or conveyance or as a result of the operation or moving
15 of any vehicle, object, or conveyance weighing in excess of the legal
16 weight limits allowed by law.

17 (2) This section applies to any person operating any vehicle or
18 moving any object or contrivance in any illegal or negligent manner
19 or without a special permit as provided by law for vehicles, objects,
20 or contrivances that are overweight, overwidth, overheight, or
21 overlength. Any person operating any vehicle is liable for any damage

1 to any public highway, bridge, elevated structure, or other state
2 property sustained, as well as payment for vehicle recovery, impound,
3 and storage charges to any registered tow truck operator dispatched
4 by law enforcement or other agency, as the result of any negligent
5 operation thereof. When the operator is not the owner of the vehicle,
6 object, or contrivance but is operating or moving it with the express
7 or implied permission of the owner, the owner and the operator are
8 jointly and severally liable for any such damage.

9 (3)(a) Such damage to any state highway, structure, or other
10 state property may be recovered in a civil action instituted in the
11 name of the state of Washington by the department of transportation
12 or other affected state agency. Any measure of damage determined by
13 the department of transportation to its highway, bridge, elevated
14 structure, or other property under this section is prima facie the
15 amount of damage caused thereby and is presumed to be the amount
16 recoverable in any civil action therefor. The damages available under
17 this section include the incident response costs, including traffic
18 control, incurred by the department of transportation.

19 (b) Costs attributable to vehicle recovery, impound, and storage
20 charges for any registered tow truck operator dispatched by law
21 enforcement or other state or local agency may be recovered in a
22 civil action instituted by the registered tow truck operator. The
23 amount of nonpayment for vehicle recovery, impound, and storage
24 charges to any registered tow truck operator dispatched by law
25 enforcement or other agency under this section is presumed to be the
26 amount recoverable in any civil action therefor and must not exceed
27 the amounts established under the fee schedule adopted pursuant to
28 RCW 46.55.118.

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