

## WSR 23-10-094

## PROPOSED RULES

## DEPARTMENT OF LICENSING

[Filed May 3, 2023, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-20-115.

Title of Rule and Other Identifying Information: WAC 308-61-195

Abandoned recreational vehicle—Criteria and required information, 308-61-197 Abandoned recreational vehicle—Application and review, 308-61-203 Abandoned recreational vehicle—Reimbursements, and 308-61-215 Abandoned recreational vehicle—Rates and caps.

Hearing Location(s): On June 13, 2023, at 10:00 a.m., join Zoom meeting <https://dol-wa.zoom.us/j/81277647687?pwd=T3A0RU9xdy9TY000TXNreGZpVGdaQT09>, Meeting ID 812 7764 7687, Passcode 295714, one-tap mobile +12532158782,,81277647687#,,,,\*295714# US (Tacoma), +12532050468,,81277647687#,,,,\*295714# US; dial by your location +1 253 215 8782 US (Tacoma), +1 253 205 0468 US, +1 669 900 6833 US (San Jose), +1 719 359 4580 US, +1 346 248 7799 US (Houston), +1 408 638 0968 US (San Jose), +1 669 444 9171 US, +1 507 473 4847 US, +1 564 217 2000 US, +1 646 876 9923 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, Meeting ID 812 7764 7687, Passcode 295714. Find your local number <https://dol-wa.zoom.us/j/81277647687?pwd=T3A0RU9xdy9TY000TXNreGZpVGdaQT09>. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: June 14, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by June 13, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by June 8, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is modifying the existing abandoned RV standardized reimbursement schedule and increasing the current reimbursement rates and caps.

Reasons Supporting Proposal: The department is required to convene a stakeholder work group every two years per RCW 46.53.010; these changes were requests identified in the most recent work group.

Statutory Authority for Adoption: RCW 46.53.010 Registered tow truck operators, vehicle wreckers, scrap processors, and scrap metal business may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles—Department to develop rules—Stakeholder work group, and 46.55.190 Rules.

Statute Being Implemented: RCW 46.53.010 Registered tow truck operators, vehicle wreckers, scrap processors, and scrap metal business may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles—Department to develop rules—Stakeholder work group.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: John Hlavaty, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0324.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments increase the reimbursable amounts to businesses, including small businesses, for participation in the abandoned RV program. We do not anticipate any businesses will experience increased costs as a result of the changes.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These amendments increase the reimbursable amounts to businesses, including small businesses, for participation in the abandoned RV program. We do not anticipate any businesses will experience increased costs as a result of the changes. These changes were stakeholder and industry requested.

May 3, 2023  
Ellis Starrett  
Rules and Policy Manager

**OTS-4561.1**

AMENDATORY SECTION (Amending WSR 19-11-007, filed 5/2/19, effective 6/1/19)

**WAC 308-61-195 Abandoned recreational vehicle—Criteria and required information.** (1) **What costs will be reimbursed?** Vehicles will be reimbursed for qualified towing, transporting, storing, dismantling, and ~~((disposal))~~ disposing costs ~~((commencing))~~ starting May 1, 2019 ~~((, and after))~~. Activities prior to May 1, 2019, are not ~~((reimbursable))~~ eligible for reimbursement.

(2) **What are the criteria for an abandoned recreational vehicle to be eligible for reimbursement?** The vehicle must:

(a) Be impounded from public property at the direction of law enforcement; and

(b) Be abandoned pursuant to chapter 46.55 RCW; and

(c) Have the last known registered owner be unknown after a reasonable effort compliant with RCW 46.55.100; and

(d) Have received no bids at auction; or

(e) Be declared ~~((an abandoned))~~ a junk vehicle by a law enforcement officer or an authorized junk vehicle inspector.

(3) **What vehicle information must be provided to the department upon request for reimbursement?** All required information, if known, as listed on the department-approved form, to include at a minimum:

- (a) Vehicle identification number (VIN);
- (b) ~~((Model year))~~ Vehicle length;
- (c) Make;
- (d) Model;
- (e) ~~((Body style))~~ Model year;
- (f) ~~((Length))~~ Body style;
- (g) Vehicle type;
- (h) Plate number; and
- (i) Plate state.

[Statutory Authority: RCW 46.55.190 and 46.53.010. WSR 19-11-007, § 308-61-195, filed 5/2/19, effective 6/1/19.]

AMENDATORY SECTION (Amending WSR 19-11-007, filed 5/2/19, effective 6/1/19)

**WAC 308-61-197 Abandoned recreational vehicle—Application and review.** (1) ~~((What is the application process?))~~ Reimbursement requirements:

(a) All vehicles must first be handled through the abandoned vehicle process with an abandoned vehicle report (AVR) submitted to the department, or through the junk vehicle affidavit process.

(b) The requestor asking for reimbursement must be one of the following businesses and be licensed at the time of the activity ~~((in))~~ for which they are requesting reimbursement:

(i) A registered tow truck operator (RTTO), as defined by RCW 46.55.010(7);

(ii) A vehicle wrecker, as defined by RCW 46.80.010(5);

(iii) A scrap processor, as defined by RCW 46.79.010(2);

(iv) A scrap metal business, as defined by RCW 19.290.010(10).

(c) Each business must complete their business process before making application for reimbursement for that vehicle:

(i) An RTTO's process is considered complete when the vehicle is moved to a licensed vehicle wrecker or scrap processor for disposal. A written record of delivery to a licensed dismantler or authorized disposal site ~~((will also be))~~ is required with the abandoned recreational vehicle application. A copy of that report shall be maintained in the RTTO's vehicle transaction file.

(ii) A vehicle wrecker, scrap processor, or scrap metal business's process is considered complete when the vehicle has been dismantled and/or destroyed in a way that no major component remains usable as the original vehicle. It shall be included on the wrecker monthly report as a destroyed vehicle and a certificate of fact (available on the department's website) stating that the vehicle has been properly and completely destroyed in such manner as to not be usable as a vehicle ~~((r))~~ again.

(d) Each business must possess a current statewide vendor number issued by the office of financial management in order to receive reimbursement.

(e) A request must be submitted on a form prescribed by the department and include a copy of the original AVR, junk title affidavit or title or wrecker/salvage processor monthly report and complete supporting documentation including written record of transport to a li-

censed dismantler or disposal site and all receipts verifying all costs requested for reimbursement.

~~((e))~~ (f) The RTTO, vehicle wrecker, scrap processor, or scrap metal business must submit their request for reimbursement ~~((by the end of the subsequent))~~ within 12 months following the activity for which they are seeking reimbursement.

(2) **What is the review process?**

(a) All requests will be reviewed and processed in the order received.

(b) The application and all required supporting documentation will be reviewed for the vehicle's eligibility and completeness.

(c) Once all qualifying criteria are met, ~~((a notation will be made on the record for that vehicle or a new record will be created for the vehicle))~~ the request will be processed for reimbursement.

(d) Incomplete applications will be returned to the business and will be eligible for reconsideration based on the new date of submission.

(e) Requests missing required supporting documentation may be denied by the department after 45 days.

(f) All vehicles reviewed will be grouped by each individual business submitting the request ~~((and))~~ in the order received ~~((in order))~~ to process one monthly payment.

~~((e))~~ (g) A vehicle summary and totals will be calculated and a disbursement will be ordered by the fifth business day of the following month.

~~((f) Incomplete applications will be returned to the business and will be eligible for reconsideration based on the new date of submission.)~~

(3) **Can I appeal an application that has been denied reimbursement?**

(a) Yes. If an abandoned recreational vehicle has been denied for reimbursement by the department, the business shall be notified by the department in writing what information is required to complete the application for reimbursement or the reasons why the vehicle failed to meet the required criteria. The vehicle may be resubmitted with any required information for additional review.

(b) If the appeal has been reviewed and the vehicle is found to meet all requirements for reimbursement, the vehicle will be processed in the current month and order the appeal was received. Disbursements will be made by the fifth business day of the following month.

[Statutory Authority: RCW 46.55.190 and 46.53.010. WSR 19-11-007, § 308-61-197, filed 5/2/19, effective 6/1/19.]

AMENDATORY SECTION (Amending WSR 19-11-007, filed 5/2/19, effective 6/1/19)

**WAC 308-61-203 Abandoned recreational vehicle—Reimbursements.**

(1) **When will the reimbursement happen?** The abandoned RV program manager will process all reimbursement by the fifth business day of the month following the month that the reimbursement was received ~~((on vehicles that have met all criteria for eligibility))~~.

(2) **How/when will I get notified of the reimbursement?**

(a) No confirmation of receipt for an application for reimbursement will be sent on any vehicle.

(b) ~~((If a qualified business is receiving a reimbursement for any vehicles that have been submitted, the business will receive one payment for the total of any qualified disbursements processed during the prior month))~~ Reimbursements for multiple vehicles may be lumped into one payment for each business along with a letter of confirmation for the vehicles included in that reimbursement.

(c) If a vehicle is not eligible for reimbursement, the department shall notify the business of the determination in writing.

(3) **What if funds for reimbursements are unavailable?** The reimbursements are dependent upon sufficient funding within the abandoned recreational vehicle account. If sufficient funds are not currently available when an otherwise eligible request is received, the department will hold the request in the order it was received. The department shall notify the requestor in writing that the request is being held. When funding within the abandoned recreational vehicle account is sufficient for disbursement the department will process requests being held for that business in the order they were received.

[Statutory Authority: RCW 46.55.190 and 46.53.010. WSR 19-11-007, § 308-61-203, filed 5/2/19, effective 6/1/19.]

AMENDATORY SECTION (Amending WSR 19-11-007, filed 5/2/19, effective 6/1/19)

**WAC 308-61-215 Abandoned recreational vehicle—Rates and caps. At what rates will reimbursements be ~~((for))~~ made?**

(1) The costs will be reimbursed at a standardized scheduled rate:

<del>((Item</del>	<b>Standard Rate</b>	<b>Cap</b>
<b>Towing and Transport</b> (Increment Per Hour—Maximum Three Hours Total for Identified Class)		
Class A Tow Vehicle (including <del>-D and E</del> )	\$105.00/hr.	<b>\$315.00</b>
Class B Tow Vehicle	\$120.00/hr.	<b>\$360.00</b>
Class C Tow Vehicle (including <del>-B2 and S1</del> )	\$175.00/hr.	<b>\$525.00</b>
<b>Storage</b> (Increment Per Day—Maximum 10 Days Total)		
Standard Storage	\$35.00/day	<b>\$350.00</b>
<b>Dismantling and Disposal</b> (Increment Per Foot—Maximum per Identified Vehicle Category)		
Motor Homes (Up to 35')	\$70.00/ft.	<b>\$2,450.00</b>
Travel Trailers (Up to 25')	\$70.00/ft.	<b>\$1,750.00</b>
Campers (Up to 15')	\$70.00/ft.	<b>\$1,050.00</b>

~~(2) Standard rates apply to:~~

~~(a) Hourly increment of towing and transport by tow vehicle class (i.e., a class 'B' tow vehicle used for two hours is two hundred forty dollars; a class 'C' tow vehicle used for four hours is capped at five hundred twenty dollars).~~

~~(b) Days of storage incurred (i.e., a vehicle stored for eight days is two hundred eighty dollars; a vehicle stored for twenty-five days is capped at three hundred fifty dollars).~~

~~(c) Classification of abandoned recreational vehicle dismantled and disposed up to the cap for that item (i.e., dismantling and disposal of a twenty-seven foot motor home is one thousand eight hundred ninety dollars; dismantling and disposal of a thirty foot travel trailer is capped at one thousand seven hundred fifty dollars).~~

~~(d))~~

<b>Item</b>	<b>Standard Rate</b>	<b>Cap</b>
<b><u>Towing and Transport (Increment per Hour - Maximum Four Hours Total for Identified RV Length)</u></b>		
<u>Towing up to 29'</u>	<u>\$150.00/hr.</u>	<u>\$600.00</u>
<u>Towing 30' and Over</u>	<u>\$220.00/hr.</u>	<u>\$880.00</u>
<u>Ferry Fees</u>	<u>WSDOT</u>	<u>\$350.00</u>
<b><u>Storage (Increment per Day per RV Length - Maximum 20 Days Total) (*Excludes Junk Vehicles)</u></b>		
<u>Standard Storage up to 29'</u>	<u>\$40.00/day</u>	<u>\$800.00</u>
<u>Storage 30' and Over</u>	<u>\$60.00/day</u>	<u>\$1,200.00</u>
<b><u>Dismantling and Disposal (Increment per RV Length)</u></b>		
<u>30' to 46'</u>	<u>\$80.00/ft.</u>	<u>\$3,680.00</u>
<u>20' to 29'</u>	<u>\$75.00/ft.</u>	<u>\$2,175.00</u>
<u>Up to 19'</u>	<u>\$70.00/ft.</u>	<u>\$1,330.00</u>

(2) Proof of length is required for reimbursements based upon vehicle length. Proof of length may be indicated by:

(a) An annotation on the signed tow authorization, junk vehicle affidavit, or affidavit of sale.

(b) A photograph clearly depicting the vehicle length as specified in subsection (3) of this section.

(c) A certificate of fact.

(3) Total length of the recreational vehicle shall be determined by measuring the vehicle type as follows:

~~((i))~~ (a) Motor homes: Measured in feet of total length from the front bumper to the rear bumper, excluding attached storage boxes or trailer or tow hitches.

~~((ii))~~ (b) Travel trailers: Measured in feet of total length from the front of the box to the rear bumper, excluding the front trailer tongue, attached storage boxes or any additional trailer or tow hitches from rear bumper. Fifth-wheel trailers may include the front-cap.

~~((iii))~~ (c) Campers: Measured in feet of total length from the front of the cab-over box to the rear of the box, excluding any attached storage boxes or other accessories.

(4) New rates and caps are effective immediately and are not retroactive for previously submitted claims.

[Statutory Authority: RCW 46.55.190 and 46.53.010. WSR 19-11-007, § 308-61-215, filed 5/2/19, effective 6/1/19.]