

# HOUSE BILL REPORT

## HB 2830

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### As Reported By House Committee On:

Transportation

**Title:** An act relating to regulation of towing of vehicles by motor vehicle transporters, hulk haulers, scrap processors, and motor vehicle wreckers.

**Brief Description:** Regulating vehicle towing operations.

**Sponsors:** Representative K. Schmidt.

### Brief History:

#### Committee Activity:

Transportation: 1/30/96, 2/1/96 [DPS].

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott; Sterk and Tokuda.

**Staff:** Jennifer Joly (786-7305).

**Background:** Last session the Legislature passed ESHB 1820 (Chapter 360, Laws of 1995), an act regulating the towing of vehicles. In relevant part, ESHB 1820 requires that any vehicle engaging in the business of recovery of disabled vehicles for monetary compensation must either be a registered tow truck operator (RTTO) or, at a minimum, have insurance in the same manner and amount as an RTTO and submit to a safety inspection of his or her tow trucks.

Upon closer examination, the Washington State Patrol (WSP) noted some enforcement difficulties with ESHB 1820. For instance, under the current statutory language, it is impossible for a police officer to ascertain visually whether or not a tow truck has been inspected.

Last fall the WSP held a series of meetings around the state regarding ESHB 1820. Although many of the non-RTTO attendees indicated a willingness to upgrade their

equipment, they expressed concern that trucks used by wreckers and hulk haulers would not be subject to the same safety standards.

Several businesses licensed by the Department of Licensing (DOL) involve vehicle or hulk towing: (1) Registered tow truck operators (RTTOs) impound unauthorized and abandoned vehicles. (2) Motor vehicle transporters deliver vehicles owned by others via tow-away or drive-away methods. (3) Motor vehicle wreckers haul only salvage vehicles owned by the wrecker. (4) Hulk haulers acquire and haul junk/scrap vehicles to motor vehicle wreckers or scrap processors. (5) Scrap processors shred vehicle metal for reuse in industry; they may also haul junk/scrap vehicles to their own scrap processing operations.

**Summary of Substitute Bill:** The section of ESHB 1820 requiring that any vehicle engaging in the business of recovery of disabled vehicles for monetary compensation must either be a registered tow truck operator (RTTO), or at a minimum, have insurance in the same manner and amount as an RTTO and submit to a safety inspection of his or her tow trucks, is repealed.

Instead, the transporter statute is amended to require that motor vehicle transporters meet the same minimum insurance requirements as RTTOs. Also, effective July 1, 1997, transporters, hulk haulers, scrap processors, and motor vehicle wreckers are subject to truck inspections by the Washington State Patrol. Upon satisfactory inspection and receipt of a \$25 per truck fee, the DOL will issue an annual permit to be carried in the truck.

**Substitute Bill Compared to Original Bill:** "Carrying" terminology is added to clarify that ramp tow trucks, in addition to traditional tow-away methods, are governed by the motor vehicle transporter statute.

Registered tow truck operators, regulated under RCW 46.55, are not subject to the truck inspections required of motor vehicle transporters.

HB 2830 does not apply to truck-trailers hauling automobiles (i.e., auto transporters).

No truck inspections are required when transporters use the drive-away method.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 1996.

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

**Testimony For:** HB 2830 promotes safety, and all vehicles engaged in vehicle or hulk hauling are treated equally. This legislation alleviates the Washington State Patrol's (WSP's) concerns regarding enforcement of last year's ESHB 1820.

**Testimony Against:** HB 2830 appears to target small wrecking businesses without statistics to document alleged safety problems. Additionally, in the context of other proposed legislation, the WSP has indicated that they are not trained to perform safety inspections.

**Testified:** Marsh Pugh, Washington State Patrol (pro); Don Phelps, Automotive Recyclers of Washington (con); and Stu Halsan, Washington Tow Truck Association (pro).