
HOUSE BILL 1625

State of Washington

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2013 Regular Session

By Representatives Pollet, Clibborn, Kagi, Pedersen, Hunt, Riccelli, Appleton, Hudgins, Moscoso, Fitzgibbon, Morrell, Sells, and Bergquist

Read first time 02/01/13. Referred to Committee on Transportation.

1 AN ACT Relating to consumer protection for tow truck services;
2 amending RCW 46.55.030; adding a new section to chapter 46.55 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the use of a
6 motor vehicle is often a necessity for residents' livelihood and
7 families. Therefore, the legislature finds it is important for the
8 public to know what the charges and fees will be for the private
9 impound of cars and other vehicles parked on private property, and that
10 those charges should be reasonable to ensure that residents may
11 retrieve impounded vehicles.

12 **Sec. 2.** RCW 46.55.030 and 2010 c 8 s 9061 are each amended to read
13 as follows:

14 (1) Application for licensing as a registered tow truck operator
15 shall be made on forms furnished by the department, shall be
16 accompanied by an inspection certification from the Washington state
17 patrol, shall be signed by the applicant or an agent, and shall include
18 the following information:

1 (a) The name and address of the person, firm, partnership,
2 association, or corporation under whose name the business is to be
3 conducted;

4 (b) The names and addresses of all persons having an interest in
5 the business, or if the owner is a corporation, the names and addresses
6 of the officers of the corporation;

7 (c) The names and addresses of all employees who serve as tow truck
8 drivers;

9 (d) Proof of minimum insurance required by subsection ~~((+3+))~~ (4)
10 of this section;

11 (e) The vehicle license plate and vehicle identification numbers of
12 all tow trucks of which the applicant is the registered owner;

13 (f) Any other information the department may require; and

14 (g) A certificate of approval from the Washington state patrol
15 certifying that:

16 (i) The applicant has an established place of business and that
17 mail is received at the address shown on the application;

18 (ii) The address of any storage locations where vehicles may be
19 stored is correctly stated on the application;

20 (iii) The place of business has an office area that is accessible
21 to the public without entering the storage area; ~~((and))~~

22 (iv) The place of business has adequate and secure storage
23 facilities, as defined in this chapter and the rules of the department,
24 where vehicles and their contents can be properly stored and protected;
25 and

26 (v) All persons having an interest in the business, or if the owner
27 is a corporation all officers of the corporation, and all employees who
28 serve as tow truck drivers meet the criminal background requirements
29 set by rule by the Washington state patrol for the issuance of a letter
30 of appointment to provide towing services.

31 (2) If the applicant is issued a registration certificate, the
32 operator must notify the Washington state patrol and the department of
33 any changes in ownership or corporate officers and notify the
34 Washington state patrol of any new employee hires who serve as tow
35 truck drivers within three days of hiring. The new owners or officers
36 of the company or new employees who serve as tow truck drivers must
37 meet the same criminal background requirements required under
38 subsection (1)(g)(v) of this section.

1 (3) Before issuing a registration certificate to an applicant the
2 department shall require the applicant to file with the department a
3 surety bond in the amount of five thousand dollars running to the state
4 and executed by a surety company authorized to do business in this
5 state. The bond shall be approved as to form by the attorney general
6 and conditioned that the operator shall conduct his or her business in
7 conformity with the provisions of this chapter pertaining to abandoned
8 or unauthorized vehicles, and to compensate any person, company, or the
9 state for failure to comply with this chapter or the rules adopted
10 hereunder, or for fraud, negligence, or misrepresentation in the
11 handling of these vehicles. Any person injured by the tow truck
12 operator's failure to fully perform duties imposed by this chapter and
13 the rules adopted hereunder, or an ordinance or resolution adopted by
14 a city, town, or county is entitled to recover actual damages,
15 including reasonable attorney's fees against the surety and the tow
16 truck operator. Successive recoveries against the bond shall be
17 permitted, but the aggregate liability of the surety to all persons
18 shall not exceed the amount of the bond. As a condition of authority
19 to do business, the operator shall keep the bond in full force and
20 effect. Failure to maintain the penalty value of the bond or
21 cancellation of the bond by the surety automatically cancels the
22 operator's registration.

23 ~~((+3))~~ (4) Before the department may issue a registration
24 certificate to an applicant, the applicant shall provide proof of
25 minimum insurance requirements of:

26 (a) One hundred thousand dollars for liability for bodily injury or
27 property damage per occurrence; and

28 (b) Fifty thousand dollars of legal liability per occurrence, to
29 protect against vehicle damage, including but not limited to fire and
30 theft, from the time a vehicle comes into the custody of an operator
31 until it is redeemed or sold.

32 Cancellation of or failure to maintain the insurance required by
33 (a) and (b) of this subsection automatically cancels the operator's
34 registration.

35 ~~((+4))~~ (5) The fee for each original registration and annual
36 renewal is one hundred dollars per company, plus fifty dollars per
37 truck. The department shall forward the registration fee to the state
38 treasurer for deposit in the motor vehicle fund.

1 (~~(+5)~~) (6) The applicant must submit an inspection certificate
2 from the state patrol before the department may issue or renew an
3 operator's registration certificate or tow truck permits.

4 (~~(+6)~~) (7) Upon approval of the application, the department shall
5 issue a registration certificate to the registered operator to be
6 displayed prominently at the operator's place of business.

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

9 (1) For a private impound performed by any registered tow truck
10 operator using tow trucks classified by the Washington state patrol by
11 rule under RCW 46.55.050(1) as class A, class E, or class D only, the
12 following limitations apply:

13 (a) The maximum towing hourly rate listed on the fee schedule filed
14 with the department under RCW 46.55.063(1) may not exceed one hundred
15 thirty-five percent of the maximum hourly rate for a class A tow truck
16 at the time of filing as negotiated by the Washington state patrol,
17 pursuant to rule, and contained in the letter of contractual agreement
18 and letter of appointment authorizing a registered tow truck operator
19 to respond to state patrol-originated calls.

20 (b) The maximum daily storage rate listed on the fee schedule filed
21 with the department under RCW 46.55.063(1) may not exceed one hundred
22 thirty-five percent of the maximum daily storage rate for an impound at
23 the time of filing as negotiated by the Washington state patrol,
24 pursuant to rule, and contained in the letter of contractual agreement
25 and letter of appointment authorizing a registered tow truck operator
26 to respond to state patrol-originated calls.

27 (c) The maximum after hours release fee listed on the fee schedule
28 filed with the department under RCW 46.55.063(1) may not exceed one
29 hundred percent of the maximum after hours release fee for an impound
30 at the time of filing as negotiated by the Washington state patrol,
31 pursuant to rule, and contained in the letter of contractual agreement
32 and letter of appointment authorizing a registered tow truck operator
33 to respond to state patrol-originated calls.

34 (2) The limitations set forth in subsection (1) of this section
35 apply to all registered tow truck operators whether or not they hold,
36 have applied for, or received letters of appointment from the
37 Washington state patrol to respond to state patrol-originated calls.

1 (3) The limitations set forth in subsection (1) of this section do
2 not apply to:

3 (a) Any other classes of tow trucks classified by the Washington
4 state patrol by rule under RCW 46.55.050(1); or

5 (b) Law enforcement impounds or private voluntary towing.

6 (4) The limitations set forth in subsection (1) of this section
7 only apply if the vehicle is parked and upright, has all its wheels and
8 tires attached, does not have a broken axle, and has not been involved
9 in an accident at the location from which it is being impounded.

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