

RCW 46.55.118 Rate, fee limitations for certain private impounds. (1) For a private impound performed by any registered tow truck operator using tow trucks classified by the Washington state patrol by rule under RCW 46.55.050(1) as class A, class E, or class D only, the following limitations apply:

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

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

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

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

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

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

(b) Law enforcement impounds or private voluntary towing.

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

(5) This section does not affect the authority of any city, town, or county to enforce, maintain, or amend any ordinance, enacted prior to January 1, 2013, and valid under state law in existence at the time of its enactment, that regulates maximum allowable rates and related charges for private impounds by registered tow truck operators. [2013 c 37 § 2.]

Findings—2013 c 37: "The legislature finds that the use of a motor vehicle is often a necessity for residents' livelihood and families. Therefore, the legislature finds it is important for the public to know what the charges and fees will be for the private impound of cars and other vehicles parked on private property, and that those charges should be reasonable to ensure that residents may retrieve impounded vehicles." [2013 c 37 § 1.]