

WAC 204-91A-060

Application for letter of appointment.

(1) (a) An application for a letter of appointment to be placed on the rotational tow list, will not be considered or approved unless the owner/operator of the towing company can demonstrate that:

(i) ~~((he/she))~~ He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional; or

(ii) ~~((or))~~ He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(b) The owner/operator ~~((shall))~~ must submit a letter with the application outlining ~~((their))~~ his or her experience within the towing industry and outline which requirement listed above ~~((fits their situation))~~ is applicable. If the owner/operator ~~((doesn't))~~ does not have the required two years experience and is granted a waiver, ~~((it will be a))~~ the owner/operator will remain on probationary waiver for a period of one year from the date of the waiver.

(c) ~~((Note:))~~ An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

(d) Upon request, the ~~((section shall))~~ patrol will advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) (a) An application for a letter of appointment to provide towing service for the patrol ~~((shall))~~ must be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. ~~((The state patrol may refuse to approve or may revoke a letter of appointment/contract if the applicant, partner, corporate officer involved in day-to-day operations, or any employee who operates a tow truck or assists in vehicle auctions has been found guilty of or convicted of any felony or any crime involving moral turpitude regardless of type or class, or any individual who must register as or is a convicted sex offender, or within the last three years been convicted or found guilty of driving under the influence of alcohol and/or~~

~~drug(s), or within the last five years have been found guilty of driving under the influence of alcohol and/or drugs two or more times as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington.))~~

(b) In the case of a partnership, each partner (~~shall~~) must apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form.

(c) A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls (~~will~~) must be attached to the application.

(3) (a) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

(i) Has been convicted of any Class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction;

(ii) Has been convicted of any Class B felony within the last 10 years;

(iii) Has been convicted of any Class C felony within the last 5 years;

(iv) Has been convicted of DUI, as defined in Chapter 46.61 RCW, two or more times within the last 5 years;

(v) Has been convicted of any gross misdemeanor within the last 3 years;

(vi) Has been convicted of any misdemeanor within the last year;

or

(vii) Must register as a sex offender.

(b) The term "conviction" as used in this section shall have the same meaning as used in RCW 9.94A.030.

(c) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. Out- of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

~~((3))~~ (4) Only one application per year to tow on the Washington state patrol rotational tow list will be accepted and considered for an applicant who has had their previous application

denied or had their (~~letter/contract~~) letter or contract of appointment revoked. The year (~~shall~~) will run from the date of application denial or the date of the letter of appointment's revocation.

(~~(4)~~) (5) The district commander or designee (~~shall~~) will complete the tow zone portion of the form. (~~He/she~~) He or she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and (~~(2)~~) letter of contractual agreement (~~(2)~~) will be forwarded to the section.

(~~(5)~~) (6) The application form will be assigned a docket number, by the (~~(section)~~) patrol, which (~~shall~~) will be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the (~~(section)~~) patrol thereafter.

(~~(6)~~) (7) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the (~~(section)~~) patrol. However, nothing herein (~~shall~~) (~~(prohibit)~~) prohibits the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.