

**WAC Sections**

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**WAC 204-91A-010**

Authority.

This chapter is adopted pursuant to RCW 46.37.005, 46.55.050, and 46.55.115 which require rules, regulations and equipment standards for tow trucks be made and to provide for the removal from the highway of disabled, abandoned, or damaged motor vehicles, or the removal of vehicles when the driver is intoxicated or otherwise incompetent.

**WAC 204-91A-020**

Purpose.

This chapter is intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington state patrol.

All registered tow truck operators providing service as a result of being appointed by, or contracted to the Washington state patrol shall conduct all operations in accordance

with all applicable laws of the state of Washington and applicable rules of the Washington state patrol and the department of licensing.

**WAC 204-91A-030**

Definitions.

The following definitions ~~will~~ ~~shall~~ apply throughout this chapter:

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~~(1)(2) "Chief" means the chief of the Washington state patrol or designee.~~

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~~(2)(3) "Department" means the Washington state department of licensing.~~

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~~(3)(4) "Director" means the director of the department of licensing.~~

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~~(4)(15) "District commander" means the commanding officer or designee of an area established by the Washington state patrol.~~

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~~(5) "Emergent Move" means any law enforcement directed movement of any vehicle by a tow truck utilizing any safe means for the purposes of clearing the roadway in the interest of safety and or for the reduction of congestion. If required, vehicle(s) or combination of oversized or overweight vehicles requiring a permit, may only be moved to the nearest safe location, until such time a permit is acquired or until the load can be made legal by reducing the non-fixed load. An emergent move will be limited to five miles, however, if special circumstances dictate, an exception may be granted by a patrol supervisor for an extended distance.~~

~~(6)(10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

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~~(7)(20) "Initial tow" means tow truck services provided including, but not limited to, collisions accidents, incidents, disabled-vehicles, and impound requests, as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol using a~~

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copy of a current rotational call list for the particular zone. Any vehicles of combination oversized/weight requiring a permit, may only be moved to the nearest safe location agreed upon by all parties involved, until such time a permit is acquired or until the load can be made legal by reducing.

~~(8)(16)~~ "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.

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~~(9)(19)~~ "Letter of appointment" means a letter issued by the ~~section~~ patrol that authorizes a registered tow truck operator to tow and store vehicles on a rotational or contractual basis, in a specific area, for the Washington state patrol. The letter of appointment must have an attached valid contractual agreement listing the maximum rates that will be charged by the operator for services provided as a result of state patrol originated calls.

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~~(10)(22)~~ "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.

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~~(11)(23)~~ "Owner/operator" means owner is active in the general management of the towing business.

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~~(12)(4)~~ "Patrol" means the Washington state patrol as defined in RCW 43.43.010.

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~~(13)(11)~~ "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.

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~~(14)(6)~~ "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.

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~~(15)(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.~~

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~~(16)(18) "Section" means the section designated by the chief of the Washington state patrol to coordinate the tow truck inspection program, maintain tow truck files, and issue letters of appointment.~~

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~~(17)(13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.~~

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~~(18)(14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.~~

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~~(1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.~~

~~(2) "Chief" means the chief of the Washington state patrol or designee.~~

~~(3) "Department" means the Washington state department of licensing.~~

~~(4) "Director" means the director of the department of licensing.~~

~~(5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.~~

~~(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.~~

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~~(19)(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the state patrol.~~

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~~(20)(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.~~

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~~(21)(5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.~~

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~~(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.~~

~~(22)(9) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the patrol.~~

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~~(23)(17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.~~

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~~(10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~(11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.~~

~~(24)(12) "Vehicle storage area" means the approved yard/buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing will comply with the requirements as established by the department and all local zoning rules and~~

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regulations. Both primary and secondary storage areas must be physically located within tow zone assigned to the operator.

~~—(13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.~~

~~—(14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.~~

~~—(15) "District commander" means the commanding officer, or designee, of an area established by the Washington state patrol.~~

~~—(16) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.~~

~~—(17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.~~

~~—(18) "Section" means the section designated by the chief of the Washington state patrol to coordinate the tow truck inspection program, maintain tow truck files, and issue letters of appointment.~~

~~—(19) "Letter of appointment" means a letter issued by the section that authorizes a registered tow truck operator to tow and store vehicles on a rotational or contractual basis, in a specific area, for the Washington state patrol. The letter of appointment must have an attached valid contractual agreement listing the maximum rates that will be charged by the operator for services provided as a result of state patrol originated calls.~~

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~~—(20) "Initial tow" means services provided including, but not limited to, collisions accidents, incidents, disableds, and impound requests, as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol using a copy of a current rotational call list for the particular zone. Any vehicles of combination oversized/weight requiring a permit, may only be moved to the nearest safe location agreed upon by all parties involved, until such time a permit is acquired or until the load can be made legal by reducing.~~

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~~—(5) "Emergent Move" means any law enforcement directed movement of any vehicle by a tow truck utilizing any safe means for the purposes of clearing the roadway in interest of safety and/or reduction of congestion. Any "initial tow" of any vehicle(s) or combination oversized/weight requiring a permit, may only be moved to the nearest safe location, until such time a permit is acquired or until the load can be made legal by reducing. The movement shall be limited to five miles, however, if special circumstances dictate, an exception may be granted for an extended distance by a patrol supervisor.~~

~~—(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.~~

~~—(22) "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.~~

~~—(23) "Owner/operator" means owner is active in the general management of the towing business.~~

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**WAC 204-91A-040**

Inspections.

Upon the request of a registered tow operator or applicant, the patrol shall conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant meets the requirements of chapter 46.55 RCW, or Titles 308 and/or 204 WAC. Verification must be shown to the inspector that the applicant complies with all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established. If local zoning regulations are applicable, a copy of the certification of approval from the local zoning commission will be furnished to the inspector. This certification may be included in the department's application form for license. The certification will become a part of the permanent record maintained on each approved towing firm by the section.

(1) Re-inspections will be conducted at least once a year. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records. Operators shall must either permit the patrol to make copies of business records at their place of business, or to remove business records for the purpose of reproduction, or both. The patrol shall will provide a receipt for any original records removed from the place of business.

(2) If re-inspection of a previously-approved tow truck reveals equipment defects, one of the following procedures must, shall apply:

(a) In the event of a safety-related defect which would render the tow truck a safety hazard upon the public highway, a red "out-of-service" sticker will, shall be affixed immediately by the inspector.

(b) In the event of missing or defective equipment that does not constitute a safety hazard but is required, the inspector will, shall advise the operator of the defect. If after

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ten days the operator fails or refuses to repair the defect, the red out-of-service sticker ~~will shall~~ be affixed.

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(c) Upon confirming the satisfactory repair of the defect or defects that caused the tow truck to be taken out of service, the inspector ~~will shall~~ remove the red sticker. In the event that the original inspector is not available to re-inspect the equipment, another patrol officer appointed by the appropriate supervisor may do so. The re-inspection ~~must shall~~ be completed as soon as possible after the operator advises the patrol that the defect has been repaired. Whenever practicable this ~~must shall~~ be done within three days and may require the operator to bring the truck to the inspector.

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(d) Upon sale or other transfer of a tow truck from the business, the operator (~~must shall so~~) advise the inspector who will request the issued cab card permit be forwarded to the inspector via U.S. mail or other arrangement agreed upon by the parties involved, within three days of any changes. The operator will remove any decals indicating truck class, district and/or zone. The inspector will notify the department and the section of any changes in vehicles.

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(e) Upon the purchase or acquisition of any additional or replacement tow truck(s) to be used pursuant to this chapter, the operator (~~must shall~~) immediately notify the patrol and request an inspection of the new unit. The new unit ~~shall will~~ not be used for public or private impound calls until satisfactory inspection is completed and a cab card permit and/or decals for the vehicle has been issued by the department and/or patrol.

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(3) On original inspection, and subsequent re-inspection, the inspector ~~must shall~~ confirm the identities and status of driving privilege of all persons that operate the tow trucks. The inspector ~~will shall~~ notify the operator if any person does not meet the minimum license requirements.

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(a) In the event that an operator becomes aware that the driving privilege of an employee, or owner no longer meets the minimum requirements, the operator ~~must, shall~~ prohibit that person from operating any tow truck.

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(b) An operator ~~must, shall~~, within three days of employing a new driver, advise the inspector in writing, on a form provided by the inspector, of the identity, including name, address and date of birth, of the new employee. The check performed by the inspector is not to be used as part of the operator's pre-employment screening processes. The inspector ~~will, shall~~ notify the operator if the new employee does not meet the minimum license ~~and/or chapter WAC 204-91A WAC~~ requirements, ~~in a timely manner.~~

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(c) An operator may not request a waiver for a new employee; the new employee must contact the inspector in writing to request a waiver.

#### **WAC 204-91A-050**

##### Certification.

After inspection of the towing business facilities and equipment, the inspector will certify one of the following:

(1) The towing operation of the applicant meets the requirements and qualification standards established by chapter 46.55 RCW, chapters 204-91A and 308-61 WAC, the department of licensing, master licensing services, and the patrol; or

(2) The towing operation of the applicant does not meet the requirements and qualification standards established by the Revised Code of Washington 46.55, Washington Administrative Codes 204-91A and 308-61, the department of licensing, master licensing services, and the patrol. The inspector ~~must, shall~~ state the reasons for failure to qualify in a separate report which ~~will, shall~~ be attached to the application/inspection form.

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In the event the applicant fails to meet the established requirements for approval, the applicant may, after correcting all deficiencies, request a re-inspection for certification.

**WAC 204-91A-060**

Application for letter of appointment.

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

~~(a) 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.

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

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(2) An application for a letter of appointment to provide towing service for the patrol ~~must shall~~ 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 ~~or~~ 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-of (see matrix) 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. In the case of a partnership, each partner ~~must shall~~ 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. A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

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

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

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

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(6) 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. However, nothing herein ~~will, shall~~ prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

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#### **WAC 204-91A-070**

Issuance of a letter of appointment.

(1) No towing operator ~~will, shall~~ be called to perform a towing service at the request of the patrol unless such operator has a letter of appointment as described in this chapter. No such letter of appointment will be issued unless all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted by the section.

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(2) The section commander ~~will, shall~~ have the authority to issue letters of appointment upon request after receiving certification from the inspector, an application for a letter of appointment endorsed by the district commander, and notice from the department that the requestor has been licensed as a registered tow truck operator.

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If the ~~patrol, section shall~~ finds the requestor does not or will not meet all requirements and is not qualified for a waiver of the requirements, then such request ~~will, shall~~ be denied. The ~~patrol will, section shall~~ notify the requestor of its decision in writing, stating the reasons. If the request is approved, the section commander will issue the letter of appointment and forward it to the tow operator. The tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

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If the district commander recommends denial of a request for a letter of appointment, the section commander ~~will shall~~ notify the applicant and provide an opportunity for applicant to have a hearing as provided in chapter 34.05 RCW.

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(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

(a) Each business must be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. [This dispatch center shall must identify each individual company when answering each call.](#) At a minimum, the different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department, must be located on both sides of the truck. All required information must be plainly seen and able to be read at all times. All other required markings must also be located where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

~~Note:~~ A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II.

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(c) There must be adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday ~~excluding~~ except for the following state recognized holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, and Christmas Day. Each business ~~must~~ shall be staffed by a sufficient number of drivers for twenty-four hour day operation.

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(d) There must be adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered and within the zone approved ~~or assigned~~ for use in, unless specifically requested by law enforcement. All trucks must be clearly marked with the company's identity as outlined in (b) of this subsection.

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(e) Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business. Each business must have its own outside entrance, or when the building has one main entrance, the offices must have doors clearly marking and separating each business (not acceptable to walk in the main door and be hit with a counter or one office for the multiple tow companies housed in the building), with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Companies currently not meeting these standards will have twelve months from July 1, 2004, to comply.

(f) Each business must maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant ~~or~~ bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

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(g) Impound~~ed~~ storage areas must meet the requirements of WAC 308-61-026(2) at all times, including proper segregation.

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All registered tow truck operators providing service to WSP must be in compliance with these requirements. Failure to comply will result in the cancellation of ~~the your~~ letter of appointment to tow on the patrol's rotational tow list.

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(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment ~~will, shall~~ be issued in the name of the applicant and the holder thereof shall not allow any other person or business to use the letter of appointment.

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(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

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(7) A letter of appointment ~~will, shall~~ be valid until suspended, superseded, or revoked by the ~~patrol section~~.

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(8) The holder of each letter of appointment must maintain at least one tow truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(9) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

#### **WAC 204-91A-080**

Suspension or revocation of letter of appointment.

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter, the section may deny, suspend, or revoke the letter of appointment. The appointee ~~will, shall~~ be given notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

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(a) Upon receiving notice of the action, the appointee may request a hearing on the denial, suspension or revocation of the letter of appointment. Such request must be made in writing ~~to the section coordinator~~ within twenty days from the date of the notice. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a pre-hearing conference, or any other stage of an adjudicative proceeding, ~~will, shall~~ constitute default and may result in the entry of a final order under RCW 34.05.440.

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(b) Upon receiving a hearing request, the ~~patrol section~~ may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which ~~will, shall~~ be without prejudice to the rights of the parties. The informal settlement conference will be held in the district where the company resides at a mutually agreed upon time and

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may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(c) The holder of a letter of appointment may voluntarily relinquish the letter. The ~~district inspector section~~ and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the district commander will cause the inspector to physically obtain the original letter of appointment and forward it to the section. ~~If the owner/operator requests re-issuance of a letter of appointment, the patrol reserves the right to may require re-issue without a new application. Additionally, if applicable, all equipment previously exempted under the previous letter of appointment must meet current requirements outlined in WAC and RCW. a new letter of appointment to a former holder of a Letter of Appointment who voluntarily removes themselves from rotation.~~

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(2) The ~~patrol section~~ may summarily suspend a letter of appointment without prior notification if it finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a letter of appointment, the ~~patrol section will shall~~ enter an order, signed by the chief, which is in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action ~~will shall~~ be promptly instituted and determined. The ~~patrol section must shall~~ give notice as is practicable to the appointee.

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(3) A tow company may be immediately removed from the state patrol's rotational tow list for the following - revocation or cancellation of their registered tow truck operator license by the department or cancellation of the tow company's insurance certificate or bond.

~~(4) Terms of disciplinary action—minor violations of the terms and conditions of the Letter Of Appointment may be cause for disciplinary action in the following manner:~~

~~—First violation within a 12 month period— letter of written reprimand.~~

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- ~~— Second violation within a 12 month period — 30 day suspension.~~
- ~~— Third violation within a 12 month period — 60 to 90 day suspension.~~
- ~~— Fourth violation within a 12 month period — termination of Letter of Appointment.~~

~~Note: In lieu of termination, the patrol may impose additional suspensions for longer periods of time if deemed appropriate.~~

~~— (5) Violations of the terms and conditions of the Letter of Appointment that are subject to suspension for the first violation are categorized as major violations. Any subsequent or continuing major violation may be cause for termination.~~

~~— (a) When considering action for a major violation of the Letter of Appointment, the district commander may take into consideration all major and minor violations occurring within 36 months prior to the date of the current violation.~~

~~Note: The timeframe for any violation begins upon documented receipt by the towing inspector of the complaint or audit finding.~~

#### **WAC 204-91A-090**

Hearing procedure.

Hearings under this chapter ~~will shall~~ be pursuant to chapters 34.05 RCW, 446-08, and 10-08 WAC.

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(1) The presiding officer ~~will shall~~ conduct the hearing and any pre-hearing conference(s).

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(2) The burden of proof in any hearing before the chief ~~will shall~~ be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or

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revocation of a letter of appointment, or other action by the chief or designee. The chief or designee, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12

RCW, ~~will, shall~~ make written findings of facts and conclusions based on evidence presented.

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(3) Oral proceedings shall be recorded on tape and such tape ~~will, shall~~ become part of the hearing record.

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(4) This section is intended to supplement the procedures contained in the Administrative Procedure Act, chapter 34.05 RCW, the model rules of procedure, chapter 446-08 WAC, and chapter 10-08 WAC.

#### **WAC 204-91A-100**

Appeal.

Any person aggrieved by a decision of the chief denying, suspending, or revoking a letter of appointment may appeal such decision to the superior court under the provisions of chapter 34.05 RCW.

#### **WAC 204-91A-110**

Complaints.

All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators ~~must, shall~~ forward the complaints, along with supporting documents, including all results from the complaint investigation, to the department.

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(1) Those complaints investigated by the patrol will be reviewed by the section commander; ~~or designee~~ before forwarding to the department.

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(2) The patrol ~~will shall~~ investigate all complaints involving deficiencies of equipment.

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(3) A complete copy of all complaints investigated by the patrol will be kept on file by the section.

### **WAC 204-91A-120**

Business office hours and records.

Business hours for purposes of inspection of records, place of business, and towing equipment must be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator must post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

The owner/operator ~~shall must~~ will have personnel at the place of business during business hours to answer phone calls and to release vehicles and/or personal property.

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~~On a case by case zone specific basis, small owner operator businesses may be granted an exception to this requirement provided they can show an adequate means of communication. (See WAC 204-91A-070)~~

Persons from adjoining businesses or neighboring businesses may not be used to meet this requirement. Phones may not be forwarded to an answering service during normal business hours, with the exception of the lunch hour. Lunch hours will be posted and will be consistent on a monthly basis.

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(2) The owner/operator must maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a ~~thirtysixty thirty~~-minute period of time. The personnel must be identifiable as representing the company.

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(3) All billing invoices ~~must shall~~ be numbered and shall contain the following information:

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(a) Date of service and tow truck operator's name.

(b) Time of departure in response to the call.

(c) Time service completed.

(d) Class of tow truck.

(e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

(f) All fees for service shall be itemized.

(g) The date and time the vehicle was released.

~~Note: Yard cards containing the above information may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards shall be supplemental to, and will shall not replace the invoice required above.~~

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A copy of the invoice ~~must shall~~ be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file. Another copy of the invoice ~~must shall~~ be included with the transaction file items identified in RCW 46.55.150.

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**WAC 204-91A-130**

Personal property handling procedures.

All personal belongings and contents in the vehicle and not permanently attached, **must** ~~shall~~ be kept intact, and **must, shall** be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. The tow operator without charge, upon demand, **must, shall** release personal property not being held for evidence purposes by the impounding agency, to the vehicle's owner or agent during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and legal holidays. Release procedures will also follow guidelines as set forth in chapter 308-61 WAC and chapter 46.55 RCW.

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The vehicle and contents within, less items listed in WAC and RCW, and personal property not picked up prior to the vehicle going to auction, stays with the vehicle. Personal property will be sold with the vehicle at auction, unless arrangements with the legal/registered owner are made for pickup of items. The items may not be sold at auction to fulfill a lien against the vehicle.

(1) The items of personal property which the state patrol will not accept in response to RCW 46.55.090 include but are not limited to the following:

- (a) Tire chains;
- (b) Spare tire/wheels;
- (c) Used auto parts and/or accessories;
- (d) Seat covers;

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(e) Fuel containers;

(f) Jacks, lug wrenches;

~~(g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner which incorporates them to the vehicle shall remain with the vehicle;~~

~~(h) Refuse, trash, garbage, open or empty alcohol containers, or perishable items,~~

~~(i) Trash;~~

~~(j) Garbage;~~

~~(k) Open alcohol containers;~~

~~(l) Soiled or mildewed clothing, shoes, blankets, tarps, etc., having no actual value;~~

~~(m) Miscellaneous unofficial papers and other items having no actual value.~~

~~(2)~~ (2) Items which must be turned over to the patrol and inventoried include but are not limited to:

(a) Money;

(b) Wallets or purses;

(c) Bank or check books;

(d) Bank or credit cards;

(e) Official identification cards, operator's license, or passports;

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(f) Jewelry items;

(g) Firearms and any type weapon;

(h) Contraband and/or controlled substances;

(i) Stocks, bonds, money orders, bank certificates, travelers checks, postage stamps, food stamps, etc.;

(j) Other items of obvious value.

(3) The tow operator ~~must, shall~~ not remove or damage any vehicle parts permanently affixed to the vehicle, i.e., trunk locks or door locks. The tow operator shall must allow the registered owner or driver of a vehicle to remove specialized hand controls provided the removal thereof does not damage the vehicle.

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~~(34) If any court requires the driver/owner of an impounded motor vehicle to utilize~~Any vehicle that contains an ~~an~~ ignition interlock system as outlined in RCW 46.20.720, ~~the ignition interlock is considered leased property and shall must be removed by a qualified technician of and released to the installing company, at no charge, upon proof, prior to the auction of such vehicle. -~~

~~(45) Once the certified sale letter has been sent, the tow operator may removedispose of any perishable items, or items that may rot, or decay, or otherwise cause substantial odor within the interior of the vehicle.~~

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**WAC 204-91A-140**

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Fees.

(1) All towing fees ~~must, shall~~ be based on a flat, hourly rate only and ~~will, shall~~ apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck ~~must, shall~~ be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during non-business hours, on weekends or holidays, if different from the hourly rate, ~~must, shall~~ be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

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The tow inspector ~~shall~~will investigate allegations of overcharging. A violation of intentionally overcharging or a pattern of overcharging ~~shall~~will be cause for suspension. The suspension will remain in effect until the tow operator has presented proof to the patrol the reimbursement has been made to the aggrieved customer.

(2) The chief of the state patrol ~~must, shall~~, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates ~~will, shall~~ be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

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When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates ~~will, shall~~ become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

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The hourly rate ~~will, shall~~:

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(a) Be the only basis used to compute total charges for towing services.

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(b) Apply when the call is made by the state patrol, including, but not limited to, collisions and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass, removal of vehicle fluids less than one gallon, and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time. Prior to leaving the scene or incident, ~~Tow companies must advise the department of transportation, the patrol and Washington State Department of Transportation~~, or the local road department of all fluid spills greater than one gallon, ~~before leaving the scene that they will not clean up. Tow companies must document and file information in the vehicle transaction file.~~

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(d) Be considered to include one person per truck. When responding with a class "C" or a S-1 rotator truck to major collisions and incidents, a second person is allowed at the hourly labor rate per contract for an extra RTO employee. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until the truck returns to its normal area/zone, responds to another call, or the tow yard. The hourly rate must shall be applied to the resulting net time and, after the first hour, must shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

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(3) The basic storage fee: (Vehicles shall be measured bumper to bumper; trailers must shall be measured tongue to bumper.)

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(a) ~~Must, Shall~~ be calculated on a twenty-four-hour basis clock and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour clock ~~will, shall~~ constitute a full day's storage. Vehicles stored for less than twelve hours on any give day, ~~must, shall~~ be charged for twelve hours of storage; and

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(b) ~~Must, Shall~~ be the same for all three and four-wheel vehicles twenty feet or less in length; and

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(c) Vehicles or combinations exceeding twenty feet, the storage fee ~~must, shall~~ be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

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(d) Two-wheel motorcycles ~~will, shall~~ be one-half the basic storage fee for three and four-wheel vehicles.

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(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below ~~must, shall~~ charge the same lower rate for similar services performed as a result of state patrol originated calls.

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(a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;

(b) Disabled vehicle tow/transportation;

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(c) Storage;

(d) After hours release fees.

Any such price requirement ~~must, shall~~ not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

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(6) There ~~shall~~ will be no additional charge for moving or relocating (e.g. For example: driving, towing, pushing, utilizing a forklift) a stored vehicle(s) from inside a tow operator's storage yard to the front of the business establishment.

#### **WAC 204-91A-150**

Towing procedure.

Officers of the patrol ~~will, shall~~ obtain towing services to remove damaged or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

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(1) If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make his own arrangements for removal. This does not affect rotational positions.

(2) If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow operator. The request will be honored by the officer of the patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.

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(3) When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the patrol ~~will shall~~, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

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(4) The chief ~~will shall~~ specify that tow services obtained by the patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.

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(5) For the purposes of rotational or contractual tow requests, an approved tow truck shall be used only in the tow zone designated by the district commander. The patrol may, when tow service is not reasonably available within a given zone, obtain service from an adjacent zone.

(6) The patrol may adopt rules that will allow approved towing firms to establish their own central dispatch centers to dispatch tow trucks at the request of the patrol in selected geographical areas of the state. This dispatch center shall must identify each individual company when answering each call.

(a) These dispatch centers will be the responsibility of those member towing firms that utilize this type of service.

(b) The patrol communications center will advise the towing dispatch center of the approximate location, ~~zone number, class of tow truck(s), and~~ number of tow trucks needed ~~at the location, make, model and color of the vehicle, if available, and the~~ reason for the call. The towing dispatch center will be responsible for dispatching the participating firm's tow trucks.

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(c) Permanent records of all tow trucks dispatched at the request of the patrol will be maintained by the towing dispatch center for a period of three years.

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(7) Tow operators responding to calls ~~for~~from the patrol ~~should~~must be capable of transporting one occupant. In those instances where the occupant is argumentative, disabled, or otherwise incapable of riding in a tow truck, the patrol ~~will~~ ~~shall~~provide ~~provide/~~or obtain alternate transportation.

**WAC 204-91A-160**

Tow zones.

Each district commander ~~will~~ ~~shall~~ outline geographical areas within his district to be designated as tow zones. The geographical tow zones for each patrol district ~~will~~ ~~shall~~ be filed with the ~~section~~patrol. The boundaries established pursuant to this action may be modified as circumstances warrant. Considerations may include, but are not limited to, such factors as the frequency and severity of ~~collisions~~ accidents and the frequency of ~~DUI~~ ~~DWI~~ arrests in various areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the areas of need within each district. Nothing herein shall prevent the patrol from amending tow zones from time to time as required by changing traffic and ~~collision~~ ~~accident~~ patterns and other such factors affecting the adequacy of towing service available to the patrol.

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**WAC 204-91A-170**

Minimum tow truck equipment standards.

All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests ~~must~~ ~~shall~~ meet the minimum standards as listed in this section.

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~~Note:~~ Equipment standards will be effective one year from the date of adoption.

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(1) Minimum standards:

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(a) All equipment used in conjunction with the tow truck winching system ~~must, shall~~ have a working load limit at least twenty-five percent more than the working load limit of the wire rope or equivalent material being used. All equipment ~~must, shall~~ comply with the Washington safety and health administration (WSHA) regulation if applicable.

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~~Note:~~ Industry standards set the working load limit of wire rope or equivalent material at 1/5 of its nominal or breaking strength.

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(b) Each wire rope or equivalent material ~~must, shall~~ be capable of being fully extended from and fully wound onto its drum. Each wire rope or equivalent material ~~must shall~~ meet the industry standards for specified type of use with equipment.

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~~Note:~~ OSHA (1410.179 (h)(2iia)) requires no less than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load never bears on the rope to drum connection.

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(c) All wire rope or equivalent material meeting industry standards for specified type of use with equipment shall be 6 X 19 or 6 X 37 classification graded "extra improved plow steel" (XIP).

~~Notes:~~ Documentation from the supplier must be kept on file showing the type of wire rope installed and the date of installation for each truck.

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6 X 19 wire rope classification includes wire ropes with six strands having wire combinations from fifteen through twenty-six wires per strand but not more than twelve outer wires in each strand.

6 X 37 wire rope classification includes wire ropes with six strands having wire combinations from twenty-seven through forty-nine wires per strand but not more than eighteen outer wires in each strand.

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(d) All wire rope ~~must~~ shall be in good working order. The following industry standards for out-of-service criteria shall apply:

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(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Un-laying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

~~Note: Hooks must be replaced if the throat opening has increased beyond manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is~~

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~~twisted by more than ten degrees. Any hooks used in winching that were manufactured with a retractable safety retention clip, must have a functional clip installed.~~

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(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections ~~must, shall~~ be swaged or, if clamped, shall have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

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~~Note: Wire rope clamps must be installed and torqued per manufacturer specifications.~~

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(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., ~~must, shall~~ have permanently affixed durable factory identification, stating working load limit (WLL). If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be re-inspected by a recognized recertification company. If the equipment is acceptable, it may be re-identified with a working load limit (WLL) and a recertification company identifier.

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(h) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(i) All "J" hook chain assemblies must be grade "7" chain or better.

(j) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "4" chain or meet the original manufacturer's recommendations.

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(k) Comply with legal lighting, equipment, and license requirements.

(l) Portable tail, stop, and turn signal lights for vehicles being towed.

(m) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(n) Have a revolving ~~strobe, or~~ intermittent red light with three hundred sixty degrees visibility. ~~Trucks may~~ also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. ~~Additionally, trucks may~~ Must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

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(o) Have a broom, minimum twelve inches wide, ~~and a handle~~ at least four feet long.

(p) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard ~~or~~ solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

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(q) Be maintained in a reasonably clean condition.

(r) Have ~~two tempered steel pinch bars or equivalent devices, one tapered and one flattened; one at least three feet long and one at least~~ one four foot feet long ~~steel pinch bar, tapered on one end and flattened on the other,~~ with a minimum diameter of three-quarters of an inch.

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(s) Have a two-way radio or mobile telephone system capable of communicating with a base station. A citizen band radio does not suffice. A mobile telephone system ~~is acceptable if:~~ must be in proper working order and functions correctly throughout the assigned tow areas during towing operations including call out, and used in a correct and lawful manner.

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~~(i) The equipment is of a recognized and established manufacture and is properly installed.~~

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~~—(ii) The equipment is in proper working order and functions correctly throughout the assigned tow areas.~~

~~—(iii) The equipment does not utilize a siren to signal incoming calls.~~

~~(iv) The equipment is used in a correct and lawful manner.~~

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(t) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(u) Axle weight must comply with the requirements of RCW 46.37.351.

(v) Carry two and one half gallons of absorbent material capable of cleaning a one-gallon liquid spill.

(2) Class "A" tow trucks: Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks ~~must shall~~ meet the requirements of subsection (1)(a) through (u) of this section and in addition ~~must shall~~ have:

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(a) ~~A-A fourteen~~ ten thousand minimum manufacturer's gross vehicle weight rating.

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(b) Dual tires on the rear axle.

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(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum six-ton boom rating with single or dual [hydraulic](#) booms. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

[Note: All class A tow trucks with a non-hydraulic boom and a current Letter of Appointment issued by the patrol will be allowed to remain on the rotation until October 14, 2010.](#)

(3) Class "B" tow trucks: Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks ~~must shall~~ meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Seventeen thousand pounds minimum manufacturer's gross vehicle rating.

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(b) Minimum ten-ton boom rating, single or dual [hydraulic](#) booms, with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) Minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable when the class B tow truck is being used for class A tows.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity when operating as a class B truck. May be equipped with a three thousand pound fully extended working load wheel lift system with a seven thousand pound tow rated capacity if operating as a class A truck.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(4) Class B\*\* trucks are rated at 30,000 GVWR (or more) with air brakes. Class B\*\* trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition ~~must, shall~~ have a minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

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Class B\*\* trucks ~~must~~ shall also meet the requirements of subsection (3)(b), (d), (e), (f), (g), (h), and (i) of this section.

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Note: All class B tow trucks with a non-hydraulic boom and a current Letter of Appointment issued by the patrol will be allowed to remain on the rotation until October 14, 2010.

(5) Class "C" tow trucks and class "C" rotator trucks: Are trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A forty eight thousand pound manufacturer's gross vehicle weight rating or equivalent.

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of ~~thirty~~ twenty-five-ton boom rating with single or dual hydraulic booms. Dual winches to control a minimum of two service drums.

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(d) A minimum of one hundred fifty feet of nine-sixteenths inch continuous length XIP wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) If equipped with a wheel lift system, it must have a fully extended working load limit of at least twelve thousand pounds.

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(h) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks.

Note: All Class C tow trucks with a GVWR of less than 48,000 pounds, a boom rating less than thirty five tons, and non-hydraulic booms and a current Letter of Appointment issued by the patrol will be allowed to remain on the rotation until October 14, 2010.

(6) Class "D" tow trucks: Trucks that are equipped for and primarily used as "wheel lift" trucks.

Class "D" trucks ~~must shall~~ meet the requirements of subsection (1)(a) through (u) of this section and in addition ~~must shall~~ have:

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(a) A wheel lift ~~assemble~~ assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity.

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(b) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(c) One snatch block.

(d) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

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(7) Class "E" tow trucks: Trucks that are primarily designed and intended to transport other vehicles by loading the vehicle entirely onto the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Four securing devices with a minimum working load limit of three thousand nine hundred pounds. The devices may be chain (minimum grade "7"), wire rope, nylon strap, or steel strap. The tie downs shall be attached to the axle or frame member of the transported vehicle both front and rear. All ends shall be secured to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie-downs may also be used (front and rear).

(b) One snatch block.

(c) Dual tires on the rear axle.

(d) If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturers' rating appropriate to the vehicle being towed.

(e) Additional minimum requirements include:

(i) Gross vehicle weight rating 14,500

(ii) Purchased tonnage 14,500

(iii) Winch rating 4 ton

(iv) XIP wire rope 50 feet 3/8 inch

(v) One five-foot chain use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(vi) Car carrier (bed) 17 feet

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Note: Bed may be shorter in a collapsed mode, but must be capable of telescoping to a minimum of seventeen feet.

(8) Class "S" tow/recovery trucks: Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

To have a truck designated as class "S" the tow operator must submit a request for approval through the district commander to the section. The written request shall indicate why the truck is needed, what it will be used for, its size, purchased tonnage (if appropriate), capability, and the equipment carried or used with the truck. Gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the patrol for review and final approval. If approval is granted, the equipment shall be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

~~Note: If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual re-inspection. In any case, all tow trucks shall be correctly classified within one year of adoption of these rules.~~

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(9) Class "S1 Rotator" trucks: Are tow trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S1 Rotator" trucks shall meet the requirements of subsection (1)(a) through (v) of this section and in addition shall have:

(a) A forty thousand pound manufacturer's gross vehicle weight rating or equivalent.

(b) Tandem or triple rear axle truck chassis (at least two drive axles).

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(c) A minimum of sixty plus ton rotating boom rating with a single boom.

(d) A minimum of one hundred fifty feet of nine-sixteenths inch continuous length XIP wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) Equipped with a wheel lift system and have a fully extended working load limit of at least twelve thousand pounds.

(h) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks.

**WAC 204-91A-180**

Vehicle towing/operator qualifications, restrictions, and requirements.

In addition to the requirements contained in WAC 204-91A-170, tow truck operators

appointed pursuant to this chapter ~~shall~~ **must** conform to all laws and administrative rules

pertaining to the tow industry and ~~shall~~ **must** observe the following practices and

procedures:

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(1) When called by the patrol, the tow truck operator will dispatch a tow truck, from within the assigned zone, within five minutes during normal business hours. Tow trucks must be registered to and belong to the particular tow business that is called and assigned to that tow zone only. If the officer at the scene deems it necessary, additional assistance may be authorized from a registered tow truck operator outside of the tow zone.

(2) Tow trucks dispatched at the request of the patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator ~~shall~~ must advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services and/or to provide the requested services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator ~~shall~~ must advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions such as, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness, etc. The period of unavailability may last less than an hour or

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much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator will advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle which has been involved in a collision, incident, or equipment breakdown on the public roadway. The tow operator also will advise the patrol of all private calls to motor vehicle collisions on private property resulting in bodily injury or death.

(9) The tow operator will notify the patrol before moving any vehicle involved in a collision on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

Other than a service patrol established and funded by the department of transportation, a tow operator ~~shall~~ must not solicit tow or roadside services by patrolling the public roadways searching for disabled vehicles or vehicles involved in a traffic collision.

(10) When the patrol is in charge of a collision scene or other such incident, a tow operator ~~shall~~ must not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(11) The tow operator ~~shall~~ must be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the

operator's place of business so they can be seen during business hours and non-business hours. A copy will also be sent to the section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section, and the patrol district commander ten days before their effective date.

(12) The operator ~~shall~~shall ~~must~~ post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and readable by members of the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they ~~shall~~shall ~~must~~ be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets ~~shall~~shall ~~must~~ be posted in such manner as to be clearly and plainly visible and readable at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the section, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the section, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol ~~shall~~shall ~~must~~ be consistent with current posted towing rates and ~~shall~~shall ~~must~~ be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator ~~shall~~shall ~~must~~ file a rate sheet that specifies the rates charged for the different types of tows.

Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator ~~shall~~ must charge fees based on the size of the towed vehicle not the size of the truck used.

Example: A class "C" truck is used, at the operator's discretion, to tow a class "B" size vehicle. The fees charged ~~shall~~ must be those for a class "B" truck NOT a class "C."

(13) Charges made for towing services arising from calls initiated by the patrol ~~shall~~ must not exceed the maximum rates established by the chief.

(14) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles ~~shall~~ must be taken to the tow operators nearest approved storage location.

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(15) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. This record will include, but not be limited to:

- (a) An itemized receipt of all charges for the services provided.
- (b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the operator.
- (c) All other records required by the department.

Such records will be available for inspection by the patrol during normal business hours at the operator's place of business.

(16) The tow operator will sign an inventory sheet made out by the patrol officer at the scene.

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(17) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(18) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry. The tow operator shall must ensure tow truck drivers responding to calls initiated by the patrol have completed a minimum of ~~one~~ four-hour tow truck driver training course within the last five years. The operator shall keep a file of this documentation.

(19) No tow operator, employee, or agent shall misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(20) Tow truck operators will use emergency lights to warn other motorists only when at the scene of collisions, disabled vehicles, and/or recoveries. Such lighting shall not be used when traveling to or from the scene.

~~Tow truck operators whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles shall wear work vests of highly visible materials, or equivalent distinguishing apparel as outlined in WAC 296-155-200(5) and US DOT/ANSI requirements. in department of labor and industries, WAC 296-155-200(5).~~

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(21) Tow truck operators shall be responsible for cleaning collision/incident scenes of all vehicle glass, ~~and debris,~~ and vehicle liquid spills of one gallon or less.

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(22) Specific operating restrictions and/or requirements, by truck class, are as follows:

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(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B" and "C" trucks shall be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies shall be used to release the brake tension. Under no circumstances shall the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the pre-collision or incident settings.

(b) Class "B" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

~~e) Class "D," "E," and "S" trucks shall not be used to respond to initial calls unless specifically authorized by patrol personnel at the scene or by local written policy approved by the district commander.~~

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(d) Class "E" trucks shall:

(i) Have, when used for multiple vehicle towing/recovery (one on bed, one in tow) from the same location, all invoice charges evenly divided between the vehicles so transported;

(ii) Not be operated in excess of either gross vehicle weight rating or purchased tonnage weight limits;

(iii) Be required to carry its portable lights only when used in a towing mode.

(23) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the operator shall maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor shall be part of the

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contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner shall be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee shall be charged for towing the vehicle from the overflow lot to the regular facility.

(24) All work performed by the operator and/or employee shall be in the most professional and expeditious manner. Tow operators and/or employees shall must refrain from any unprofessional actions while towing for and/or conducting towing business at the request of the patrol. These actions include, but are not limited to any of the following following: All invoices and other required forms shall be completed accurately and promptly.

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(a) Lack of service, selective service, or refusal to provide service which the operator is/should be capable of performing.

(b) Exhibiting any objective evidencesigns of either alcohol, and/or drug use, or both.

(c) Displaying any objects, logos, slogans, or graphic material within the view of the public that contains any form of nuditypornography, profanity, or prejudice toward any person or group of persons.

(25) Tow operators shall, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

(26) When responding to a patrol call, -Tow truck operators shallmust wear an identifiable uniform (shirt with sleeves and pants, or coveralls) that displaysing the

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company and driver's name. This uniform must reflect only the proper name of the company dispatched to the call. ~~commensurate with company that driver is responding to for the patrol.~~

(27) Tow truck operators whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles shall wear work vests of highly visible materials, or equivalent distinguishing apparel as outlined in WAC 296-155-200(5) and Code of Federal Regulations, Title 23, Part 634.3 ~~US DOT/ANSI requirements. in department of labor and industries. WAC 296-155-200(5).~~

(28) Tow truck operators shall not display any sign or engage in any advertisement indicating an official or unofficial connection with the patrol.

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