

Tow Truck Regulation Workgroup Summary

December 2014



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Purpose & Scope

The 2014 supplemental transportation budget directed the Department of Licensing (DOL) to convene a workgroup to study the issue of regulating tow truck operators that are not licensed as registered tow truck operators (RTTOs) under chapter [46.55](#) RCW and report its recommendations and draft legislation to the transportation committees by December 1, 2014.

Here is the specific proviso in the budget regarding this workgroup:

The department must convene a work group to study the issue of regulating tow truck operators that are not licensed as registered tow truck operators under chapter [46.55](#) RCW. The work group must examine the advisability of regulating such operators, including any potential benefits to public safety, and possible methodologies for accomplishing this regulation. The work group must include the department, representatives of the Washington state patrol, organized groups of registered tow truck operators, and automobile clubs. The work group may also include hulk haulers, wreckers, transporters, and other stakeholders relating to the issue of unregulated towing for monetary compensation. The work group shall convene as necessary and report its recommendations and draft legislation to the transportation committees of the legislature by December 1, 2014.

[SB 6001](#), Sec. 208(20).

The workgroup included representatives from DOL, Washington State Patrol, AAA Washington, the Towing & Recovery Association of Washington, and individual RTTO owners, hulk haulers, wreckers, and unregulated tow truck operators. The draft legislation submitted encompasses a workable solution that is amenable to all workgroup members.

Draft Legislation

The workgroup discussed the threshold question of whether unregulated tow truck operators need to be regulated. While quantifiable data to help answer this question is hard to come by, operators and other industry representatives shared experiences with and concerns about dangerous tow truck operators. The workgroup produced a workable regulatory framework that will improve public safety on our state's highways without overly burdensome requirements.

Here's an overview of the draft legislation's elements:

1. The bill establishes a new chapter in Title 46 RCW for "non-impound tow truck operators."
2. The bill defines a "non-impound tow truck operator" as any person or firm engaging in the business of towing disabled vehicles for direct or indirect monetary compensation on a public highway and not registered under chapter 46.55 RCW.
3. The bill requires that all of these operators apply for an annual license.

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4. The bill imposes an insurance requirement for the operators.
5. The bill requires all operator owners to undergo a fingerprint-based federal background check and ongoing subsequent check. The bill allows for the WSP to retain the fingerprints for the purpose of providing subsequent checks.
6. The bill requires that all operators establish a process to conduct a national pre-employment background checks for prospective employees.
7. The bill directs WSP to establish tow truck classifications and equipment standards.
8. The bill requires that a qualified mechanic inspect the tow trucks on an annual basis to ensure that equipment standards are met.
9. The bill requires non-impound operators to have records, equipment and facilities available for audit/inspection in a manner established by the department.
10. The bill prescribes penalties for violations of the new chapter.

Background Information on Tow Truck Laws & Regulations

The trucks and companies that provide towing in Washington State are registered tow truck operators (RTTOs) regulated under chapter 46.55 RCW, motor vehicle transporters regulated under chapter 46.47 RCW, or unregulated tow truck operators.

Registered Tow Truck Operators

A tow truck operator must register with DOL if they engage in the impounding, transporting, or storage of *unauthorized vehicles* or the disposal of *abandoned vehicles*. This is what distinguishes an unlicensed tow truck operator and a RTTO under current law. RTTOs may still conduct regular towing services, however. There are approximately 450 RTTOs in Washington. WSP conducts annual inspections of RTTO equipment, business records, and facilities. The WSP Tow Truck Inspection Unit, made up of 12 inspectors throughout the state, carries out these inspections.

Motor Vehicle Transporters

Any person that engages in the business of delivering vehicles must be licensed under RCW 46.76.010. There are approximately 1500 transporters registered in Washington. Washington law only requires that these individuals have a transporter license to operate. There are no specific equipment requirements; the general equipment requirements that apply to all vehicles depending on use and class apply.

Unregulated Tow Truck Operators

DOL's best estimate is that there are approximately 800-1000 unregulated tow operators in Washington. Washington law only requires that these individuals have a business license to operate. There are no specific tow truck equipment requirements; the general equipment requirements that apply to all vehicles depending on use and class apply.

Washington State Patrol Issues Letters of Appointment to RTTOs

Another subcategory of licensed operators is a RTTO that holds a letter of appointment (LOA). In order for a RTTO to provide impounds for WSP, an RTTO must have a LOA that WSP issues under [WAC 204-91A-060](#). RTTOs with two years of experience can apply to WSP for a LOA. Roughly 430 of the 450 RTTOs in Washington have letters of appointment.

The WSP conducts a background investigation for drivers and tow truck company employees conducting business under a LOA because they perform services on behalf of WSP. WSP will refuse to issue and may revoke letters of appointment if company owners or operators have felonies, sex offenses, two or more DUIs in the last five years, gross misdemeanors within three years, among others listed in [WAC 204-91A-060](#).

Draft Legislation Detailed Breakdown

Scope

The bill establishes a new chapter in Title 46 that applies to “non-impound tow truck operators.” These operators are defined as “any person or firm engaging in the business of towing disabled vehicles for direct or indirect monetary compensation on a public highway and not registered under chapter 46.55 RCW.” Operators licensed under this chapter are prohibited from also being registered as an RTTO.

Licensing

Non-impound tow truck operators would be required to apply for an annual license. DOL would also issue a permit for each tow truck used by the operator. The draft legislation includes an annual license fee for the operator and fee for each truck. This is the same fee structure as RTTOs. The workgroup only discussed the fee structure with the understanding that the appropriate fee amounts is an issue better left to the Legislature.

Insurance Requirements

Non-impound tow truck operators would be required to show proof of insurance (\$100,000 bodily injury liability and \$50,000 vehicle damage). DOL will terminate a tow truck operator’s license if the insurance policy is canceled. This is the same minimum insurance requirement for RTTOs.

Background Checks

Non-impound tow truck operator owners, partners, and corporate officers involved in daily operations would be required to undergo a fingerprint-based federal background check before DOL will issue a license or renewal. The draft legislation includes several automatic disqualifiers, including sex offenses, felonies, drug and alcohol-related traffic offenses, and other similar convictions (see Section 6 in the draft). The cost of conducting these checks varies depending on whether they are submitted electronically or not. If submitted electronically it would cost a company \$45.50 for a fingerprint based background check (\$13 for fingerprints, \$16.50 for FBI check and \$16 for state check).

The workgroup discussed the importance of renewal checks for public safety. Historically renewal checks for license holders are done using the same fingerprint based background check process at a duration prescribed by the legislature. However, a new option to provide subsequent checks at a reduced rate and burden for all involved could be included in this legislation to allow the WSP Criminal Records Division to maintain the fingerprints submitted so the individual can be enrolled in a program for the duration of their license (at a cost of \$13) that would provide immediate notification to DOL if that individual was convicted of a crime which eliminates the need for subsequent fingerprint submissions. The enrollment in the program would reduce the cost to the company to a onetime fee of \$58.50 as opposed

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to requiring a fingerprint based check at a cost of \$45.50 each time a subsequent check is required (depending on the duration set by the legislature).

The draft legislation also requires that operators establish a system to conduct a non-fingerprint based national background check for its tow truck driver employees. Several companies provide this service. As an example, AAA submits its contractors through a service operated by HireRight. Operator workgroup members expressed concerns that extending full-fledged fingerprint background checks to prospective employees would be too time consuming and burdensome for operators but that employees should be held accountable by their employer.

It's important to note that the RTTO statute does not require pre-employment background checks.

Equipment Standards & Inspections

WSP would establish tow truck classifications and minimum tow truck equipment standards by rule. Operators will be required to have a qualified mechanic inspect their tow trucks on an annual basis to ensure compliance with these standards. This is a cost effective solution modeled after federal motor carrier inspection regulations. DOL will not issue a tow truck permit without proof of a satisfactory inspection.

Implementation & Workload

The draft legislation includes a July 1, 2016 effective date. DOL anticipates a significant ongoing workload increase that would require additional resources. This is due to the approx. 800-1000 tow truck operators that would be licensed under this proposal.

Resources

- DOL Registered Tow Truck Operator's Manual
<http://www.dol.wa.gov/business/vehicletransport/docs/RTTOMan.pdf>
- DOL RTTO Registration Information Website
<http://www.dol.wa.gov/business/vehicletransport/vttowtruckop.html>
- WSP Towing Business WACs (Chapter 204-91A)
<http://app.leg.wa.gov/wac/default.aspx?cite=204-91A>

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RTTOs, Motor Vehicle Transporters & Proposal Non-Impound Tow Truck Operators Comparison Chart

	Registered Tow Truck Operators Chapter 46.55 RCW	Motor Vehicle Transporters Chapter 46.76 RCW	Non-impound Tow Truck Operators (Proposed)
Registered/licensed with the Department of Licensing	Yes <ul style="list-style-type: none"> \$100 original and renewal fee \$50 for each tow truck permit and annual renewal 	Yes <ul style="list-style-type: none"> Original license \$25; Renewal \$15 \$2 per license plate set 	Yes <ul style="list-style-type: none"> Original and renewal fee Fee for tow truck permit and annual renewal Workgroup only considered fee structure, not \$ amounts.
Insurance Required	Yes <ul style="list-style-type: none"> \$100,000 liability for bodily injury or property damage \$50,000 legal liability per occurrence 	No	Yes <ul style="list-style-type: none"> \$100,000 liability for bodily injury or property damage \$50,000 legal liability per occurrence
Surety Bond Required	Yes (\$5,000)	No	No
May Impound	Yes	No	No
Towing Services that May be Conducted	Impounds, regular towing	Delivering vehicles for hire	Towing disabled vehicles for hire
Pre-employment background check required as part of the license	No	No	Yes <ul style="list-style-type: none"> Fingerprint based check and subsequent DOL checks National check conducted by the company for all employees through a private service
Annual Vehicle Inspection Required	Yes (done by WSP)	No	Yes (done by qualified mechanic)
Annual Facilities & Records Audit	Yes (done by WSP)	No	No (records must be available for audit)
Fees Regulated	Yes <ul style="list-style-type: none"> Fee schedule filed with DOL (RCW 46.55.063) Max rate limits (RCW 46.55.118) 	No	No

AN ACT Relating to non-impound tow truck operator licensing; adding a new chapter to Title 46 RCW; repealing RCW 46.55.025; amending RCW 18.235.020, 43.43.700, 43.43.705, 43.43.742, 46.63.020; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Daily operations" means any activity commonly associated with the routine operation of a tow truck business, including but not limited to, communicating with customers and dispatching tow trucks.

(2) "Non-impound tow truck operator" or "operator" means any person or firm engaging in the business of towing disabled vehicles for direct or indirect monetary compensation on a public highway and not registered under chapter 46.55 RCW.

(3) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment that meets standards established by the state patrol.

(4) "Tow truck number" means the number issued by the department to tow trucks used by a non-impound tow truck operator in the state of Washington.

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

(6) "Tow truck service" or "service" means the transporting upon the public streets and highways of this state of a disabled vehicle, together with any personal effects and cargo, by a tow truck of a non-impound tow truck operator.

NEW SECTION. **Sec. 2.** (1) A person shall not engage in or offer to engage in the activities of a non-impound tow truck operator without a current license from the department authorizing the person to engage in such activities.

(2) Any person engaging in or offering to engage in the activities of a non-impound tow truck operator without the license required by this chapter is guilty of a gross misdemeanor and is subject to disciplinary action that may be imposed by the department under this chapter.

(3) Except as otherwise provided under this chapter, a non-impound tow truck operator who engages in any act or practice that is prohibited under this chapter may be: (a) prosecuted for a traffic infraction under chapter 46.63 RCW, or (b) subject to the civil penalties or disciplinary actions that may be imposed by the department under this chapter.

(4) A person found to have committed a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars.

(5) The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice as a non-impound tow truck operator, the issuance and denial of licenses and permits, and the discipline of non-impound tow truck operators and persons required to be licensed as a non-impound tow truck operator under this chapter.

(6) A tow truck operator licensed under this chapter must not be registered under chapter 46.55 RCW.

NEW SECTION. **Sec. 3.** (1) Application for licensing as a non-impound tow truck operator shall be made on a form for this purpose, furnished by the department, and shall be signed by the applicant or his or her authorized agent and shall include the following information:

(a) Name and address of the person, firm, partnership, association, or corporation under which name the business is to be conducted;

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

(c) Names and addresses of all employees who serve as tow truck drivers for tow truck service;

(d) The vehicle license and vehicle identification numbers of all tow trucks used by the non-impound tow truck operator;

(e) Any other information the department may require to ensure compliance with the provisions of this chapter.

(2) Before the department may issue an initial or renewal license to an applicant, the applicant shall provide proof of inspection under RCW 46.--.-- (section created in Section 7 of this act).

(3) Before the department may issue an initial or renewal license to an applicant, the applicant shall provide proof of minimum insurance requirements of:

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

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft during tow truck service.

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

(4) The fee for each original license and annual renewal is one hundred dollars per operator. The department shall forward the license fee to the state treasurer for deposit in the motor vehicle fund.

(5) Before the department may issue a license to an applicant, background checks under RCW 46.--.-- (section created in Section 6 of this act) must be completed.

(6) Upon approval of the application, the department shall issue a license to the non-impound tow truck operator to be displayed prominently at the operator's place of business and as otherwise required by the department.

NEW SECTION. **Sec. 4.** (1) A non-impound tow truck operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner.

(2) Upon completion of a form furnished by the department for this purpose, receipt of the fee provided in this section, and submission of a satisfactory inspection report from a qualified mechanic conducted under RCW 46.--.-- (section created in Section 7 of this act), the department shall issue each tow truck a tow truck permit, a corresponding decal, and a unique tow truck number. The class of the tow truck, determined according to standards adopted under RCW 46.--.-- (section created in Section 7 of this act) and the expiration date shall be included on the permit and decal.

(3) The fee for each original tow truck permit and annual renewal is fifty dollars. The department shall forward the fee to the state treasurer for deposit in the motor vehicle fund.

NEW SECTION. **Sec. 5.** If an application for a non-impound tow truck operator license is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing as provided for under RCW 18.235.050, may refuse to issue a non-impound tow truck operator license.

NEW SECTION. **Sec. 6.** (1) All non-impound tow truck operator applicants, owners, partners, and corporate officers involved in daily operations must be screened through state and federal background checks. The investigation shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington

state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. Periodic records checks will be conducted pursuant to RCW 43.43.700. The department will not share background check information with any other governmental entity or business and will be responsible for making suitability determinations. The department may pass on the cost of these criminal background checks and any subsequent checks to the tow truck operators and applicants.

(2) The department shall not issue and may revoke a non-impound tow truck operator license if an applicant, owner, partner, or corporate officer involved in daily operations:

(a) Has been convicted of any of the following:

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

(ii) Any class B felony within the last ten years;

(iii) Any class C felony within the last five years;

(iv) A drug or alcohol-related traffic violation two or more times within the last five years; or

(v) Any gross misdemeanor within the last three years.

(b) Must register as a sex offender or kidnapping offender; or

(c) Has been granted deferred prosecution under chapter 10.05 RCW for any gross misdemeanor within the last three years.

(3) The department shall establish procedures by which non-impound tow truck operators notify the department of new

owners, partners, or corporate officers, and carry out background checks under this section.

(4) Non-impound tow truck operators shall conduct pre-employment national criminal history background checks in a manner established by the department for all prospective employees that operate a tow truck for tow truck service. The department may revoke a non-impound tow truck operator license for failing to:

(a) Conduct required criminal history background checks under this section;

(b) Consider the criminal history of a prospective employee as it relates to public safety in its hiring decisions; or

(c) Comply with the requirements of the fair credit reporting act under 15 U.S.C. § 1681 et seq. for any criminal history background check conducted under this subsection.

NEW SECTION. **Sec. 7.** (1) Tow trucks used by non-impound tow truck operators shall be classified by towing capabilities, and must meet or exceed all equipment standards set by the state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks used by non-impound tow truck operators shall display the firm's name, city of address, telephone number, and tow truck number issued by the department. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) A valid unexpired tow truck permit and decal issued by the department under RCW 46.--.-- (section created in Section 4 of this act) shall be displayed in accordance with rules adopted by the department.

(4) A tow truck used by a non-impound tow truck operator must be inspected by a qualified mechanic in a manner established by the department before it is put into service and annually thereafter.

(5) A tow truck that fails to meet the minimum standards established under subsection (1) of this section must not be used to provide tow truck service.

(6) The department may cancel, suspend, or revoke a tow truck permit issued under RCW 46.--.-- (section created in Section 4 of this act) for failure to comply with any requirement of this section or rules adopted under it.

NEW SECTION. **Sec. 8.** (1) The tow truck operator shall prepare an itemized billing invoice or receipt for tow truck service that includes a list of all costs, including state and local taxes, and the firm name, address, and telephone number.

(2) The tow truck operator shall provide a copy of this itemized billing invoice or receipt to the customer.

NEW SECTION. **Sec. 9.** (1) A non-impound tow truck operator shall retain the following records:

(a) Tow truck inspection and maintenance records for at least three years;

(b) Itemized invoices or receipts for tow services for at least three years;

(c) Prospective employee criminal history background check records for at least three years; and

(d) Other records required by the department to ensure compliance with this chapter.

(2) This section does not supersede other recordkeeping required by law.

NEW SECTION. **Sec. 10.** Records, equipment, and facilities of a non-impound tow truck operator shall be available for audit or inspection in a manner established by the department.

NEW SECTION. **Sec. 11.** The department, in cooperation with the state patrol, may adopt rules that carry out the provisions and intent of this chapter.

NEW SECTION. **Sec. 12.** RCW 46.55.025 (Registration or insurance required – Penalty) and 1995 c 360 s 2 are each repealed.

Sec. 13. RCW 18.235.020 and 2013 c 322 s 29 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;
- (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- (xiv) Real estate appraisers under chapter 18.140 RCW;
- (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
- (xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;
- (xvii) Security guards under chapter 18.170 RCW;
- (xviii) Sellers of travel under chapter 19.138 RCW;
- (xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (xx) Whitewater river outfitters under chapter 79A.60 RCW;
- (xxi) Home inspectors under chapter 18.280 RCW;
- (xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; ((and))
- (xxiii) Appraisal management companies under chapter 18.310 RCW;

(xxiv) Non-impound tow truck operators under chapter 46.--
RCW (the new chapter created in section 19 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 14. RCW 43.43.700 and 2006 c 294 s 1 are each amended to read as follows:

(1) There is hereby established within the Washington state patrol a section on identification and criminal history hereafter referred to as the section.

(2) In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

(3) The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

(4) The section may:

(a) Retain the fingerprints submitted by a statutorily authorized agency or entity;

(b) Allow a search by criminal justice agencies of arrest fingerprint submissions and unsolved crime files against the fingerprints submitted for noncriminal justice purposes;

(c) Notify a statutorily authorized agency or entity of a change in criminal history record information that is identified against retained fingerprints. The section must ensure that arrest information is provided only to a statutorily authorized agency or entity from which the fingerprints originated.

(5) A statutorily authorized agency or entity must notify license applicants and applicants for employment, or applicants

for other noncriminal justice purposes subject to a criminal history background check that their fingerprints may be retained by the section and the federal bureau of investigation. A statutorily authorized agency or entity must also provide notification to license applicants and applicants for employment that, or applicants for other noncriminal justice purposes that:

(a) Arrests and unsolved crime files may be searched against their retained fingerprints.

(b) Notification of any changes to criminal history record information may be made to the statutorily authorized agency or entity that submitted the fingerprints to the section.

Sec. 15. RCW 43.43.705 and 2006 c 294 s 2 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies a transcript of the criminal history record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.785 the following words and phrases shall have the following meanings:

"Criminal history record information" includes, and shall be restricted to identifying data and information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal history

record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

"Statutorily authorized agency or entity" means a public agency or private entity that has statutory authority, under state, federal, or local law, to conduct a state and federal criminal history background check for license applicants, applicants for employment, or other noncriminal justice purposes.

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(4). The applicant may appeal such determination by notifying the chief in writing within thirty days. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW and in accordance with procedures for adjudicative proceedings under chapter 34.05 RCW.

Sec. 16. RCW 43.43.742 and 1987 c 450 s 4 are each amended to read as follows:

(1) The Washington state patrol shall adopt rules concerning submission of fingerprints taken by local agencies (~~after July~~

~~26, 1987,~~) from persons for license application or other noncriminal purposes.

(2) The Washington state patrol must adopt rules concerning the participation of statutorily authorized agencies or other entities in receiving notifications of any changes to criminal history records information after the submission of fingerprints taken by local agencies for noncriminal purposes.

(3) The Washington state patrol may charge fees for submission of fingerprints which will cover as nearly as practicable the direct and indirect costs to the Washington state patrol of processing such submission or notifying a statutorily authorized agency or entity of a change in criminal history record information as provided in RCW 43.43.700.

Sec. 17. RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050 relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.20.005 relating to driving without a valid driver's license;

(12) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(13) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(14) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(15) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(16) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(17) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(18) RCW 46.20.750 relating to circumventing an ignition interlock device;

(19) RCW 46.25.170 relating to commercial driver's licenses;

(20) Chapter 46.29 RCW relating to financial responsibility;

(21) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(22) RCW 46.35.030 relating to recording device information;

(23) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(24) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(25) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(26) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

(27) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(28) RCW 46.48.175 relating to the transportation of dangerous articles;

(29) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(30) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(31) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

(32) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(33) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(34) RCW 46.55.035 relating to prohibited practices by registered tow truck operators;

(35) RCW 46.55.300 relating to vehicle immobilization;

(36) RCW 46.--.-- (section created in Section 2 of this act) relating to engaging in the activities of a non-impound tow truck operator without a license;

~~(+36+)~~ (37) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~(+37+)~~ (38) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~(+38+)~~ (39) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~(+39+)~~ (40) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~(+40+)~~ (41) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

~~(+41+)~~ (42) RCW 46.61.500 relating to reckless driving;

~~(+42+)~~ (43) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~(43)~~ (44) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~(44)~~ (45) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~(45)~~ (46) RCW 46.61.522 relating to vehicular assault;

~~(46)~~ (47) RCW 46.61.5249 relating to first degree negligent driving;

~~(47)~~ (48) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~(48)~~ (49) RCW 46.61.530 relating to racing of vehicles on highways;

~~(49)~~ (50) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~(50)~~ (51) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~(51)~~ (52) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~(52)~~ (53) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~(53)~~ (54) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~(54)~~ (55) Chapter 46.65 RCW relating to habitual traffic offenders;

~~(55)~~ (56) RCW 46.68.010 relating to false statements made to obtain a refund;

~~(56)~~ (57) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~(57)~~ (58) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~(+58+)~~ (59) RCW 46.72A.060 relating to limousine carrier insurance;

~~(+59+)~~ (60) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~(+60+)~~ (61) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~(+61+)~~ (62) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~(+62+)~~ (63) Chapter 46.82 RCW relating to driver's training schools;

~~(+63+)~~ (64) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~(+64+)~~ (65) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. **Sec. 18.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 19.** Sections 1 through 11 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. **Sec. 20.** This act takes effect July 1, 2016.