



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
 PO Box 9020, Olympia, Washington 98507-9020

**Washington Administrative Code
 Notice of Permanent Rules for
 Disposal of Unauthorized and Abandoned Vehicles.**

Public Hearings: March 12 and 13, 2019
 Effective: May 1, 2019

Adoption of: WAC 308-61 Unauthorized and Abandoned Vehicles

Effective date: These rule changes will become effective on June 1, 2019.

What are the agency's reasons for adopting this rule?

The proposed language establishes guidelines and procedures under WAC 308-61 to guide the proper administration and disbursement of funds from the Abandoned Recreational Vehicle program.

With a growing population of nuisance and abandoned RVs encroaching on more public property, parking spaces and streets, and no way to locate proper registered owners (R/O's), law enforcement requests impounds be made to clear these vehicles out of public spaces.

A vehicle that remains impounded, but unclaimed will go to auction, and a successful auction allows the RTTO to reclaim some of the costs for removing and storing the vehicle. However, a vehicle that fails to sell may need to be destroyed. This is usually done entirely at the RTTO's expense, or that of a wrecker or vehicle scrapper.

Key stakeholders, including members of the Tow and Recovery Association of Washington and the Automotive Recyclers of Washington, supported legislation to create this new program to ease the financial burdens to towing, wrecking and scrap metal businesses who are experiencing continuing problems and financial impact involving the proper disposal of abandoned recreational vehicles.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

Comments	
Paraphrased Comment	Department Response
<i>Related to program:</i>	
1. Would like to see the creation of a pre-authorization process with a form that guarantees payment for any disposal processor	Thank you for your suggestions. The department will not deny requests when funds are not available.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or email dmonroe@dol.wa.gov.

<p>who accepts a vehicle. (<i>Other position – comments only</i>)</p> <ol style="list-style-type: none"> 2. Would like to see the creation of a webpage detailing funds that are available to provide transparency. This page would have a total of funds appropriated to the account, a total of the reimbursements already made from or committed to requesters and a remaining balance in the account. (<i>Other position – comments only</i>) 3. Believes that all parties must complete their processes before any submission is made on any one vehicle. This will even out the requests so that both businesses are paid for a vehicle to move all of the way through all processes and other requests do not get in ahead of the final disposer’s requests. (<i>Other position – comments only</i>) 4. Asks that all funds are reserved by the department and totals are updated to the webpage. (<i>Other position – comments only</i>) 5. Agrees with the proposed rules to help businesses at least break even with disposal costs. (<i>In favor</i>) 6. Good start to build the program from, but will always need small adjustments as the program grows. (<i>In favor</i>) 7. Is in favor of proposals made by the industry association. (<i>Other position – comments only</i>) 	<p>Requests will be held until funds are available. Pre-authorization is therefore unnecessary.</p> <p>Items related to the pre-authorization process are null. The department does intend on creating a webpage to include fund balance information. Elements of this comment are covered under the proposed rules for WAC 308-61-197 and WAC 308-61-203. No requests for reimbursement will be denied because of funding. However, there may be a waiting period before funds are available.</p> <p>Any RTTO, wrecker, vehicle scrapper or scrap metal business making an appropriate request through the eService portal will be processed in the order received.</p>
<p><i>Related to costs and rates:</i></p>	
<ol style="list-style-type: none"> 1. Disapproves of the proposed costs on the Rates and Caps Table of 308-61-215. They will drain the program’s budget too quickly. (<i>Opposed</i>) 2. Concerned about the proposed rates that should be adjusted to be more in line with industry standards. (<i>Opposed</i>) 3. Approves of the rates as proposed, but concerned they may not be enough to entice more disposal sites to open the doors to those vehicles because of concerns about impacts from Ecology regulations. (<i>In favor</i>) 4. Concerned that any cuts to the rates could discourage more businesses from getting involved in final elimination of the vehicles. (<i>Other position – comments only</i>) 	<p>Thank you for your comments. The department will take into consideration the need to take steps that will help the program to remain viable. While it may be possible to reach a monthly maximum limit of what can be reimbursed to requesters, the department will continue to process requests in the order received. When funds are available from new appropriations being released, more reimbursements will be processed.</p> <p>Rates will need to be adjusted, slightly, based on feedback in order for the program to be more viable and extend the budget to as many businesses and vehicles as possible.</p>

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Related to process:	
<ol style="list-style-type: none"> 1. Has a concern about disposal processors not taking RV's. There are not clearly identified end-points for the RTTOs to transfer these vehicles to. <i>(Other position – comments only)</i> 2. Has a concern about garbage and other bio-hazards that must be dealt with. Most are filled with wastes that the business must deal with and have potential environmental regulations that must be met. <i>(Other position – comments only)</i> 3. Has a concern trying to identify the last known registered owner. Most vehicles have changed hands to many times or have a registered owner who refuses to claim it. <i>(Other position – comments only)</i> 4. Has a concern about vehicles not having an identifiable VIN. More than half come into yards with the plates removed and VINs nulled off such that the vehicle is no longer identifiable. <i>(Other position – comments only)</i> 	<p>Thank you for your comments. While the program does offer reimbursement to any business assisting in the disposal process, it is outside of the scope of this program to find these end-points and ensure that businesses are willing to take the vehicles.</p> <p>Garbage and waste inside of the vehicle will need to be dealt with in the usual manner prescribed by other departments, such as Ecology and Labor & Industries.</p> <p>You are only required to seek the last known registered owner in accordance to and compliant with RCW 46.55.100.</p> <p>While VINs are the primary and preferred method of identification, alternative solutions are to gather other vehicle information including plate and state if known, and/or as much identifying information about the specific vehicle as possible.</p>

Changes made to the proposed WAC as a result of public comment:

A supplemental filing was completed after hearing from the industry partners and interested individuals through the course of public hearings and written correspondence received. It was determined that reimbursement amounts should be adjusted and the language in the proposed rules updated to reflect the feedback that we received and to allow for maximum coverage from the available program funds.

The Rates and Caps Table in 308-61-215 was adjusted down 30% from the original filing to facilitate this request.

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