



Abandoned Recreational Vehicle Work Group

Report Requirement

Engrossed Senate Bill 5096, adopted during the 2017 regular legislative session, charged the Department of Licensing (DOL) to convene a work group:

1. To engage stakeholders in developing a sustainable plan for the collection and disposal of abandoned recreational vehicles (RVs); and
2. To produce draft legislation and a final report due to the standing transportation committees of the legislature on December 1, 2017.

Required members of the work group included representatives from:

- Department of Ecology (ECY)
- Registered Tow Truck Operators (RTTO)
- Hulk Haulers
- Automotive Recyclers of Washington (AROW)
- County Solid Waste Facilities

In addition, to ensure a full understanding of the issues, the work group added representatives from:

- Washington State Patrol (WSP)
- Washington State Association of Counties (WSAC)
- Washington Association of Sheriffs and Police Chiefs (WASPC)
- Washington State Department of Transportation (WSDOT)
- House and Senate Transportation Committee Staff
- RV Dealers

The work group developed the following:

Problem Statement: Traditional methods of disposing of a RV that has been abandoned and impounded are inadequate to meet the increasing problem of abandoned RVs along Washington roads and highways.

Project Goal: The work group will provide a report detailing current problems relating to abandoned RVs and draft legislation to the standing transportation committees of the legislature on December 1, 2017 (ESB 5096).

This report contains background, work group meeting summaries, and work group materials.

Proviso Language and Background

Language: (14) (a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

Background: Registered tow truck operators may impound, transport, and store unauthorized vehicles and dispose of abandoned vehicles. An unauthorized vehicle is a vehicle left unattended in a public or private place for a certain period of time. An abandoned vehicle is a vehicle impounded and held with an RTTO for over 120 consecutive hours; abandoned vehicles may be publically auctioned off. A vehicle may be determined to be an abandoned junk vehicle by a law enforcement officer, health department employee or officer, or person authorized by the Department of Licensing. An RTTO may authorize the disposal of an abandoned junk vehicle if it has been abandoned two or more times, the registered owner has not changed since it was first abandoned, and the registered owner is the legal owner. A hulk hauler transports or sells vehicles to a licensed vehicle wrecker or scrap processor and is required to be licensed.

If an abandoned vehicle is found by law enforcement, the last registered owner on record is guilty of a traffic infraction and in addition to a monetary penalty, must make restitution to the amount of deficiency remaining after disposal of the vehicle.

The Department of Ecology is the state's environmental protection agency. Ecology is responsible for establishing a comprehensive statewide program for solid waste handling, recovery, and recycling which prevents pollution to the environment. County governments may acquire sites for the use of disposing solid waste or recyclable materials. A county has full jurisdiction and authority to manage and regulate solid waste handling systems and facilities.

A recreational vehicle (RV) means a travel trailer, motor home, or camper, as defined in chapter 46.04 RCW.

Work Group Meetings

The work group met on six different occasions between June 19, and October 30, 2017. All meetings were held at the Highways – Licenses Building in Olympia, WA, with a telephone option for people to participate from across the state.

The meetings were held on:

- June 19;
- July 24;
- August 31;
- September 26;
- October 10; and
- October 30.

Prior to the first meeting each group named in the proviso answered what they viewed the main purpose of the proviso to be, current problems with abandoned RVs, possible solutions for dealing with abandoned RVs, and other groups who should be invited to participate that were not named in the proviso. A summary of the answers can be found on page seven.

June 19: The first meeting began with a welcome from DOL's Legislative and Policy Director, followed by introductions of work group participants. The first discussion centered on stakeholder groups that should be represented that were not originally invited. The group identified WSDOT, WSAC, RV Dealers, and WASPC as future participants.

The Towing and Recovery Association of Washington (TRAW), representing RTTOs, started the next part of the meeting by explaining the abandoned RV issue facing their industry, their current process for handling of abandoned RVs, costs to the RTTO associated with abandoned RVs, and a couple of models of how they could see a process working. There was a suggestion to look at PSSB 5735 as a foundation for process and funding.

The group agreed on developing a problem statement, project goal, and definition of "abandoned RV."

July 24: The group went over PSSB 5735, by section, to see what language worked and what language needed to be added, removed, or amended.

DOL committed to providing the number of motorhomes, campers, and travel trailers registered annually over the previous five years, and a draft bill, incorporating feedback from the meeting, for consideration at the next work group meeting.

August 31: The group reviewed "Abandoned RV Work Group Meeting 3 Draft Bill" (p. 8) that was circulated a week prior to the meeting. After consideration it was determined that while a lot of the pieces were there, a new approach to the abandoned RV program itself was needed.

September 26: The group met to answer five fundamental questions to shape the next draft:

Who is eligible for financial aid or reimbursement? The group agreed a maximum of two checks would be written. One for RTTOs for towing and storage, and one to the dismantler (wrecker/scrap processor licensed in State of WA).

What vehicles are eligible for financial aid or reimbursement? RTTOs and wreckers would be eligible for financial aid on law enforcement directed impounds of abandoned RVs from public property that received zero bids at auction. For current backlog it would cover the dismantling and travel to the dismantler. For future tows it would include a towing and storage fee as well as the dismantling.

Who manages the financial aid or reimbursement program? At the suggestion of TRAW, DOL was named as the agency to manage the abandoned RV program.

How is financial aid or reimbursement calculated? It was proposed that financial aid or reimbursement rates would best be determined by setting ranges based on length of the abandoned RV. There was not enough data or time available to calculate rates.

What is the appropriate revenue source for the account? The two options discussed involved either a sales tax applied to new RV sales, similar to existing product stewardship programs, or a registration fee applied to campers, motorhomes, and travel trailers, similar to the RV sanitary disposal fee. The registration fee was the preferred method of the group. An initial loan from the legislature would be requested to start the program and would be paid back over time with the new registration fee collected.

DOL committed to providing a concept to develop into draft legislation at meeting five.

October 10: The following concept was discussed:

Sec. 1: RTTO transport ability of abandoned RVs and AVR responsibilities in "Towing and impoundment" RCW chapter. Requirements to declare a RV abandoned for the purposes of section 4.

Sec. 2: RTTO transport ability of abandoned RVs in "Hulk haulers and scrap processors" RCW chapter.

Sec. 3: Adds \$6 fee to registrations of campers, travel trailers, and motorhomes.

Sec. 4: DOL will manage appropriated "Abandoned RV Disposal Account" funds for abandoned RV dismantling and disposal. DOL may develop rules to implement this section, including but not limited to towing and disposal rates, application forms, and reimbursement process. A stakeholder group will be convened every two years to make recommendations on any rule changes. Rulemaking authority granted upon signature by the Governor. Program is effective upon completion of rulemaking.

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Sec. 5: “Abandoned RV Disposal Account” is created in the state treasury. Moneys may be spent only after appropriation. Only moneys from this account may be spent by DOL to reimburse RTOs or licensed dismantlers for the dismantling and/or disposal process of abandoned RVs. DOL may use up to 15% of the funds appropriated for purposes of managing and administering this program.

Sec. 6: The abandoned RV account receives its proportionate share of earnings based upon average daily balances for the period.

Sec. 7: The abandoned RV account receives a \$1 million loan from the legislature to be paid back with 10% of section 3 revenue annually until repaid.

Sec. 8: Modify statute prohibiting a solid waste facility from accepting and dismantling abandoned RVs or junk RVs (law enforcement directed impounds/tows). Limit to non-motorized (46.80 RCW).

Sec. 9: The registration fee from section 3 takes effect on registrations due on or after January 1, 2019.

Sec. 10: Effective date based on DOL's technology modernization project rollout (Estimated Autumn, 2018).

Notes:

We will not have enough information on number of abandoned RVs or disposal costs to determine the rates. Once we get more data we can look at the combination of revenue raised, number of abandoned RVs, and reimbursement rates.

From preliminary talks within DOL, this program would require an estimated \$200,000 the first year, and approximately \$150,000 each following year to operate (\$350,000 the first biennium, and approximately \$300,000 each subsequent biennium). This is if the effective date is no sooner than DOL's technology modernization project rollout. These numbers are estimates to serve as a guideline and are subject to change. For reference, when Ecology created their fiscal note for PSSB 5735 their expenditure estimates were \$500,000 the first biennium, and approximately \$410,000 each subsequent biennium.

A draft bill was promised to the group no later than October 17. The next meeting was scheduled for October 30.

October 30: DOL staff circulated a copy of “Abandoned RV DOL Program DRAFT bill” on October 17, and requested comments by October 25. Feedback was collected and the group made edits to “Abandoned RV DOL Program DRAFT bill with Comments” (p. 18). The draft legislation was developed as a result of this meeting and contain the work group's recommendations.

Work Group Materials

Initial Work Group Questionnaire Summary

Main Purpose of the Proviso:

- Bring together necessary stakeholders to prepare legislative recommendations. Must include funding to pay tow operators and solid waste disposals for deconstruction.
- Financial solution to dispose of RVs that cannot be traced back to owners.
- To compensate RTTOs for their role in processing, transporting, and disposing of abandoned RVs.
- To simplify and ease process to dispose of abandoned RVs.
- Number of abandoned RVs is on the rise and these vehicles essentially have no value.
- Legislation proposed in 2017 a good start, but needed more work.

Current Problems with Abandoned RVs:

- No place to dispose of these vehicles. No salvage value. Contents of these RVs prevent safe deconstruction and disposal.
- Who bears the disposal costs? Current system unfair.
- Proper disposal of these vehicles is expensive with these vehicles holding little/no value. The large volume is exceeding capacity for how these vehicles have traditionally been handled.
- Even when RVs are purchased at auction, some end up stripped and abandoned again. Asbestos issues in SW Washington.
- No sustainable plan for handling disposal of these vehicles.
- Storage, transport, and disposal are very costly. Funding source needs to be developed.

Possible Solutions:

- Solid waste disposal of the RVs under environmentally responsible standards. Include an annual registration fee to reimburse tow operators and disposal sites. Create a RV Deconstruction and Disposal Account, kick-start with a loan from the State paid back as registration fees are collected.
- Tax or fee on new purchases of RVs.
- A product stewardship program with clear procedures and an annual registration fee.
- Resource for RTTO reimbursement for their time that is spent removing these safety and health problems from our streets and highways.

Abandoned RV Work Group Meeting 3 Draft Bill

AN ACT Relating to the disposal of recreational vehicles abandoned pursuant to chapter 46.55 RCW; amending RCW 46.79.110 and 70.95.030; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to 46.17 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 46.68 RCW; and providing an effective date.

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

NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been abandoned and impounded pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state.

(3) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle as defined in RCW 70.95.030 to a solid waste handling site without being licensed as a hulk hauler or scrap processor. The registered tow truck operator must meet all of the usual and customary requirements of licensing as a registered tow truck operator to comply with this section. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery for each abandoned recreational vehicle to a solid waste handling site by use of an

abandoned vehicle report to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the deconstruction and disposal of the abandoned recreational vehicle.

Sec. 3. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

(1) Nothing contained in this chapter shall be construed to prohibit; Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle to a solid waste handling site.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a four dollar fee in addition to any other fees and taxes required by law. The abandoned recreational vehicle disposal fee must be deposited in the abandoned recreational vehicle deconstruction and disposal account created in section 7 of this act.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

Sec. 5. RCW 70.95.030 and 2010 1st sp.s. c 7 s 86 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Abandoned recreational vehicle" means a recreational vehicle that has been impounded pursuant to chapter 46.55 RCW and not claimed by the registered or legal owner after notice pursuant to RCW 46.55.110.

~~(1)~~ (2) "City" means every incorporated city and town.

~~(2)~~ (3) "Commission" means the utilities and transportation commission.

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~~(3)~~ (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

~~(4)~~ (5) "Department" means the department of ecology.

~~(5)~~ (6) "Director" means the director of the department of ecology.

~~(6)~~ (7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

~~(7)~~ (8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

~~(8)~~ (9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

~~(9)~~ (10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

~~(10)~~ (11) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.

~~(11)~~ (12) "Jurisdictional health department" means city, county, city-county, or district public health department.

~~(12)~~ (13) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

~~(13)~~ (14) "Local government" means a city, town, or county.

~~(14)~~ (15) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit

application or the addition of a disposal or processing activity that is not approved in the permit.

~~(15)~~ (16) "Multiple-family residence" means any structure housing two or more dwelling units.

~~(16)~~ (17) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(18) "Recreational vehicle" means a camper, motor home, or travel trailer as defined in chapter 46.04 RCW.

~~(17)~~ (19) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

~~(18)~~ (20) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

~~(19)~~ (21) "Residence" means the regular dwelling place of an individual or individuals.

~~(20)~~ (22) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

~~(21)~~ (23) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

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~~(22)~~ (24) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

~~(23)~~ (25) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

~~(24)~~ (26) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

~~(25)~~ (27) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

~~(26)~~ (28) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

~~(27)~~ (29) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

~~(28)~~ (30) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.95 RCW to read as follows:

(1) After taking custody of an abandoned recreational vehicle, the local government may deconstruct and dispose of the abandoned recreational vehicle in any appropriate and environmentally sound manner without further notice to the current or previous legal or registered owner or owners. The local government must give preference to the least costly, environmentally sound, and reasonable deconstruction and disposal options. Any disposal operations must be consistent with the state solid waste disposal provisions in this chapter.

(2) Any local government may apply to the department on a form prescribed by the department for financial aid for the deconstruction and disposal of abandoned recreational vehicles.

(3) The department may only use funds under section seven (7) of this act to disburse to local governments for solid waste handling, deconstruction, and disposal of abandoned recreational vehicles.

(4) A local government may enter into a contract with a private company or individual or nonprofit company or organization to carry out the authority granted in this chapter.

(5) The department may develop rules to implement this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68 RCW to read as follows:

(1)(a) The abandoned recreational vehicle deconstruction and disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(b) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department of ecology to reimburse local governments and registered tow truck operators for up to one hundred percent of the total

reasonable and auditable administrative costs for solid waste handling, deconstruction, and disposal of abandoned recreational vehicles under section six (6) of this act when the last registered owner is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle.

(c) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of costs.

(d) In each fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department of ecology in implementing this chapter.

(2) The department of ecology must keep local governments apprised of the balance of the account and the funds available for reimbursement. The guidelines developed by the department of ecology must also be made available to local governments. This subsection (2) must be satisfied by utilizing the least costly method, including maintaining the information on the department of ecology's web site, or any other cost-effective method.

Sec. 8. RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The

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office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle deconstruction and disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the

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drinking water assistance account, (~~the drinking water assistance administrative account, the drinking water assistance repayment account,~~) the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the

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rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific

permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle registrations that are due or become due on or after January 1, 2019.

NEW SECTION. **Sec. 10.** Sections 1-3 and 5-8 of this act take effect January 1, 2020.

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Abandoned RV DOL Program DRAFT Bill with Comments

AN ACT Relating to the disposal of recreational vehicles abandoned on public property pursuant to...

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

NEW SECTION. **Sec. 10.** The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state.

(3) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. **Sec. 11.** A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section five (5) of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

Sec. 12. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

(1) Nothing contained in this chapter shall be construed to prohibit: Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section five (5) of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a six dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee be distributed as follows:

(a) Ninety percent to the abandoned recreational vehicle disposal account created in section six (6) of this act.

(b) Ten percent to the motor vehicle fund.

(c) After one million dollars is deposited into the motor vehicle fund from the fee required in this section, one hundred percent of the fee required in this section shall be distributed to the abandoned recreational vehicle disposal account created in section six (6) of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. Sec. 14. A new chapter is added to Title 46 RCW to read as follows:

(1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, may apply to the department on a form prescribed by the department for financial aid for the transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section six (6) of this act for financial aid for the transport, storage, dismantling, and disposal of abandoned recreational vehicles.

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(3) The department may develop rules, including but not limited to towing, storage, dismantling, and disposal rates, application form and contents, and reimbursement process, to implement this section.

(4) The department shall convene a stakeholder workgroup every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) An “abandoned recreational vehicle” is defined as a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

NEW SECTION. **Sec. 15.** A new section is added to chapter 46.68 RCW to read as follows:

(1)(a) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section four (4) of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(b) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section five (5) of this act when the last registered owner is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through

collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section five (5) of this act.

(c) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of eligible costs.

(d) In each fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

Sec. 16. RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, (~~the drinking water assistance administrative account, the drinking water assistance repayment account,~~) the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund,

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the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation

future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1) ~~¶(a)~~Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section five (5) of this act.

(2) (a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. Sec. 9. The sum of one million dollars, or as much thereof as may be necessary, is appropriated from the motor vehicle fund to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 10. Section four (4) of this act applies to vehicle registrations that are due or become due on or after January 1, 2019.

NEW SECTION. Sec. 11. This act takes effect April 30, 2019.

NEW SECTION. Sec. 12. The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

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