

(a) The utility service diverted or used is five hundred dollars or less in value; or

(b) A connection or reconnection has occurred without authorization or consent of the utility.

(2) Defrauding a public utility in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 6. In any prosecution under this section, the court may require restitution from the defendant as provided by chapter 9A.20 RCW, plus court costs plus the costs incurred by the utility on account of the bypassing, tampering, or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls, and expert witnesses.

NEW SECTION. Sec. 7. Restitution ordered or fines imposed under this chapter do not preclude a utility from collecting damages under RCW 80.28.240 to which it may be entitled.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 9A RCW.

Passed the Senate April 11, 1989.

Passed the House April 6, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

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CHAPTER 110

[Substitute Senate Bill No. 5138]

MOTOR VEHICLE INSPECTION FEES

AN ACT Relating to vehicle inspection fees when a physical examination is required; and amending RCW 46.12.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 46.12.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1975 1st ex. sess. and RCW 46.12.040 are each amended to read as follows:

The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee (~~of ten dollars~~) whenever a physical examination of the vehicle is required as a part of the vehicle licensing or titling process.

~~((These fees shall be certified to the state treasurer and deposited to the credit of))~~ For vehicles previously registered in any other state or country, the inspection fee shall be fifteen dollars and shall be deposited in the motor vehicle fund. For all other vehicles requiring a physical examination, the inspection fee shall be twenty dollars and shall be deposited in the motor vehicle fund.

Passed the Senate April 10, 1989.

Passed the House April 4, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

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## CHAPTER 111

[Senate Bill No. 5440]

### TOW TRUCKS—REGISTRATION, PERMITS, AND IMPOUND PROCEDURES

AN ACT Relating to tow trucks; amending RCW 46.55.020, 46.55.030, 46.55.040, 46.55.060, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.180, 46.55.200, and 46.55.240; reenacting and amending RCW 46.55.010 and 46.63.020; adding new sections to chapter 46.55 RCW; creating a new section; recodifying RCW 46.61.567; repealing RCW 46.61.563; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 377, Laws of 1985 as amended by section 1, chapter 311, Laws of 1987 and by section 739, chapter 330, Laws of 1987 and RCW 46.55.010 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in ~~((his))~~ the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a ~~((motor))~~ vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;