Chapter 204-91A WAC
TOWING BUSINESSES

WAC

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WAC 204-91A-010 Authority. This chapter is adopted pursuant to RCW 46.37.005, 46.55.050, and 46.55.115.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-010, filed 4/21/09, effective 5/22/09; WSR 02-07-056, § 204-91A-010, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-010, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-010, filed 6/23/89.]

WAC 204-91A-020 Purpose. This chapter is intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington state patrol.

All registered tow truck operators providing service as a result of being appointed by, or contracted to the Washington state patrol must conduct all operations in accordance with all applicable laws of the state of Washington and applicable rules of the Washington state patrol and the department of licensing.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-020, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-020, filed 6/23/89.]

WAC 204-91A-030 Definitions. The following definitions will apply throughout this chapter:

(1) "Chief" means the chief of the Washington state patrol.

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

(3) "Designee" means a person designated by the chief of the Washington state patrol.

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

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

(6) "Emergent move" means a law enforcement directed movement of any vehicle by a tow truck, utilizing any safe means, for the purposes of clearing the roadway in the interest of safety and/or for the reduction of congestion. Emergent movement of any oversized or overweight vehicle(s) or combination of vehicles requiring a permit must only be made to the nearest safe location, until such time as a permit is acquired or until the load can be made legal by reducing the nonfixed load. Emergent movement of a vehicle is limited to a distance of five miles, unless an exception is granted by a patrol supervisor based on special circumstances.

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

(8) "Initial tow" means services provided including, but not limited to, collisions, incidents, disableds, and impound requests, as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol using a copy of a current rotational call list for the particular zone.

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

(10) "Letter of appointment" means a letter issued by the Washington state patrol that authorizes a registered tow truck operator to tow and store vehicles for the patrol on a rotational or contractual basis in a specified area.

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

(12) "Owner/operator" means an owner who is active in the general management of the towing business.

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

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

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

(16) "Secondary tow" means towing services from an operator's storage facility or place of business to another location designated by the owner/agent of a vehicle, when the initial towing services were the result of a call from the patrol.

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

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

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

(20) "State recognized holiday" means a legal holiday as outlined under RCW 1.16.050.

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

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

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

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

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

(26) "Vehicle storage area" means the approved yard and buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing must comply with the requirements established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within the tow zone assigned to the operator.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-030, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-030, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.-115. WSR 02-07-056, § 204-91A-030, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-030, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.-567. WSR 89-21-044, § 204-91A-030, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-030, filed 6/23/89.]

WAC 204-91A-035 Registered tow truck application process. (1) A tow company must apply through the patrol to be a registered tow operator in Washington state.

Once an application is received, the patrol must conduct an initial inspection of the applicant's place of business, facilities, and equipment.

(2) At the time of initial inspection:

(a) The applicant must:

(i) Provide written verification that the business complies with all applicable local laws and regulations in the geographical area where the towing business will be established.

(ii) If local zoning regulations apply, provide a copy of the certification of approval from the local zoning commission. This certificate will become a part of the permanent record maintained on each approved towing firm approved by the patrol.

(b) The inspector will:

(i) Verify the identities and status of driving privileges for all persons who operate tow trucks, and notify the applicant of any person who does not meet the minimum licensing requirements.

(ii) Determine if the applicant meets the applicable requirements of chapter 46.55 RCW, or Titles 308 or 204 WAC.

(A) If applicant meets the requirements, the inspector will provide certification.

(B) If the applicant does not meet the requirements, the inspector must state the reasons for failure to qualify in a separate report which must be returned to the applicant along with the application and inspection form. If the applicant is initially not certified, the applicant may request an additional inspection once all deficiencies are corrected.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-035, filed 4/21/09, effective 5/22/09.]

WAC 204-91A-040 Inspections. (1) **When will an inspection be conducted?**

(a) After the initial inspection, inspections will be conducted at least once a year.

(b) Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records.

(2) **What will the inspection consist of?** At the time of inspection:

(a) The operator must:

(i) Provide copies of tow business records by either:

(A) Permitting the patrol to make copies at their place of business.

(B) Permitting the patrol to remove tow business records for the purpose of reproduction provided that the patrol issues a receipt for any original records removed from the place of business.

(ii) Allow the inspectors to reinspect previously approved vehicles for equipment defects.

(iii) Provide current driver information to the inspector.

(b) The inspector must:

(i) Determine if the operator meets the applicable requirements of chapter 46.55 RCW, chapters 204-91A and 308-61 WAC.

(ii) Verify the identities and status of driving privilege of all persons that operate tow trucks, and notify the operator if any person does not meet the minimum license requirements.

(iii) Determine if there are equipment defects on the vehicle(s):

(A) The inspector will conduct equipment inspections per Commercial Vehicle Safety Alliance (CVSA) criteria as outlined in the Federal Motor Carrier Safety Regulations, chapters 204-91A WAC and 46.37 RCW.

(B) The inspector must document the inspection on the Uniform Driver/Vehicle Inspection report utilizing the appropriate Code of Federal Regulations, chapters 46.37 RCW and 204-91A WAC.

(C) If safety-related equipment violations exist which would render the tow truck unsafe for tow operation or constitute a safety hazard upon the public highway, the inspector will place the vehicle out-of-service and notify the operator

the vehicle may not be operated until compliance has been met. The operator must repair the violation immediately and certify compliance in writing within fifteen days or remove the vehicle from tow operation.

(D) If violations of equipment or other required items exist, the inspector will notify the operator of the violation(s), and note the violations on the inspection report. The operator must correct the violations and certify compliance in writing within fifteen days.

(c) Whenever practical the patrol will complete a reinspection within three days or as soon as possible after the operator advises the patrol. The patrol may:

(i) Choose to reinspect the vehicle, if it is placed out-of-service.

(ii) Require the operator to bring the truck to the inspector.

(iii) Appoint another patrol officer to reinspect the vehicle(s), if the original inspector is not available. Such appointment must be made by the appropriate patrol supervisor.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-040, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-040, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-040, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-040, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-040, filed 6/23/89.]

WAC 204-91A-050 Adding or removing employees or vehicles. (1) If an operator becomes aware that the driving privileges of any tow truck driver no longer meet the minimum licensing requirements, the operator must prohibit that person from operating any tow truck.

(2) If an operator employs a new driver or employee who will be involved in vehicle auctions or daily operations under a letter of appointment as defined in WAC 204-91A-060:

(a) The operator must notify the inspector in writing within three days of employing the new driver or employee using the form provided by the inspector. Until the inspector approves the new driver or employee, the new driver or employee must be:

(i) In the immediate presence of a driver or employee already approved by the patrol while operating a tow truck, assisting in vehicle auctions, or preforming daily operations under a letter of appointment;

(ii) Trained by a driver or employee with experience in the same job functions, if reasonably possible.

(b) The inspector will notify the operator, in a timely manner, normally ten business days, if the new employee does not meet the minimum licensing requirements, or the requirements established by chapter 204-91A WAC.

(c) The operator must not use the check performed by the inspector as part of the preemployment screening processes for a new employee.

(3) Vehicles:

(a) If a tow truck is sold or transferred from the business, within three days, the operator must:

(i) Advise the inspector.

(ii) Send the issued cab card permit to the inspector via U.S. mail or another method agreed upon by the parties.

(iii) Remove any decals indicating truck class, company name, district, and tow zone. Once notification is made, the inspector will notify the department and the patrol.

(b) If a tow truck is purchased or acquired, the operator must immediately notify the patrol and request an inspection. The patrol must complete an inspection and issue either a cab card permit, or decal or both before the new tow truck is used for impound calls.

(c) Tow trucks newly acquired or purchased must meet the current equipment criteria listed in chapter 204-91A WAC.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-050, filed 8/19/14, effective 9/19/14; WSR 09-09-118, § 204-91A-050, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-050, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-050, filed 6/23/89.]

WAC 204-91A-060 Application and qualifications for letter of appointment. (1) An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services for the patrol pursuant to this chapter. However, nothing herein prohibits the patrol from calling a towing business upon the specific request of a person responsible for a vehicle or his/her agent.

(2) An application for letter of appointment must be completed by:

Type of business	Who must complete the application
Tow company	Owner/operator
Partnership	Each partner
Corporation	The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock to complete an application.

(3) To be issued a letter of appointment, the applicant(s) must:

(a) Complete the application form provided by the patrol; and

(b) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls; and

(c) Satisfy the requirements contained in WAC 204-91A-070; and

(d) Demonstrate through a letter included with the application that they have at least two years of experience within the towing industry, or be granted a waiver if the owner/operator does not have the required two years experience.

(i) The two years of experience must have been acquired within five years of the date of application. The two years of experience may be satisfied by demonstrating any of the following:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional, and has a working knowledge of the paperwork requirements for impounds; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(ii) If the owner/operator does not have the required two years experience, the owner/operator may be granted a waiver of this requirement. If the owner/operator is granted a waiver, the letter of appointment may be granted on a probationary basis for a period of one year from the date of the waiver.

(4) Upon receipt by the patrol of a completed application:

(a) The district office must:

(i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the application form; and

(ii) Forward the application form to the section.

(b) The section will review the application form to ensure the applicant(s) meet all the requirements as outlined under subsections (5) through (9) of this section. If the application is denied, a letter will be sent to the applicant(s) from the section articulating the reasons for the denial. If the application is approved it will be assigned a docket number which will be its permanent identification number for all matters relating to the application and letter of appointment.

(5) The patrol will refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is 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; or

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

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

(iv) A DUI, as defined in chapter 46.61 RCW, 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 a deferred prosecution under chapter 10.05 RCW for any gross misdemeanor within the last three years.

(6) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any misdemeanor within the last year; or

(b) Has been granted a deferred prosecution under chapter 10.05 RCW for any misdemeanor within the last year.

(7) The patrol may refuse to issue or may revoke a letter of appointment or contract if any applicant, partner or corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

(a) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level; or

(b) Fails to demonstrate character and general fitness sufficient to command the confidence of the patrol and warrant a belief that the business will be operated honestly, fairly and efficiently in the conduct of towing, impound, and vehicle auction activities. In determining character and general fitness, the patrol may consider:

(i) Prior contacts with law enforcement; and

(ii) Criminal record; and

(iii) Reputation in the community; and

(iv) Associations.

(8) A misrepresentation of fact found to have been made by an applicant during the application process or by a letter of appointment holder shall be deemed a lack of good faith and shall constitute good and sufficient cause for the denial of an application or the revocation or suspension of the letter of appointment.

(9) Only one application per year to tow on the patrol's rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of revocation of the letter of appointment.

(10) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

(11) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

(12) An individual may request to review their record using the form outlined in WAC 446-20-400. The request must be made by the person whose record is sought. When requested by the patrol, other documentation to prove identification must be provided prior to viewing the record. An individual wishing to contest the information contained in their criminal history must do so using the process established in chapter 446-20 WAC.

(13) For the purpose of this chapter, the term daily operations will mean processing:

(a) The acceptance or release of a vehicle under a letter of appointment; or

(b) Transactions for any tow requested under a letter of appointment.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-060, filed 8/19/14, effective 9/19/14; WSR 13-18-065, § 204-91A-060, filed 9/3/13, effective 10/4/13; WSR 10-24-068, § 204-91A-060, filed 11/30/10, effective 12/31/10; WSR 09-09-118, § 204-91A-060, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-060, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-060, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-060, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 97-08-021, § 204-91A-060, filed 3/25/97, effective 4/25/97; WSR 94-18-083, § 204-91A-060, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-060, filed 10/13/89, effective

11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-060, filed 6/23/89.]

WAC 204-91A-070 Issuance of a letter of appointment. (1) The chief or designee will have the authority to issue a letter of appointment if all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted. In order to issue a letter of appointment the section commander must receive:

(a) Certification from the inspector;

(b) An application for a letter of appointment endorsed by the district commander; and

(c) A notice from the department that the requestor has been licensed as a registered tow truck operator.

(2) The patrol will notify the requestor of its decision in writing.

(a) If all requirements are met, the request will be approved and the patrol will issue a letter of appointment, and the tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

(b) If all requirements are not met, and the requestor is not qualified for a waiver of the requirements, then such request will be denied.

(c) If the district commander recommends denial of a request, the patrol will notify the applicant and provide an opportunity for the applicant to have a hearing as provided in chapter 34.05 RCW.

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

To receive a letter of appointment, each business must:

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

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. This dispatch center must be capable of acknowledging each individual company when answering each call.

(c) Have on both sides of the truck a different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department. All required information must be plainly seen and able to be read at all times. All other required markings must also be located where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

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

(d) Have adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday except for state recognized holidays. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation.

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

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

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

(h) Have impound/storage areas meeting the requirements of WAC 308-61-026(2) at all times, including proper segregation. All storage areas, primary and secondary for each place of business must be in the tow zone assigned to that place of business.

(i) Maintain at least one truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

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

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

(b) The request is otherwise reasonable; and

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

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

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

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

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

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

(9)(a) Letter of appointment holders must notify the inspector in writing, within thirty days, of all criminal actions filed against any partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations.

(b) The patrol may suspend or revoke a letter of appointment if the holder of the letter of appointment fails to provide the information as required in (a) of this subsection.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 13-18-065, § 204-91A-070, filed 9/3/13, effective 10/4/13; WSR 09-09-118, § 204-91A-070, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-070, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-070, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-070, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-070, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-070, filed 6/23/89.]

WAC 204-91A-080 Suspension or revocation of letter of appointment. The patrol may deny, suspend, or revoke a letter of appointment:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The patrol must give the appointee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

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

(c) Upon receiving a hearing request, the section may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in the district where the company resides at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

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

(3) Immediately if the department revokes or cancels the registered tow truck operator license or if the tow company's insurance certification bond is canceled.

(4) If the holder of a letter of appointment voluntarily relinquishes the letter, the inspector and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the inspector will attempt to obtain the appointee's letter of appointment. If the owner/operator requests reissuance of a letter of appointment, the patrol may require a new application. Additionally, if applicable, all new equipment exempted under the previous letter of appointment must meet current requirements outlined in WAC and RCW.

(5) If violations of the terms and conditions of the letter of appointment that are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the patrol imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation of the letter of appointment, the section commander may take into consideration all major and minor violations that occurred within thirty-six months prior to the date of the current violation.

(b) Terms of disciplinary action - Minor violations of the terms and conditions of the LOA may be cause for disciplinary action in the following manner:

(i) First violation within a twelve-month period - Letter of written reprimand;

(ii) Second violation within a twelve-month period - Thirty-day suspension;

(iii) Third violation within a twelve-month period - Sixty-ninety day suspension;

(iv) Fourth violation within a twelve-month period - Termination of the letter or appointment.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-080, filed 8/19/14, effective 9/19/14; WSR 09-09-118, § 204-91A-080, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-080, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-080, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-080, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-080, filed 6/23/89.]

WAC 204-91A-090 Hearing procedure. Hearings under this chapter will be pursuant to chapters 34.05 RCW, 446-08 and 10-08 WAC, as supplemented by this section.

(1) The presiding officer will conduct the hearing and any prehearing conference(s).

(2) The burden of proof in any hearing will be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment, or other action by the chief or designee. The chief or designee, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, will make written findings of facts and conclusions based on evidence presented.

(3) Oral proceedings must be recorded by a method chosen by the patrol and such recording will become part of the hearing record.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-090, filed 4/21/09, effective 5/22/09. Statutory Author-

ity: RCW 46.37.005. WSR 04-20-021, § 204-91A-090, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-090, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-090, filed 6/23/89.]

WAC 204-91A-100 Appeal. Any person aggrieved by a decision of the chief denying, suspending, or revoking a letter of appointment may appeal such decision to the superior court under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-100, filed 6/23/89.]

WAC 204-91A-110 Complaints. (1) All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators must forward complaints, along with all results from the complaint investigations and other supporting documents, to the department.

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

(3) Complaints investigated by the patrol will be reviewed by the chief or designee before forwarding to the department.

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

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-110, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-110, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-110, filed 6/23/89.]

WAC 204-91A-120 Business office hours and records. (1) Business hours for purposes of inspection of records, place of business, and towing equipment must be 8 a.m. to 5 p.m., excluding weekends and state recognized holidays.

(2) The owner/operator must have personnel at the place of business during business hours to answer phone calls and to release vehicles and personal property. Persons from adjoining or neighboring businesses may not be used to meet this requirement. Phones may not be forwarded to an answering service during normal business hours.

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

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

(5) All billing invoices must be numbered and must contain the following information:

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

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

(c) Time service completed.

(d) Class of tow truck.

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

(f) All fees for service must be itemized.

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

(6) Yard cards containing the information in subsection (5) of this section may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards are supplemental to, and do not replace the invoice required above.

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

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-120, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-120, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-120, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-120, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-120, filed 6/23/89.]

WAC 204-91A-130 Personal property handling procedures. All personal belongings and contents in the vehicle that are not permanently attached must be kept intact, and must be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. The tow operator must without charge and upon demand, release personal property not being held for evidence purposes by the impounding agency, to the vehicle's owner or agent during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and state recognized holidays. Release procedures must also follow guidelines as set forth in chapters 308-61 WAC and 46.55 RCW.

The vehicle contents, less items listed in WAC and RCW, and personal property not picked up prior to the vehicle going to auction must remain with the vehicle and may not be kept by the operator or sold at auction to fulfill a lien against the vehicle.

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

(a) Tire chains;

(b) Spare tire and wheels;

(c) Used auto parts and accessories;

(d) Seat covers;

(e) Fuel containers;

(f) Jacks and lug wrenches;

(g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner that incorporates them to the vehicle. These items must remain with the vehicle;

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

(i) Soiled or mildewed items, including clothing, shoes, blankets, and tarps having no actual value;

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

(2) Items that must be turned over to the patrol within forty-eight hours and inventoried include, but are not limited to:

(a) Money;

(b) Wallets and purses;

(c) Bank and check books;

(d) Bank and credit cards;

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

(f) Jewelry;

(g) Firearms and any type weapon;

(h) Contraband including controlled substances;

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

(j) Other items of obvious value.

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

(4) If a vehicle is equipped with an ignition interlock system as outlined in RCW 46.20.720, the tow operator must contact the ignition interlock company through the phone number provided on the ignition interlock label within forty-eight hours to inform them that the vehicle has been impounded. The ignition interlock system must be removed by a qualified technician and released to the installing company, at no charge and upon proof of ownership, prior to the auction of the vehicle. The removal of the ignition interlock system must not render the vehicle inoperable.

(5) After the certified sale letter has been mailed, the tow operator may dispose of any perishable items or items that may rot, decay, or otherwise cause substantial odor within the interior of the vehicle.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-130, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-130, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.-115. WSR 02-07-056, § 204-91A-130, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-130, filed 6/23/89.]

WAC 204-91A-140 Fees. (1) Towing fees must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or state recognized holiday. The hourly rate for each class of truck must be charged for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or state recognized holidays, if different from the hourly rate, must be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The tow inspector will investigate allegations of overcharging. Intentional overcharging or a pattern of overcharging will be cause for suspension. The tow operator's failure to reimburse the aggrieved customer(s) may be cause for suspension, after a tow inspector has determined that overcharging occurred and may result in the suspension or revocation of the tow operators letter of appointment. The suspension will remain in effect until the tow operator has presented to the patrol sufficient proof that the aggrieved customer(s) has been fully reimbursed.

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

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

The hourly rate must:

(a) Apply when a call for a tow is made by the state patrol, except as outlined under subsection (6) of this section. This includes, but may not be limited to, collisions and impound requests.

(b) Include all ancillary activities including, but not limited to, removal of glass, debris, and vehicle fluids less than one gallon from the roadway and areas referred to as the "scene or incident location," necessary winching, dolly service, drive line removal, installation of chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement and standby time. Before leaving any collision or incident location, the tow company must advise the department of transportation, the patrol, local law enforcement road department of all fluid spills greater than one gallon remaining.

(c) Include the labor of one person per truck. When responding with a class "C" or an S-1 rotator truck to a major collision or incident location; a second person is allowed at the hourly labor rate per contract for an extra registered tow truck operator employee. Any charges for additional labor or ancillary vehicles, or both, or for removing debris, cargo, or other items at the collision or incident location must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene, and must have documentation in the vehicle transaction file for inspection purposes. Documentation must include:

(i) The first and last name of the person who requested the additional labor, ancillary vehicle, or removal of debris, cargo, or other items at the collision or incident location.

(ii) How and when the approval was obtained.

(d) Be computed from the actual time the truck departs in response to a call until the truck returns to its tow zone, responds to another call, returns to the storage area, or returns to the place of business of the registered tow truck operator. Billing invoices must have the time of day and date a vehicle arrives at the storage area or place of business of the registered tow truck operator.

The hourly rate must be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any fifteen minute portion thereof.

(e) Be evenly divided between customer vehicles transported when class "E" trucks are used for multiple towing/recovery services (one on bed, one in tow) from the same service call or incident location.

(3) The basic storage fee:

(a) Must be calculated using bumper to bumper measurements for vehicles, and using tongue to bumper measurements for trailers; and

(b) Must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour period may be charged a full day's storage. Vehicles stored less than twelve hours on any given day, may only be charged for twelve hours of storage; and

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

(d) For vehicles or combinations exceeding twenty feet, the storage fee must be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee; and

(e) For motorcycles, operators may charge the basic storage fee for vehicles.

(4) To charge fees for ancillary equipment, additional labor, or removal of cargo and commodities that must be offloaded after placed in the storage area or registered tow truck operator's place of business for the purpose of disposal or storage, the operator must provide written notification of such fees to the legal owner, registered owner or owner's agent of the vehicle and must make a good faith attempt to gain prior authorization for estimated charges.

(a) Notification must include an itemized list of the estimated charges for any ancillary equipment, additional labor, or removal of cargo and commodities that must be offloaded after placed in the storage area or registered tow truck operator's place of business for the purpose of disposal or storage.

(b) Documentation must include:

(i) A copy of the written notification made to the legal owner, registered owner, or owner's agent.

(ii) Full name of the individual(s) contacted or attempted to be contacted for authorization for completion of additional labor, ancillary equipment, or removal of cargo or commodities for the purpose of disposal or storage.

(iii) The company representing the legal owner, registered owner, or owner's agent if applicable.

(iv) Date and time of each contact.

(v) Phone number and any other contact information that was available at the time of the contact.

(c) The patrol will provide the insurance information by request of the operator, if available.

(5) After hours release fee may be assessed if the tow operator or employee must be at the business location specifically for the purpose of releasing the vehicle and/or property on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; or on any state recognized holiday. After hour fees must:

(a) Be based on a flat, hourly rate;

(b) Be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes; and

(c) Be no more than one-half of the class "A" rate.

(6)(a) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for the following services must charge the same lower rate for similar services performed as a result of patrol initiated calls:

(i) Roadside mechanical service including, but are not limited to, fuel transfer, tire and belt changes;

(ii) Disabled vehicle tow/transportation;

(iii) Storage;

(iv) After hours release fees.

(b) The price requirement in subsection (a)(i) through (iii) of this section does not apply to unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

(7) Upon redemption of a vehicle, an additional charge may not be assessed for moving or relocating any stored vehicle from inside a tow operator's storage yard to the front of the business establishment.

(8) Tolls and ferry fares paid by the tow operator or employee as a result of charges attributed to services provided during travel to and from a service call while using the shortest reasonable route, may be added as a separate line item to the tow bill. Added charges must be evidenced by a receipt or highlighted (i.e., "Good to Go" or "Wave to Go") on the transaction document and kept in the vehicle transaction file for inspection purposes.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-140, filed 8/19/14, effective 9/19/14; WSR 13-18-065, § 204-91A-140, filed 9/3/13, effective 10/4/13; WSR 09-09-118, § 204-91A-140, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-140, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-140, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-140, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 97-08-021, § 204-91A-140, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-140, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.-005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-140, filed 6/23/89.]

WAC 204-91A-150 Towing procedure. Officers of the patrol will obtain towing services to remove damaged or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

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

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

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

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

(5) For the purposes of rotational or contractual tow requests, an approved tow truck must be used only in the tow zone designated by the district commander. The patrol may,

when tow service is not reasonably available within a given zone, obtain service from an adjacent zone.

(6) The patrol may adopt rules that will allow approved towing firms to establish their own central dispatch centers to dispatch tow trucks at the request of the patrol in selected geographical areas of the state.

(a) These dispatch centers will be the responsibility of those member towing firms that utilize this type of service, and must dispatch the specific company requested.

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

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

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

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-150, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-150, filed 6/23/89.]

WAC 204-91A-160 Tow zones. Each district commander will outline geographical areas within their district to be designated as tow zones. The geographical tow zones for each patrol district will be filed with the patrol. The boundaries established pursuant to this action may be modified as circumstances warrant. Considerations may include, but are not limited to, such factors as the frequency and severity of collisions and the frequency of DWI arrests in various areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the areas of need within each district. Nothing herein will prevent the patrol from amending tow zones from time to time as required by changing traffic and collision patterns and other such factors affecting the adequacy of towing service available to the patrol.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-160, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-160, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-160, filed 6/23/89.]

WAC 204-91A-170 Minimum tow truck equipment standards. (1) All tow/recovery trucks used by a registered tow truck operator for public or private impounds or in response to patrol requests must meet the minimum standards listed in this section. Classes "A," "B," "B-2," "C," "D" only if factory equipped with a boom or retractable boom, "E" only if factory equipped with a side recovery system, and "S-1" are considered recovery trucks for patrol requests and must be used by the registered tow truck operator in response to these requests unless the operator requests and patrol accepts nonrecovery trucks or other equipment. The patrol will provide information concerning the general description of the type and condition of the vehicle and its type of load if applicable at the time of request for an initial tow if reasonably available.

(2) **Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

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

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

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

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

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

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

(iii) Evidence of rope deterioration from corrosion.

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

(v) Any evidence of heat damage.

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

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

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

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

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

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

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommen-

dations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

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

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

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

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

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

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

(m) Portable tail, stop, and turn signal lights for vehicles being towed. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

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

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

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

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

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone capable of communicating with a base station. A citizen band radio does not suffice. The communication device must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

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

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

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

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

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

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

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks rated at 4.0 tons each.

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

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

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

(j) Permanently affixed safety chains.

(4) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) A minimum of one twelve-ton single hydraulic boom with two independent winches and drums.

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

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

(e) A minimum of two snatch blocks rated at 4.0 tons each.

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

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being used for class "A" tows. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

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

(j) Permanently affixed safety chains.

(5) **Class "B-2" tow trucks:** Trucks that are capable of towing or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles and are rated at over 30,000 GVWR with air brakes. Class "B-2" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

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

(b) A minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of two snatch blocks rated at 6.0 tons each.

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

(e) Permanently affixed safety chains.

(f) Class "B-2" tow trucks must also meet the requirements of subsection (4)(d), (f), (g), (h), and (i) of this section.

(6) **Class "C" tow trucks and class "C" rotator trucks:** Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

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

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service drums.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

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

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

(g) A wheel lift or under lift system, it must have a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or under lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

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

(i) Permanently affixed safety chains.

(j) All chains must be a minimum of grade "7," except as otherwise specified in this section.

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

(l) A minimum of two snatch blocks rated at 8.0 tons each.

(7) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks. Class "D" tow trucks, unless specifically factory equipped with a boom or a retractable boom, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically authorized by the patrol. Class "D" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A 10,000 thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(c) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

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

(e) One snatch block rated at 3.5 tons.

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

(g) Permanently affixed safety chains.

(8) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically authorized by the patrol.

(a) Class "E" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(i) Four tie downs with a minimum working load limit of three thousand three hundred pounds. The tie downs must be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

All four tie downs must be used when securing a vehicle. The tie downs must be affixed to the axle, tires, or frame of the transported vehicle both front and rear. All tie down ends must be affixed to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie downs may be used for front and rear securement.

(ii) One snatch block rated at 4.0 tons.

(iii) Dual tires on the rear axle.

(iv) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR).

(v) Current licensing and tonnage equal to the maximum combination GVWR.

(vi) Four-ton winch rating.

(vii) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope.

(viii) One five-foot grade "7" chain with matching fittings for use in winching.

(ix) Nineteen feet of usable bed capable of carrying vehicles.

(x) Portable lights when the truck is used in towing mode. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(b) Class "E" tow trucks may be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system:

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

(B) The tow truck must have permanently affixed safety chains.

(ii) If using a wheel lift system, the transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

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

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section that must include:

(i) Why the truck is needed;

(ii) What the truck will be used for;

(iii) The vehicle size;

(iv) Purchased tonnage if required;

(v) Capability; and

(vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

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

(10) **Class "S-1 rotator" trucks:** Trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fifty-two thousand pound manufacturer's GVWR.

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

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

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.

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

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

(g) A wheel lift system that has a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or under lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

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

(i) All chains must be a minimum of grade "7," except as otherwise specified in this section.

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

(k) A minimum of two snatch blocks rated at eight tons each.

(l) Permanently affixed safety chains.

(11) Tow trucks rated as class "A," "B," "B-2," "C," or "E" that are currently in-service with operators holding a current letter of appointment issued by the patrol, not meeting the criteria for classification listed in this section will be allowed to remain on the rotation with those companies.

(12) This section shall be effective on March 1, 2011.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-170, filed 8/19/14, effective 9/19/14; WSR 13-18-065, § 204-91A-170, filed 9/3/13, effective 10/4/13; WSR 10-24-068, § 204-91A-170, filed 11/30/10, effective 12/31/10; WSR 09-09-118, § 204-91A-170, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-170, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-170, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-170, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-170, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-170, filed 6/23/89.]

WAC 204-91A-180 Additional vehicle towing/operator qualifications, restrictions, and requirements. In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter must conform to all laws and administrative rules pertaining to the tow industry and must observe the following practices and procedures:

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

(2) When called by the patrol after normal business hours, the tow truck operator must dispatch a tow truck from within the assigned zone within fifteen minutes after receiving the call.

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

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

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

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

(7) The tow operator must advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions including, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

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

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

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

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

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

(12) The tow operator must be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section, and the patrol district commander ten days before their effective date.

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

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

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

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

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

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

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

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

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. Such records will be available for inspection by the patrol during normal business hours at the

operator's place of business. Records will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) A tow impound record inventory or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

(17) The name of the registered tow truck operator will be placed on the tow impound inventory record made out by the patrol officer at the scene upon verification of their driver's license; except that the signature may be provided on existing forms with form number 3000-110-076 (R 7/11) until current stock is depleted.

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

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

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

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

(22) Tow truck operators are required to clean collision/incident scenes of all vehicle glass, debris, and vehicle liquid spills of one gallon or less.

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

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B," "B-2," and "C" trucks must be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies must be used to release the brake tension. Under no circumstances will the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the precollision or incident settings.

(b) Class "B" or "B-2" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the following must apply:

(a) The operator must maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor must be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

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

(25) All work performed by the operator and/or employee must be in the most professional and expeditious manner. Tow operators and employees must refrain from any unprofessional actions while towing for or conducting towing business at the request of the patrol. The actions include, but are not limited to, any of the following:

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

(b) Exhibiting any signs of either alcohol, drug use, or both;

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

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

(27) When responding to a patrol call, tow truck operators must wear clothing identifying the company and driver's name.

(28) Tow truck operators performing recovery, impounding, or towing must wear work vests of highly visible materials, or equivalent distinguishing apparel when outside of the towing vehicle as outlined in WAC 296-155-200(5) and Code of Federal Regulations, Title 23 Part 634.3.

(29) Tow truck operators must not display any sign, shield, marking, accessory, or insignia on uniforms or vehicles indicating the equipment or vehicle marking are similar to or belong to any public law enforcement agency. Tow truck operators must not engage in any advertisement indicating an official connection with the patrol or other law enforcement agency.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 13-18-065, § 204-91A-180, filed 9/3/13, effective 10/4/13. Statutory Authority: RCW 46.55.050, 46.55.115, and 46.55.075. WSR 13-11-112, § 204-91A-180, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-180, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-180, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-180, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-180, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-180, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-180, filed 6/23/89.]