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**SENATE BILL 5652**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Lovick

1 AN ACT Relating to compensation for tow truck operators for  
2 keeping the public roadways clear; and amending RCW 46.44.110.

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

4 **Sec. 1.** RCW 46.44.110 and 2009 c 393 s 1 are each amended to  
5 read as follows:

6 (1) Any person operating any vehicle or moving any object or  
7 conveyance upon any public highway in this state or upon any bridge  
8 or elevated structure that is a part of any such public highway is  
9 liable for all damages that the public highway, bridge, elevated  
10 structure, or other state property may sustain, as well as payment  
11 for all vehicle towing, recovery, impound, and storage charges to any  
12 registered tow truck operator dispatched by law enforcement or other  
13 agency to clear the roadway or impound or recover a vehicle, as a  
14 result of any illegal or negligent operation of the vehicle or the  
15 moving of any such object or conveyance or as a result of the  
16 operation or moving of any vehicle, object, or conveyance weighing in  
17 excess of the legal weight limits allowed by law.

18 (2) This section applies to any person operating any vehicle or  
19 moving any object or contrivance in any illegal or negligent manner  
20 or without a special permit as provided by law for vehicles, objects,  
21 or contrivances that are overweight, overwidth, overheight, or

1 overlenght. Any person operating any vehicle is liable for any damage  
2 to any public highway, bridge, elevated structure, or other state  
3 property sustained, as well as payment for all vehicle towing,  
4 recovery, impound, and storage charges to any registered tow truck  
5 operator dispatched by law enforcement or other agency to clear the  
6 roadway or impound or recover a vehicle, as the result of any  
7 negligent operation thereof. When the operator is not the owner of  
8 the vehicle, object, or contrivance but is operating or moving it  
9 with the express or implied permission of the owner, the owner and  
10 the operator are jointly and severally liable for any such damage.

11 (3)(a) Such damage to any state highway, structure, or other  
12 state property may be recovered in a civil action instituted in the  
13 name of the state of Washington by the department of transportation  
14 or other affected state agency. Any measure of damage determined by  
15 the department of transportation to its highway, bridge, elevated  
16 structure, or other property under this section is prima facie the  
17 amount of damage caused thereby and is presumed to be the amount  
18 recoverable in any civil action therefor. The damages available under  
19 this section include the incident response costs, including traffic  
20 control, incurred by the department of transportation.

21 (b) The towing, recovery, impound, and storages fees incurred by  
22 a registered tow truck operator dispatched by law enforcement or  
23 other agency to clear a roadway or impound or recover a vehicle are  
24 to be paid to the registered tow truck operator directly by the  
25 insured or as a third-party claim under the liability insurance  
26 coverage of the insured. Payment shall be made promptly and without  
27 unreasonable delay. The rates charged for towing, impound, recovery,  
28 and storage fees shall not exceed the amounts established for such  
29 services under the fee schedule adopted under RCW 46.55.118.

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