



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Patrol

- Preproposal Statement of Inquiry was filed as WSR 16-17-112 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: Towing Businesses

Hearing location(s): Washington State Patrol
General Administration Building Room G-3
210 11th Avenue SW
Olympia WA 98504-2600

Date: November 23, 2016 Time: 9:00 AM

Date of intended adoption: November 28, 2016
(Note: This is NOT the effective date)

Submit written comments to:

Name: Sergeant JD Strup, Commercial Vehicle Division
Address: PO Box 42614
Olympia WA 98504-2614
e-mail jd.strup@wsp.wa.gov
fax (360) 596-3829 by (date) November 22, 2016

Assistance for persons with disabilities: Contact

Melissa Van Gorkom by November 18, 2016
(360) 596-4017

Purpose of the proposal and its anticipated effects, including any changes in existing rules: There is a need to update sections within Chapter 204-91A WAC to clarify the language of the rules as follows:

- Under the definitions section clean up to the definitions are provided and terms are amended throughout to ensure consistency within the chapter.
- Definitions are consolidated and new definitions are added for inspection certificate and section commander.
- Procedural rules are amended with regard to hearings to clarify representation and deposition processes.
- Language regarding complaint investigations is amended to provide clarification.
- Personal property handling procedures are amended to clarify tow operators responsibilities.
- Tow operator restrictions are clarified with regard to repeated refusal or failure to respond, requirements for notification if a tow operator is unavailable or changes business hours and professional conduct.
- Requirements are clarified to require the tow truck drivers first and last name on the inventory record and first name on their clothing.
- Clarification is provided regarding who can request a tow operator at a collision scene and where impounded vehicles from a collision must be taken.
- Owners authorized representative is added to clarify who is authorized to reclaim a vehicle at the conclusion of a special event or overflow situation.

Reasons supporting proposal: Updates are to provide clarity and consistency in terms throughout the Chapter and clean up existing language.

Statutory authority for adoption: RCW 46.55.115

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: Yes No

DATE October 10, 2016

NAME (type or print)
John R. Batiste

SIGNATURE

TITLE
Chief

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **October 11, 2016**

TIME: **9:02 AM**

WSR **16-21-032**

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Sergeant JD Strup	PO Box 42614 Olympia WA 98504-2614	(360) 596-3804
Implementation....Commercial Vehicle Division	PO Box 42614 Olympia WA 98504-2614	(360) 596-3800
Enforcement..... Commercial Vehicle Division	PO Box 42614 Olympia WA 98504-2614	(360) 596-3800

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed changes do not pose a more than minor cost to small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal is not a significant rules change. The changes clarify language throughout the chapter by updating terms, and amend procedural rules.

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))~~ a geographical area established by the Washington state patrol.
- (6) "Emergent move" or "emergent movement" 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))~~ has the same meaning as provided in chapter 46.04 RCW.
- (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) "Inspection certificate" means an inspection report and a tow inspection summary report completed by an inspector.
- (10) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.
- ~~((10))~~ (11) "Letter of appointment" means a ~~((letter))~~ document issued by the Washington state patrol and signed by the patrol and registered tow truck operator that authorizes ((a registered)) the tow ((truck)) operator to tow and store vehicles for the patrol on a rotational or contractual basis in a specified area. The letter of appointment contains a rotational tow rate cap agreement that specifies the maximum tow rates that may be charged for services provided as a result of patrol originated calls.
- ~~((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 of a towing business 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 con-

tinuously or at regular times, where tow business books and records are kept and tow business is transacted.

(15) "Registered tow truck operator" or "tow 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))~~ a tow 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) "Section commander" means the commanding officer or designee of the section.

(19) "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))~~ (20) "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))~~ (21) "State recognized holiday" means a legal holiday as outlined under RCW 1.16.050.

~~((21))~~ (22) "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 local zoning rules and regulations. Both primary and secondary storage areas must be physically located within the tow zone assigned to the tow operator under a letter of appointment.

(23) "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))~~ has the same meaning as provided in RCW 46.55.010.

(24) "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))~~ has the same meaning as provided in RCW 46.55.010.

(25) "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))~~ has the same meaning as provided in RCW 46.55.010.

(26) "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))~~ (27) "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.)~~

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

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 pre-hearing 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.

(4) During an adjudicative proceeding, no person may appear in a representative capacity other than the following:

(a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law; and/or

(c) A bona fide officer, partner, sole proprietor, or authorized manager of a sole proprietorship, partnership, or corporation who appears for such sole proprietorship, partnership, or corporation.

(5) The presiding officer will decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules. The presiding officer will condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer will consider:

(a) Whether all parties are represented by counsel;

(b) Whether undue expense or delay in bringing the case to hearing will result;

(c) Whether the discovery will promote the orderly and prompt conduct of the proceeding; and

(d) Whether the interests of justice will be promoted.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

WAC 204-91A-110 Complaints. (1) ~~((All law enforcement or local licensing agencies that receive))~~ Complaints received by the patrol involving registered tow truck operators ((must forward complaints)) will be forwarded to the department, along with ((all)) the results from ((the)) any complaint investigation((s)) and other supporting documents((, to the department)).

(2) The patrol will investigate all complaints involving deficient equipment ((deficiencies)) of a registered tow truck operator.

(3) The patrol will investigate all complaints that a letter of appointment holder has failed to comply or no longer complies with any requirement or provision of law or this chapter.

(4) Complaints investigated by the patrol will be reviewed by the chief or designee before ~~((forwarding))~~ being forwarded to the department.

~~((4))~~ (5) A complete copy of all complaints investigated by the patrol will be kept on file in accordance with applicable records retention requirements.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

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 tow 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 vehicle's legal or registered owner or ((driver of a vehicle)) the owner's authorized representative 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.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

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))~~ vehicle's owner or operator is present at the scene and appears competent to determine disposition of the vehicle, the ~~((owner/operator may, upon request, make his own))~~ vehicle's owner or operator may make the 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))~~ vehicle's owner or operator 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))~~ vehicle's owner or operator 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)) the 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~~)) must 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.

(8) Emergent movement of any oversized or overweight vehicle 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.

AMENDATORY SECTION (Amending WSR 13-18-065, filed 9/3/13, effective 10/4/13)

WAC 204-91A-180 Additional ((~~vehicle towing/operator~~)) towing and tow operator qualifications, restrictions, and requirements. In addition to the requirements contained in WAC 204-91A-170, registered 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 tow 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 tow operator's turn and be placed at the bottom of the rotation list as if the tow operator had responded.

(6) (~~Consistent~~) Repeated 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) If the tow operator will be unavailable for twenty-four hours or more to respond to rotational calls with a class "A," "B," or "C" tow truck, 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~~) must give the reason for unavailability and (~~approximately~~) the approximate date and time 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 tow 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))~~ vehicle's owner or operator, or the owner's authorized representative.

(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 tow operator's place of business so they can be seen during business hours and nonbusiness hours. A copy ~~((will))~~ must also be sent to the ~~((section and patrol district commander))~~ inspector of the district in which the tow operator does business. Changes of business hours ~~((will))~~ must be sent to the department ~~((, the section, and the patrol district commander))~~ and the inspector ten days before their effective date.

(13) The tow 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))~~ a tow operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the tow operator must file a rate sheet that specifies the rates charged for the different types of tows.

(e) Whenever any tow operator utilizes a larger truck than the towed vehicle warrants, the tow 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 within the tow operator's assigned tow zone.

(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 tow 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 tow operator.

(c) All other records required by the department.

(17) The first and last name of the (~~registered~~) tow truck (~~operator~~) driver 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~~) must obtain and maintain a current registration (~~as a licensed tow truck operator pursuant to~~) certificate as required by 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 tow 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~~) a tow 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 tow 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 vehicle's owner or the owner's authorized representative must be towed to the tow 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 tow 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 tow 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; and

(d) Directing toward a customer any profanity, obscene language, or slurs based on the person's culture, race, gender or sexual preference.

(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~~) driver must wear clothing identifying the company and the driver's first name.

(28) Tow truck (~~operators~~) drivers 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.