

Ordinance No. 123997

Council Bill No. 117568

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

Related Legislation File:

Date Introduced and Referred: <u>Sept. 4, 2012</u>	To: (committee): <u>Government Performance and Finance</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.24.12</u>	Date Presented to Mayor: <u>9.26.12</u>
Date Signed by Mayor: <u>Oct. 1, 2012</u>	Date Returned to City Clerk: <u>Oct. 2, 2012</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
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Date Veto Published:	Date Returned Without Signature:

# The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *[Signature]*

## Committee Action:

Date	Recommendation	Vote
<u>9/19/12</u>	<u>PASS as Amended</u>	<u>ALL, TB, SC 3 - 0 - 0</u>

This file is complete and ready for presentation to Full Council.

## Full Council Action:

Date	Decision	Vote
<u>9.24.12</u>	<u>Passed as amended</u>	<u>8-0</u>

**CITY OF SEATTLE**  
**ORDINANCE** 123997

COUNCIL BILL 117568

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

WHEREAS, while the majority of tow companies are reputable service providers, some unscrupulous companies have engaged in predatory pricing practices for vehicles impounded from private property; and

WHEREAS, predatory towing practices include charging unwarranted or excessive fees, particularly in connection with impounding vehicles from private parking lots that may not display warnings to the vehicle owners, or overcharging consumers for towing services provided under circumstances where consumers have no meaningful opportunity to withhold consent; and

WHEREAS, the legitimate business interests of tow truck companies and the needs of private property owners for relief from unauthorized parking must be balanced with the public interest in providing appropriate protection to consumers; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** The City Council finds that it is in the public interest to prevent predatory towing practices, including charging unwarranted or excessive fees in connection with impounding vehicles from private parking lots or overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent. The City Council further finds that a maximum tow rate based on the highest towing rate allowed in Seattle Police Department contracts for public impounds and adjusted for costs applicable to private property impounds and a margin of profit is reasonable and compensatory.

1           **Section 2:** Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060,  
2 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140,  
3 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code, which relate to  
4 towing operators and tow truck licenses, and which were last amended by Ordinances 110373,  
5 109080, 109622, and 117242, and which are shown in Attachment A, are repealed.

6  
7           **Section 3:** The name of Chapter 6.214 of the Seattle Municipal Code is amended as  
8 follows: (~~TOWING OPERATOR AND TOW TRUCK LICENSES~~) TOW COMPANY  
9 LICENSES AND REGULATIONS

10  
11           **Section 4:** New Sections 6.214.200 through 6.214.360 are added to the Seattle Municipal  
12 Code as follows:

13  
14           **6.214.200 Definitions**

15 For the purpose of this Chapter 6.214:

16           “Class A”, “Class D” and “Class E” tow trucks have the same meaning as defined in  
17 Section 204-91A-170 of the Washington Administrative Code

18           “Director” means the Director of Finance and Administrative Services or his or her  
19 authorized representative.

20           "Impound" means to take and hold a vehicle in legal custody.

21           “Office”, “business office”, and “place of business” have the same meaning as “office” and  
22 “place of business” as defined in Section 5.30.040.

23           “Person” means an individual, a sole proprietorship, partnership, corporation, limited  
24 liability company or any other business entity.

25           “Private impound” means that the vehicle has been impounded at the direction of a person  
26 having control or possession of the private property upon which the vehicle was located.

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

4 "Tow company" means a person engaged in the business of impounding, transporting, or  
5 storage of unauthorized vehicles or the disposal of abandoned vehicles for compensation, but  
6 does not include an employee of such a business who does not have an ownership interest.

7 "Towing service" means the public or private impound of a vehicle by a tow company.

8 "Tow truck" means a vehicle used to render towing service but shall not include a vehicle  
9 used by a vehicle reposessor working on contract for the owner of the legal title to a vehicle.

10 "Tow truck driver" means any individual who operates or uses a tow truck on behalf of a  
11 tow company for the purpose of providing towing service.

12 "Uncompleted tow" means a situation in which the tow truck driver has not completed all  
13 of the necessary steps associated with preparing a vehicle for a tow and has not yet begun to  
14 operate the tow truck with the vehicle in tow.

15 "Vehicle" means every device capable of being moved upon a street and in, upon, or by  
16 which any person or property is or may be transported or drawn upon a street.

17 "Vehicle operator" means any person operating a vehicle with legal authority to do so.

18  
19 **6.214.210 Tow company operating requirements**

20 A. As of March 1, 2013, it is unlawful for any tow company to operate or cause to operate  
21 within Seattle city limits any tow truck for the purpose of providing towing service unless:

22 1. The tow company has a valid tow company license issued under this Chapter  
23 6.214.

24 2. The tow company has a current registration certificate required by RCW  
25 46.55.020.

26 B. Any tow company engaging in or offering to engage in towing service within Seattle city  
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1 limits in violation of this Section 6.214.210 is guilty of a misdemeanor.

2  
3 **6.214.220 Maximum private impound fees for towing service, uncompleted tow,**  
4 **storage, and after-hours release**

5 A. Towing service fee: The maximum hourly fee that tow companies may charge for  
6 towing service for private impounds shall be no more \$183 for the first hour and \$130.60 for the  
7 second and subsequent hours for tows conducted with a Class A, D, or E tow truck. The Director  
8 shall adjust this rate by rule for inflation on an annual basis following publication of the  
9 preceding year's percentage change in the annual Seattle-Tacoma-Bremerton Consumer Price  
10 Index for all Urban Consumers (CPI-U) Transportation, or a successor index thereto, as  
11 determined by the U.S. Department of Labor, Bureau of Labor Statistics. All towing service fees  
12 must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of  
13 the week or whether the service was performed on a Saturday, Sunday, or state recognized  
14 holiday. The hourly fee for each class of truck must:

15 1. Be the only basis used by the tow company to compute total charges for private  
16 impound towing services, other than the uncompleted tow, storage and after-hours release fees  
17 allowed in subsections 6.214.220.B, C, and D.

18 2. Include all ancillary activities including, but not limited to necessary winching,  
19 dolly service, drive line removal, installation of chains on the tow truck, installation of portable  
20 lights, vehicle hookup for towing or transporting, tire replacement and standby time.

21 3. Include the labor of one person per truck. No charges for additional labor are  
22 allowed for Class A, D, and E private impound tows.

23 4. The hourly fee must be applied to the resulting net time and, after the first hour,  
24 must be rounded to the nearest fifteen minutes. A tow company may charge the hourly fee for the  
25 first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly fee  
26 may be charged for each fifteen minutes of towing service work performed.

1 B. Uncompleted tow fee: Tow companies may charge no more than the maximum hourly  
2 towing service fee specified in subsection 6.214.220.A for an uncompleted tow. Beginning with  
3 the first hour, no more than one quarter of the hourly fee may be charged for each fifteen minutes  
4 of towing service work performed. Reimbursement for time spent on an uncompleted tow can  
5 only be computed from the time of dispatch to the time the car is released to the vehicle operator.

6 C. Storage fee: The maximum storage fee that tow companies may charge for storing a  
7 private impound vehicle shall be no more than \$15.50 for each 12-hour increment. The Director  
8 shall revise by rule the maximum storage fee for private property impounds to match the  
9 maximum storage fee allowed under the City towing contracts relating to public impounds  
10 performed for the Seattle Police Department made pursuant to Chapter 11.30, whenever there is  
11 a change to the storage rates under those contracts.

12 D. After hours release fee: The maximum fee that a tow company may charge to release a  
13 privately impounded vehicle outside of normal business hours may not exceed \$100. The  
14 Director may adjust the maximum fee by rule upon written findings by the Director that reasons  
15 to do so exist. The Director shall consider the number and frequency of after-hours releases, the  
16 effect of the fee on consumers, the costs to tow companies, and any other factors related to after-  
17 hours releases.

18 The limitations set out in this Section 6.214.220 only apply if the towed vehicle is parked  
19 and upright, has all its wheels and tires attached, does not have a broken axle, and has not been  
20 involved in an accident at the location from which it is being impounded.

21  
22 **6.214.230 Consent required for towing from privately-owned property**

23 A. No tow company shall perform any private impound without the consent of the  
24 vehicle operator, unless:

25 1. the tow company has entered into a contract for private impounds with the  
26 owner of the property;

1 2. signs are posted in compliance with Chapter 46.55 RCW;

2 3. the property owner has authorized the tow company to remove the particular  
3 motor vehicle in accordance with RCW 46.55.080;

4 4. the tow company tows the motor vehicle to a secure storage facility that is  
5 located within a reasonable distance of the property from which the vehicle was towed;

6 5. the tow company has taken digital photographs to demonstrate that the vehicle  
7 as parked was subject to impound, showing: 1) the date and time; 2) the impounded vehicle as  
8 parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was on the property  
9 governed by the contract between the private property owner or agent and the tow company; and  
10 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

11 B. No person in possession or control of private property shall authorize the towing of  
12 any motor vehicle parked for an unauthorized purpose or at a time during which such parking is  
13 not permitted on the private property without the consent of the vehicle operator, unless:

14 1. the person in possession or control of the private property has contracted with a  
15 towing company for removal of vehicles parked on the property without authorization.

16 2. signs are posted in conformance with Chapter 46.55 RCW.

17 Each violation of this subsection 6.214.230.B shall be a Class 1 civil infraction under Chapter  
18 7.80 RCW.

19 C. This Section 6.214.230 shall not apply to a motor vehicle parked in front of any  
20 driveway or garage entrance where the motor vehicle is blocking access to that driveway or  
21 garage entrance.

22  
23 **6.214.240 Receipt required**

24 A. The tow company, or his/her agent, shall prepare a receipt for all services charged for  
25 in duplicate, using sequentially numbered forms for every towing service provided within Seattle  
26 city limits. The receipt will contain the following:

- 1                   1. Name, address, telephone number, and place of business of the operator;
- 2                   2. Washington State license number or fleet number of the towing service vehicle
- 3 used in providing the service;
- 4                   3. Name and address of every person engaging the operator's service;
- 5                   4. License number, year, make, model and color of the vehicle towed;
- 6                   5. Name and address of the vehicle's registered owner, if known, or, in cases of an
- 7 uncompleted tow, the name, address, and driver's license number of the person paying the fee for
- 8 the uncompleted tow;
- 9                   6. Date, time and place service commenced, and terminated;
- 10                  7. Specific service(s) rendered;
- 11                  8. Total amount to be charged for all services, itemized by each particular service
- 12 rendered (e.g. towing service, storage, after-hours release) and indicating the time spent for each
- 13 if the service fee is calculated by time;
- 14                  9. The signature of the operator, driver, agent or employee providing the service;
- 15                  10. The signature of the person to whom the towing service was provided or to
- 16 whom the vehicle was released or delivered, unless refused.
- 17                  11. Whether the tow service was voluntary or involuntary and if involuntary, if it
- 18 was requested by a private or public entity.

19                  The tow company, or his/her agent, shall deliver a copy of the receipt to the person  
20 paying the fee for an uncompleted tow or the person redeeming the vehicle from the operator's  
21 custody, and shall keep one copy, filed serially in order of the receipt number.

#### 22 23                  **6.214.250 Records to be kept**

24                  A. Each tow company shall keep, maintain and store complete records, invoices and  
25 receipts for each transaction involving any towing service performed within Seattle city limits  
26 for a period of three years at the operator's place of business.

1 B. Each tow company shall maintain a log of, and forward to the Director upon request,  
2 each written complaint that the tow company receives. The tow company must include a notice  
3 of the action taken by the tow company to resolve the complaint and the disposition.

4 C. Each tow company shall keep all records required to be kept under this Section  
5 6.214.250 for a period of three years and shall permit the Director to carry out inspections of  
6 such records without notice.

7 D. Each tow company shall comply with the record requirements of Chapter 46.55 RCW  
8 and permit the Director to carry out inspections of such records without notice.

9  
10 **6.214.260 Unlawful Acts**

11 As of January 1, 2013, it is unlawful for any tow company, tow truck driver, or any agent  
12 of a tow company to:

13 A. Misdemeanors

14 1. Demand or collect for towing service in excess of the maximum rates specified  
15 in Section 6.214.220.

16 2. Demand or collect for towing service in excess of time spent providing the  
17 towing service or for services not rendered.

18 3. In the case of an uncompleted tow, fail to release a vehicle when a person  
19 shows reasonable proof of ownership or authorization to operate the vehicle and provides  
20 payment of the fee allowed under Section 6.214.220.B. The tow truck driver must provide an  
21 itemized receipt in accordance with Section 6.214.240.

22 B. Civil Infractions

23 1. Require any vehicle owner or operator to make any statement or sign any  
24 document promising not to dispute the validity of the tow or fees assessed or relieving the tower  
25 from responsibility for the condition of the vehicle or its contents.

26 2. Fail to release a vehicle pursuant to RCW 46.55.120 to any person authorized  
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1 to redeem a vehicle under that section.

2 3. Remove a vehicle from any location unless:

3 a. The conditions of Section 6.214.230 are met;

4 b. Requested to so remove by a police officer or appropriate governmental  
5 official acting in his/her official capacity; or

6 c. The vehicle's registered owner, or the owner's authorized agent, engages  
7 the operator's service.

8 4. Block or otherwise interfere with the removal of a vehicle by a person properly  
9 claiming such vehicle.

10 5. Be beneficially interested in a contract, agreement, or understanding that may  
11 be made by or between a person having control or possession of private property and any agent  
12 of such person where the agent has been granted authority to sign an impound authorization.

13 6. Have a financial, equitable, or ownership interest in a firm, partnership,  
14 association, limited liability company, or corporation whose functions include acting as an agent  
15 or a representative of a property owner for the purpose of signing impound authorizations.

16 7. Enter into any contract or agreement or offer any program that provides an  
17 incentive to a person authorized to order a private impound to authorize an impound or number  
18 of impounds.

19 8. Go to the site of a vehicle accident for purposes of soliciting or procuring  
20 towing service business unless called by the owner of a vehicle, the rightful occupier of property  
21 from which a vehicle is to be removed, or a police officer.

22 9. Fail to provide a receipt with all charges itemized as specified in Section  
23 6.214.240.

24 10. Fail to comply with record requirements as specified in Section 6.214.250.

25 C. Each violation of subsection 6.214.260.A shall be a misdemeanor and upon conviction  
26 punishable by a civil fine or forfeiture not to exceed \$1,000, or by incarceration for a term not to

1 exceed 90 days, or by both such fine and incarceration, provided, however, that for each  
2 violation of subsection 6.214.260.A, restitution shall be mandatory.

3 D. Each violation of subsection 6.214.260B shall be a Class 1 civil infraction under  
4 Chapter 7.80 RCW.

5  
6 **6.214.270 Tow company license**

7 A. A tow company license is valid for no more than one year and expires on December  
8 31<sup>st</sup>.

9 B. A tow company shall obtain a separate tow company license for each separate office  
10 location.

11 C. The annual license fee is \$500.

12  
13 **6.214.280 Tow company license renewal**

14 A. If intending to renew its license, each tow company shall submit a renewal  
15 application, pursuant to the application requirements specified in Section 6.214.290, at least 60  
16 days prior to license expiration.

17 B. No tow company license shall be renewed unless the renewal fee has been paid and all  
18 outstanding penalties and interest assessed against the tow company have been paid.

19 C. A late penalty shall be assessed on all renewal applications received later than ten  
20 working days after the due date specified in this Section 6.214.280.A. The amount of the late  
21 penalty shall be 15 percent of the application fee required under subsection 6.214.270.C.

22 D. For all tow company license renewal applications received by the due date specified in  
23 Section 6.214.280, the Director shall issue a new license or notice of denial, to be effective upon  
24 the expiration of the tow company's existing license, at least 10 days prior to the expiration of  
25 the tow company's existing license.

1                   **6.214.290 Tow company license application**

2                   A. Any person desiring to conduct business as a tow company within Seattle city limits  
3 shall file with the Director a signed and notarized tow company application on forms approved  
4 by the Director. The application shall include, but not be limited to, the following information:

5                   1. The tow company's business or company name, business office street address  
6 and post office box address (if any), business facsimile number, business phone number, and  
7 email address where the tow company representative can generally be reached between 9:00 a.m.  
8 and 5:00 p.m. on all non-holiday weekdays. For purposes of this Section 6.214.290, the business  
9 office street address that the tow company lists on its application shall be the business office  
10 where its files are kept.

11                   2. The form of business entity under which the tow company will operate (e.g.  
12 corporation, etc.).

13                   3. If the tow company is individually owned, the name, business office street  
14 address (or home address if no office address), telephone number and date of birth of the owner,  
15 or if the applicant tow company is a corporation, partnership, limited liability company, or other  
16 business entity, the names, home and business addresses, telephone numbers, and dates of birth  
17 of all officers, directors, general and managing partners, registered agents, and of all other  
18 persons vested with authority to manage or direct the affairs of the legal entity or to bind the  
19 legal entity in dealings with third parties; the entity's true legal name, state of incorporation, or  
20 registration with the Secretary of State of the State of Washington (if any); State of Washington  
21 Unified Business Identifier; and any other information that the Director may reasonably require.

22                   4. The name, address, phone number and date of birth of a tow company  
23 representative who is authorized by the tow company to act on its behalf in all business matters.

24                   5. All locations of secure areas used by the tow company for vehicle storage and  
25 redemption.

26                   6. The vehicle license and vehicle identification numbers of all tow trucks of  
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1 which the applicant is the registered owner.

2 7. The rates that will be charged by the tow company subject to the maximum  
3 rates allowed by SMC 6.214.220.

4 8. Proof that all lots used for vehicle storage have been inspected and approved by  
5 the Washington State Patrol (most recent annual inspection) as required by RCW 46.55.060.

6 9. Copies of the most recent annual tow truck permits issued by the Washington  
7 State Patrol for each tow truck, pursuant to RCW 46.55.040.

8 10. Any other information required by Director's Rule or under regulations  
9 adopted pursuant to this Chapter 6.214.

10 B. An applicant or licensee shall inform the Director in writing within seven days of any  
11 change in the information required under this Section 6.214.290.

12 C. Each application submitted to the Director must be accompanied by the license fee set  
13 forth in subsection 6.214.270.C.

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15 **6.214.300 Standards for license denial**

16 The Director shall deny any tow company license application if the Director determines  
17 that:

18 A. A tow company license issued to the applicant or to any company in which the  
19 applicant was an owner, officer or other principal has been revoked within one year of the  
20 application; or

21 B. Grounds exist for denial of a license under Section 6.202.230; or

22 C. The tow company does not have a current registration certificate as required by RCW  
23 46.55.020.

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25 **6.214.310 Standards for license suspension or revocation**

26 A. Suspension Standards. The Director shall suspend any tow company license issued  
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1 under this Chapter 6.214 if the Director determines that:

2           1. The tow company or any tow truck driver or any person employed, acting as an  
3 independent contractor for, or otherwise associated with the tow company has had one or more  
4 convictions of any unlawful act contained in subsection 6.214.260.A occurring during the  
5 preceding twelve month period. All suspensions issued under this subsection 6.214.310.A.1 shall  
6 extend for one month or until expiration of the license, whichever occurs first.

7           2. The tow company or any tow truck driver or any person employed, acting as an  
8 independent contractor for, or otherwise associated with the tow company has had two or more  
9 convictions of any unlawful act contained in paragraphs 1 through 9 of subsection 6.214.260.B  
10 occurring during the preceding twelve month period. All suspensions issued under this  
11 subsection 6.214.310.A.2 shall extend for one month or until expiration of the license, whichever  
12 occurs first.

13           3. The tow company or any tow truck driver or any person employed, acting as  
14 an independent contractor for, or otherwise associated with the tow company has been  
15 determined by the Director to have three or more violations of any provision of this Chapter  
16 6.214 other than those contained in Section 6.214.260.

17           4. The tow company has failed to keep and maintain records required under  
18 Section 6.214.250 or has failed to allow the inspection by the Director of such records.  
19 Suspensions issued under this subsection 6.214.310.A.3 shall continue until the violation is  
20 cured.

21           5. The tow company does not maintain a City of Seattle business license issued  
22 under Chapter 5.55. Suspensions issued under this subsection 6.214.310.A.4 shall continue until  
23 the violation is cured.

24           6. The tow company has been adjudicated to have committed one or more  
25 violations of the requirements of Chapter 46.55 RCW during the preceding twelve month period.

26           B. Revocation standards. The Director shall revoke a tow company license issued under  
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1 this Chapter 6.214 if the Director determines that:

2 1. The tow company has had three or more convictions of any unlawful act  
3 contained in subsection 6.214.260.A occurring during the preceding twelve month period.

4 2. The tow company has had four or more convictions of any unlawful act  
5 contained in subsection 6.214.260.B occurring during the preceding twelve month period.

6 3. The tow company or any tow truck driver or any person employed, acting as  
7 an independent contractor for, or otherwise associated with the tow company has been  
8 determined by the Director to have five or more violations of any provision of this Chapter 6.214  
9 other than those contained in Section 6.214.260.

10 4. The tow company has been adjudicated to have committed three or more  
11 violations of Chapter 46.55 RCW during a twelve month period.

12 5. Any one or more of the grounds exists for a revocation of license under Section  
13 6.202.230.

14 C. Effective date of suspensions or revocations.

15 1. Suspension or Revocation. Suspensions or revocations become effective upon  
16 the date of any notice of suspension or revocation or, in the event of an appeal, when a ruling on  
17 appeal affirming the Director's findings is issued.

18 D. Lengths of suspension and revocations.

19 1. Unless a time period is specified in a particular section of this Chapter 6.214,  
20 suspensions shall extend one month or until the license expires, or until evidence is produced to  
21 the Director showing by preponderance that the violation is cured, whichever occurs first.  
22 Revocations shall extend until the end of the annual license period.

23 2. Whenever a timely appeal is filed pursuant to Section 6.214.320, a licensee  
24 may continue to engage in the activity for which the license is required pending a final decision  
25 on appeal.

1           **6.214.320 Notice and hearing for denials, suspensions and revocations.**

2           A. If the Director determines there are grounds to deny, suspend, or revoke a tow  
3 company license, the Director shall give written notice to a tow company. The notice shall be  
4 delivered either personally or by first class mail to the address provided on the most recent  
5 license application by the tow company. The notice shall state that the tow company is entitled to  
6 appeal the Director's findings to the Hearing Examiner, in accordance with Chapter 3.02, within  
7 15 days of the notice date.

8           B. If a tow company files a timely notice of appeal pursuant to Chapter 3.02, a hearing  
9 shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner  
10 Rule of Practice and Procedure. At the Hearing Examiner hearing, the Director shall have the  
11 burden of proving by a preponderance of the evidence that grounds for denying, suspending, or  
12 revoking a tow company license existed.

13           C. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.

14           D. In cases where the Director determines that a tow company has demonstrated a good  
15 faith intent to come into compliance with the requirements of this Chapter 6.214, in lieu of  
16 proceedings to deny, suspend or revoke a tow company license, the Director may enter into an  
17 agreement with the tow company concerning appropriate action to cure the grounds on which a  
18 license denial, suspension or revocation is based.

19  
20           **6.214.330 Complaint hotline**

21           The Director may establish a complaint telephone number.

22  
23           **6.214.340 Complaint process**

24           A. Upon receiving a complaint alleging a possible violation of this Chapter 6.214, the  
25 Director shall determine whether there are reasonable grounds to believe that a violation has  
26 occurred. If the Director determines that there are no reasonable grounds to believe that a  
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1 violation occurred, or that the violation was inadvertent and minor, the Director shall dismiss the  
2 complaint. If the Director does so dismiss the complaint, he or she shall do so in writing, setting  
3 forth the reasons for the dismissal. If the Director determines that there are reasonable grounds to  
4 believe that a violation has occurred and that the violation was not inadvertent and minor, the  
5 Director may do one or more of the following:

6 1. Issue a notice of complaint to the applicable tow company representative  
7 advising such person of the allegation(s) made in the complaint.

8 2. Require the company to respond in writing to the allegation(s) in the notice of  
9 complaint within ten business days of receipt of the notice of complaint, including:

10 a. digital photographs to demonstrate that the vehicle as parked was subject  
11 to impound, showing: 1) the date and time; 2) the impounded vehicle as parked prior to being  
12 hooked to a tow truck; 3) that the vehicle, as parked, was on the property governed by the  
13 contract between the private property owner or agent and the tow company; and 4) that  
14 appropriate signs were posted pursuant to Chapter 46.55 RCW.

15 b. A copy of the contract between the tow company and property owner that  
16 was in effect at the time of impound;

17 c. Proof of written authorization with a signature, from the property owner  
18 requesting that the vehicle be impounded;

19 d. A copy of the invoice given to the vehicle owner showing details of all  
20 charges made for the private impound and storage; and

21 e. A written response to the specific allegations made in the complaint.

22 3. Require the tow company to investigate the allegation(s) in the notice of  
23 complaint.

24 4. Order the tow company to take appropriate action to resolve the complaint if  
25 the tow company is adjudicated by a court or determined by the Director to be in violation of this  
26 Chapter 6.214. The tow company shall notify the Director of the action taken.

1           B. For any violation of this Chapter 6.214, the Director may enter into an agreement  
2 with the tow company concerning appropriate action to resolve the complaint. For any act  
3 deemed unlawful under this Section 6.214.260, the Director may enter into such agreements in  
4 lieu of prosecution.

5           C. The tow company may request a hearing to contest any complaint or order of the  
6 Director made pursuant to this Section 6.214.340 by filing a written request for review with the  
7 Director, submitted by the person named in the order, within ten business days after the date of  
8 the order. Any such complaint or order shall state that the tow company is entitled to a hearing to  
9 introduce any evidence to refute or mitigate the allegations relating to the complaint or order.  
10 Upon receipt of a written request for review, the Director shall set a hearing date and time to be  
11 held as soon as possible and not more than 30 calendar days from the date of the request or the  
12 next business day after that if the 30th day falls on a weekend or holiday. The hearing shall be  
13 held by the Director or the Director's designee provided that the designee may not be a person  
14 who directly supervises the person who issued the complaint or order. The hearing shall be  
15 informal, but shall be recorded by electronic means provided by the Director. Within 20 calendar  
16 days of the hearing, the Director shall issue a written ruling including factual findings and the  
17 Director's conclusion with supporting reasons that affirm, modify or reverse the complaint or  
18 order. The decision shall be mailed by first class mail to each affected licensee at the address  
19 listed on the application.

20           D. Failure to respond in writing within ten business days to a notice of complaint or order  
21 of the Director shall constitute a waiver of the tow company's right to contest the allegation(s) in  
22 the complaint or order.

23           E. Nothing in this Section 6.214.340 shall be construed to limit the Director's authority to  
24 prosecute any criminal or civil action in an appropriate court for any act made unlawful under  
25 this Chapter 6.214.

1           **6.214.350 City impound fee**

2           A. The City shall levy a City impound fee on all private impounds conducted in the city  
3 when the vehicle is redeemed. The amount of the fee shall be set by the Director by rule but shall  
4 not exceed more than \$15 per vehicle redemption.

5           B. The City impound fee shall be collected by the tow company performing the impound  
6 and shall be remitted to the Department of Finance and Administrative Services in the manner  
7 directed by the Director. The City impound fee shall be for the purpose of offsetting, to the  
8 extent practicable, the cost to the City of implementing, enforcing, and administering the  
9 provisions of this Chapter 6.214 and shall be deposited in an appropriate account to be specified  
10 by rule.

11  
12           **6.214.360 Rule-making authority**

13           The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02  
14 to implement the provisions of this Chapter 6.214.

15  
16           **Section 5.** To pay for necessary costs and expenses incurred or to be incurred in 2012,  
17 but for which insufficient appropriations were made due to causes that could not reasonably have  
18 been foreseen at the time the 2012 Budget was adopted, appropriations for the following items in  
19 the 2012 Budget are increased from the funds shown as follows:

20

Fund	Department	Budget Control Level	Amount
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	Revenue and Consumer Protection (A4530)	\$37,120
General Subfund ((00100)	Finance General	Appropriation to General Fund Subfunds and Special Funds (2QA00)	\$37,100
Total			\$74,200

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2           **Section 6.** To implement the regulations in Chapter 6.214, the following new position  
3 will be created in Department of Finance and Administrative Services:

4

Department	Position Title	FTE	Position Type
Finance and Administrative Services	Licenses & Standards Inspector	1.0	Full Time

5  
6  
7

8           The Director of Finance and Administrative Services is authorized to fill this position  
9 subject to civil service and personnel rules and laws.

10  
11           **Section 7.** Sections five and six of this ordinance shall take effect on the effective date of  
12 this ordinance or November 1, 2012, whichever is later.

13  
14           **Section 8.** The several provisions of this ordinance are declared to be separate and  
15 severable and an order of any court of competent jurisdiction holding invalid any clause,  
16 sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the  
17 application thereof to any person or circumstance, shall not affect the validity of the remainder of  
18 this ordinance or the validity of its application to other persons or circumstances.

19  
20           **Section 9.** This ordinance shall take effect and be in force 30 days after its approval by  
21 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
22 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

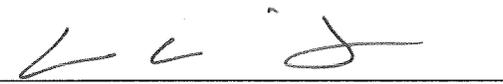
23  
24           Passed by a 3/4 vote of all the members of the City Council the 24<sup>th</sup> day of  
25 September, 2012, and signed by me in open session in authentication of its  
26 passage this 24<sup>th</sup> day of September, 2012.

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President \_\_\_\_\_ of the City Council

Approved by me this 15 day of October, 2012.



Michael McGinn, Mayor

Filed by me this 2nd day of October, 2012.



Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: Towing operators and towing licenses, repealed code sections.

Attachment A: Repealed Code Sections

The repealed sections of the Seattle Municipal Code are shown below in numerical order.

Chapter 6.214 TOWING OPERATOR AND TOW TRUCK LICENSES

SMC 6.214.010

Definitions.

For the purpose of this chapter:

- A. "Impound" means removal of a vehicle to a storage facility by request of any person except the vehicle's registered owner, or authorized agent.
- B. "Operator" means any person engaged in the business of offering or providing a towing service except "operator" shall not include a vehicle reposessor working exclusively on contract for the owner of the legal title to a vehicle.
- C. "Towing service" means use of a vehicle by which other vehicles including, but not limited to, abandoned, disabled, inoperable, or improperly parked vehicles are towed or impounded.
- D. "Tow truck" means a vehicle used to render towing service except "tow truck" shall not include a vehicle used by a vehicle reposessor working on contract for the owner of the legal title to a vehicle.
- E. "Vehicle" means every device capable of being moved upon a street and in, upon, or by which any person or property is or may be transported or drawn upon a street.

(Ord. 110373 Section 1, 1982; Ord. 109080 Section 1(part),

1980; Ord. 108934 Section 7.020, 1980.)

SMC 6.214.020

License -- Expiration date.



Towing operator licenses and tow truck licenses expire annually on August 31st.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.024, 1980.)

SMC 6.214.030

License -- Operator -- Required.

It is unlawful for any person to engage in the towing service business without first obtaining a towing operator license in accordance with the provisions of the New License Code.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.030, 1980.)

SMC 6.214.040

License -- Tow truck -- Required.

It is unlawful for any person to operate a tow truck without first obtaining a tow truck license in accordance with the provisions of the New License Code.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.035, 1980.)

SMC 6.214.050

Incorporation of state law and Washington Administrative Code provisions. Whenever state law or Washington Administrative Code provisions are incorporated by reference into this chapter, the effect is to govern all



operators licensed by the City, whether or not state law or regulations by their terms govern all operators.

(Ord. 109080 Section 1(part), 1980; Ord. 108934 Section 7.100, 1980.)

SMC 6.214.060

Unlawful acts.

It is unlawful for any operator, or his/her agent to:

- A. Demand or collect for towing service in excess of the rates filed;
- B. Fail to provide a receipt with all charges itemized;
- C. Fail to release a vehicle to its rightful owner if the appropriate charge to which the person is entitled has been tendered in a form acceptable under RCW Chapter 46.52 and regulations promulgated thereunder, and the person making such tender promises to remove or promptly secure removal of the towed vehicle;
- D. Remove a vehicle from any location unless:
  1. Requested to so remove by a police officer or appropriate governmental official acting in his/her official capacity, or
  2. The vehicle's registered owner, or the owner's authorized agent, engages the operator's service, or
  3. A written contractual agreement exists between the operator and the real property owner, or rightful occupier of real property, and provides for tow services to remove vehicles from the real property, or
  4. The operator has a signed authorization from the rightful occupier of real property for each such vehicle removed in accordance with RCW



46.52.118, 46.52.119, and 46.52.119 (2) and with WAC 308-62-020;

E. Charge any fee or other remuneration for attempting to tow a vehicle unless:

1. The licensee has gained custody of a vehicle to be towed by hooking it to the tow truck and raising the vehicle's wheels off the ground, in which event no more than fifty percent (50%) of the impound fee, plus charges for other service actually performed may be charged, or
2. The licensee has completed the process of preparing the vehicle for towing, and the licensee has begun to operate the tow truck with the vehicle in tow, in which event the total amount of the impound fee and other allowable charges may be charged;

F. Block or otherwise interfere with the removal of a vehicle by a person properly claiming such vehicle;

G. Go to the site of a vehicle accident for purposes of soliciting or procuring towing service business unless called by the owner of a vehicle, the rightful occupier of property from which a vehicle is to be removed, or a police officer.

(Ord. 109622 Section 1, 1981: Ord. 109080 Section 1(part),  
1980: Ord. 108934 Section 7.140, 1980.)

SMC 6.214.070

Financial responsibility.

Each tow truck operator shall submit to the Director for filing by the City Clerk, a copy of public liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) for any one (1) person killed or



injured in any one (1) accident or occurrence and Three Hundred Thousand Dollars (\$300,000.00) for more than one (1) person killed or injured in any one (1) accident or occurrence, and Ten Thousand Dollars (\$10,000.00) of garage keeper legal liability insurance.

(Ord. 117242 Section 11, 1994: Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.170, 1980.)

SMC 6.214.080

Failure to satisfy judgment.

If a licensee fails to satisfy a judgment arising out of the tow truck business prior to license renewal, the license may be denied, unless a stay of denial is procured during the pendency of a court appeal.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.180, 1980.)

SMC 6.214.090

License plates.

For each tow truck, the Director shall issue to an operator tow truck license plates, to be at all times prominently displayed as required by the Director.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.210, 1980.)

SMC 6.214.100

Marking towing service vehicles.

Every tow truck shall be marked in compliance with WAC 308-61-110(7).



(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.215,  
1980.)

SMC 6.214.110

Rates -- Filing.

The rates for towing or storing vehicles charged by an operator shall be filed with the Director on a form as prescribed by the Director.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.220,  
1980.)

SMC 6.214.120

Rates -- Posting.

Rates shall be posted, conspicuously, exactly as filed, at all locations of the towing business from which towed vehicles are released. The sign shall be of sufficient contrast in color to be clearly readable, and be in such form, location, and size as required by the Director.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.225,  
1980.)

SMC 6.214.130

Rates -- Quoting orally.

Rates shall be orally quoted by the operator, or his agent to any member of the public upon request. The operator shall disclose both towing and storage fees.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.230,  
1980.)



SMC 6.214.140

Rates -- Publishing.

A schedule of tow rates will be maintained on file by the Department and furnished to any person on request.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.231, 1980.)

SMC 6.214.150

Rates -- Changing.

An operator may file new rates at any time. New rates shall become effective fifteen (15) days after filing.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.235, 1980.)

SMC 6.214.160

Direct route.

Any operator, or his/her agent, when engaged in towing a vehicle to a definite location, shall take the most direct route possible consistent with public safety.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.250, 1980.)

SMC 6.214.170

Removing vehicles from private property -- Releasing such vehicles --  
Selling impounded vehicles.



Any towing operator or agent removing a vehicle from private property, releasing such vehicle, or selling any abandoned vehicle shall comply with the requirements of RCW Chapter 46.52 and regulations promulgated pursuant thereto.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.260, 1980.)

SMC 6.214.180

Receipt required -- Records to be kept.

The operator, or his/her agent, shall prepare a receipt for all services charged for in duplicate, using sequentially numbered forms for every towing service provided within or from the City. The receipt will contain the following:

- A. Name, address, telephone number, and place of business of the operator;
- B. Washington State license number or fleet number of the towing service vehicle used in providing the service;
- C. Name and address of every person engaging the operator's service;
- D. License number, year, make, model and color of the vehicle towed;
- E. Name and address of the vehicle's registered owner, if known;
- F. Date, time and place service commenced, and terminated;
- G. Specific service(s) rendered;
- H. Total amount to be charged for all services including storage;
- I. The signature of the operator, driver, agent or employee providing the service;
- J. The signature of the person to whom the towing service was provided or to



whom the vehicle was released or delivered, unless refused.

The operator, or his/her agent, shall deliver a copy of the receipt to the person redeeming the vehicle from the operator's custody, and shall keep one (1) copy, filed serially in order of the receipt number. Such filed receipts shall be retained for a period of one (1) year at the operator's place of business.

(Ord. 109080 Section 1(part), 1980: Ord. 108934 Section 7.270,  
1980.)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Christa Valles/684-5336	

**Legislation Title:**

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

**Summary of the Legislation:**

This legislation establishes maximum fees that tow companies operating in the city of Seattle can charge. It also requires tow companies to obtain tow company licenses. It empowers FAS to enforce the maximum rates and creates a city impound fee to fund enforcement.

**Background:**

X **This legislation has financial implications.**

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

**Appropriations:**

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance to cover this appropriation in the note section.)

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	Revenue and consumer protection (A4530)	\$37,120	\$84,900
<b>TOTAL</b>			<b>\$37,120</b>	<b>\$84,900</b>



*\*See budget book to obtain the appropriate Budget Control Level for your department.*

Appropriations Notes:

These appropriations pay for 1.0 license inspector position at .75 FTE. It also includes appropriations to pay for miscellaneous costs associated with the position, such as

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2012 Revenue</b>	<b>2013 Revenue</b>
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	License/fee revenue	-0-	11,500
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	City impound fee	-0-	\$60,000
<b>TOTAL</b>				

Revenue/Reimbursement Notes:

**License fee revenue:** Revenue from license fees assumes there are approximately 23 tow companies operating in Seattle that will be required to obtain a city tow company license, and while each tow company must acquire a separate license for each separate license location, the revenue estimate does not take this into account. The cost of a license is \$500 annually.

**City impound fee revenue:** The city impound fee is \$15 per redemption. It is, however, difficult to know how many private impounds occur in the city as this information is not currently tracked. FAS had at one time estimated 8,000 annually, but the tow industry thought this number inaccurately included voluntary tows. This estimate here assumes 4000 private impounds per year, resulting in net revenue of \$60,000.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)



Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions *	2013 FTE*
License and Standards Inspector		General Fund (00100)	FT	1	.75	1	.75
<b>TOTAL</b>							

\* 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.

Position Notes:

Funding is assumed for .75 FTE. If revenues are greater than anticipated, FAS can fully fund the license inspector position.

**Do positions sunset in the future?** No

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
 Law department resources may be used to help enforce legislation (see c. below). The City impound fee may need to increase if revenues do not come in as anticipated.
- b) **What is the financial cost of not implementing the legislation?**  
 The public would continue to be at risk of predatory pricing associated with private impounds.
- c) **Does this legislation affect any departments besides the originating department?** If FAS decides to pursue certain misdemeanors in court, the Law Department will need to become involved. The law department does not believe this legislation will create a unmanageable body of work for it.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** The State legislature could pass maximum private impound rates.
- e) **Is a public hearing required for this legislation?** no
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** no
- g) **Does this legislation affect a piece of property?** no

**Other Issues:**



**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

COUNCIL BILL 117568

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position, all by a three-fourths vote of the City Council.

WHEREAS, while the majority of tow companies are reputable service providers, some unscrupulous companies have engaged in predatory pricing practices for vehicles impounded from private property; and

WHEREAS, predatory towing practices include charging unwarranted or excessive fees, particularly in connection with impounding vehicles from private parking lots that may not display warnings to the vehicle owners, or overcharging consumers for towing services provided under circumstances where consumers have no meaningful opportunity to withhold consent; and

WHEREAS, the legitimate business interests of tow truck companies and the needs of private property owners for relief from unauthorized parking must be balanced with the public interest in providing appropriate protection to consumers; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** The City Council finds that it is in the public interest to prevent predatory towing practices, including charging unwarranted or excessive fees in connection with impounding vehicles from private parking lots or overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent. The City Council further finds that a maximum tow rate based on the highest towing rate allowed in Seattle Police Department contracts for public impounds and adjusted for costs applicable to private property impounds and a margin of profit is reasonable and compensatory.

**THIS VERSION IS NOT ADOPTED**

1           **Section 2:** Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060,  
2 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140,  
3 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code, which relate to  
4 towing operators and tow truck licenses, and which were last amended by Ordinances 110373,  
5 109080, 109622, and 117242, and which are shown in Attachment A, are repealed.

6  
7           **Section 3:** The name of Chapter 6.214 of the Seattle Municipal Code is amended as  
8 follows: ((TOWING OPERATOR AND TOW TRUCK LICENSES)) TOW COMPANY  
9 LICENSES AND REGULATIONS

10  
11           **Section 4:** New Sections 6.214.200 through 6.214.360 are added to the Seattle Municipal  
12 Code as follows:

13  
14           **6.214.200 Definitions**

15 For the purpose of this Chapter 6.214:

16           “Class A”, “Class D” and “Class E” tow trucks have the same meaning as defined in  
17 Section 204-91A-170 of the Washington Administrative Code

18           “Director” means the Director of Finance and Administrative Services or his or her  
19 authorized representative.

20           “Impound” means to take and hold a vehicle in legal custody.

21           “Office”, “business office”, and “place of business” have the same meaning as “office” and  
22 “place of business” as defined in Section 5.30.040.

23           “Person” means an individual, a sole proprietorship, partnership, corporation, limited  
24 liability company or any other business entity.

25           “Private impound” means that the vehicle has been impounded at the direction of a person  
26 having control or possession of the private property upon which the vehicle was located.

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

4 "Tow company" means a person engaged in the business of impounding, transporting, or  
5 storage of unauthorized vehicles or the disposal of abandoned vehicles for compensation, but  
6 does not include an employee of such a business who does not have an ownership interest.

7 "Towing service" means the public or private impound of a vehicle by a tow company.

8 "Tow truck" means a vehicle used to render towing service but shall not include a vehicle  
9 used by a vehicle reposessor working on contract for the owner of the legal title to a vehicle.

10 "Tow truck driver" means any individual who operates or uses a tow truck on behalf of a  
11 tow company for the purpose of providing towing service.

12 "Uncompleted tow" means a situation in which the tow truck driver has not completed all  
13 of the necessary steps associated with preparing a vehicle for a tow and has not yet begun to  
14 operate the tow truck with the vehicle in tow.

15 "Vehicle" means every device capable of being moved upon a street and in, upon, or by  
16 which any person or property is or may be transported or drawn upon a street.

17 "Vehicle operator" means any person operating a vehicle with legal authority to do so.

18  
19 **6.214.210 Tow company operating requirements**

20 A. As of March 1, 2013, it is unlawful for any tow company to operate or cause to operate  
21 within Seattle city limits any tow truck for the purpose of providing towing service unless:

- 22 1. The tow company has a valid tow company license issued under this Chapter  
23 6.214.  
24 2. The tow company has a current registration certificate required by RCW  
25 46.55.020.

26 B. Any tow company engaging in or offering to engage in towing service within Seattle city  
27

1 limits in violation of this Section 6.214.210 is guilty of a misdemeanor.

2  
3 **6.214.220 Maximum private impound fees for towing service, uncompleted tow,**  
4 **storage, and after-hours release**

5 A. Towing service fee: The maximum hourly fee that tow companies may charge for  
6 towing service for private impounds shall be no more \$183 for the first hour and \$130.60 for the  
7 second and subsequent hours for tows conducted with a Class A, D, or E tow truck. The Director  
8 shall adjust this rate by rule for inflation on an annual basis following publication of the  
9 preceding year's percentage change in the annual Seattle-Tacoma-Bremerton Consumer Price  
10 Index for all Urban Consumers (CPI-U) Transportation, or a successor index thereto, as  
11 determined by the U.S. Department of Labor, Bureau of Labor Statistics. All towing service fees  
12 must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of  
13 the week or whether the service was performed on a Saturday, Sunday, or state recognized  
14 holiday. The hourly fee for each class of truck must:

15 1. Be the only basis used by the tow company to compute total charges for private  
16 impound towing services, other than the uncompleted tow, storage and after-hours release fees  
17 allowed in subsections 6.214.220.B, C, and D.

18 2. Include all ancillary activities including, but not limited to necessary winching,  
19 dolly service, drive line removal, installation of chains on the tow truck, installation of portable  
20 lights, vehicle hookup for towing or transporting, tire replacement and standby time.

21 3. Include the labor of one person per truck. No charges for additional labor are  
22 allowed for Class A, D, and E private impound tows.

23 4. The hourly fee must be applied to the resulting net time and, after the first hour,  
24 must be rounded to the nearest fifteen minutes. A tow company may charge the hourly fee for the  
25 first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly fee  
26 may be charged for each fifteen minutes of towing service work performed.

1 B. Uncompleted tow fee: Tow companies may charge no more than the maximum hourly  
2 towing service fee specified in subsection 6.214.220.A for an uncompleted tow. Beginning with  
3 the first hour, no more than one quarter of the hourly fee may be charged for each fifteen minutes  
4 of towing service work performed. Reimbursement for time spent on an uncompleted tow can  
5 only be computed from the time of dispatch to the time the car is released to the vehicle operator.

6 C. Storage fee: The maximum storage fee that tow companies may charge for storing a  
7 private impound vehicle shall be no more than \$15.50 for each 12-hour increment. The Director  
8 shall revise by rule the maximum storage fee for private property impounds to match the  
9 maximum storage fee allowed under the City towing contracts relating to public impounds  
10 performed for the Seattle Police Department made pursuant to Chapter 11.30, whenever there is  
11 a change to the storage rates under those contracts.

12 D. After hours release fee: The maximum fee that a tow company may charge to release a  
13 privately impounded vehicle outside of normal business hours may not exceed \$100. The  
14 Director may adjust the maximum fee by rule upon written findings by the Director that reasons  
15 to do so exist. The Director shall consider the number and frequency of after-hours releases, the  
16 effect of the fee on consumers, the costs to tow companies, and any other factors related to after-  
17 hours releases.

18 The limitations set out in this Section 6.214.220 only apply if the towed vehicle is parked  
19 and upright, has all its wheels and tires attached, does not have a broken axle, and has not been  
20 involved in an accident at the location from which it is being impounded.

21  
22 **6.214.230 Consent required for towing from privately-owned property**

23 A. No tow company shall perform any private impound without the consent of the  
24 vehicle operator, unless:

25 1. the tow company has entered into a contract for private impounds with the  
26 owner of the property;

1 2. signs are posted in compliance with Chapter 46.55 RCW;

2 3. the property owner has authorized the tow company to remove the particular  
3 motor vehicle in accordance with RCW 46.55.080;

4 4. the tow company tows the motor vehicle to a secure storage facility that is  
5 located within a reasonable distance of the property from which the vehicle was towed;

6 5. the tow company has taken digital photographs to demonstrate that the vehicle  
7 as parked was subject to impound, showing: 1) the date and time; 2) the impounded vehicle from  
8 all four sides as parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was  
9 on the property governed by the contract between the private property owner or agent and the  
10 tow company; and 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

11 B. No person in possession or control of private property shall authorize the towing of  
12 any motor vehicle parked for an unauthorized purpose or at a time during which such parking is  
13 not permitted on the private property without the consent of the vehicle operator, unless:

14 1. the person in possession or control of the private property has contracted with a  
15 towing company for removal of vehicles parked on the property without authorization.

16 2. signs are posted in conformance with Chapter 46.55 RCW.

17 Each violation of this subsection 6.214.230.B shall be a Class 1 civil infraction under Chapter  
18 7.80 RCW.

19 C. This Section 6.214.230 shall not apply to a motor vehicle parked in front of any  
20 driveway or garage entrance where the motor vehicle is blocking access to that driveway or  
21 garage entrance.

22  
23 **6.214.240 Receipt required**

24 A. The tow company, or his/her agent, shall prepare a receipt for all services charged for  
25 in duplicate, using sequentially numbered forms for every towing service provided within Seattle  
26 city limits. The receipt will contain the following:  
27

- 1            1. Name, address, telephone number, and place of business of the operator;
- 2            2. Washington State license number or fleet number of the towing service vehicle
- 3 used in providing the service;
- 4            3. Name and address of every person engaging the operator's service;
- 5            4. License number, year, make, model and color of the vehicle towed;
- 6            5. Name and address of the vehicle's registered owner, if known, or, in cases of an
- 7 uncompleted tow, the name, address, and driver's license number of the person paying the fee for
- 8 the uncompleted tow;
- 9            6. Date, time and place service commenced, and terminated;
- 10           7. Specific service(s) rendered;
- 11           8. Total amount to be charged for all services, itemized by each particular service
- 12 rendered (e.g. towing service, storage, after-hours release) and indicating the time spent for each
- 13 if the service fee is calculated by time;
- 14           9. The signature of the operator, driver, agent or employee providing the service;
- 15           10. The signature of the person to whom the towing service was provided or to
- 16 whom the vehicle was released or delivered, unless refused.
- 17           11. Whether the tow service was voluntary or involuntary and if involuntary, if it
- 18 was requested by a private or public entity.

19           The tow company, or his/her agent, shall deliver a copy of the receipt to the person  
20 paying the fee for an uncompleted tow or the person redeeming the vehicle from the operator's  
21 custody, and shall keep one copy, filed serially in order of the receipt number.

22  
23           **6.214.250 Records to be kept**

24           A. Each tow company shall keep, maintain and store complete records, invoices and  
25 receipts for each transaction involving any towing service performed within Seattle city limits  
26 for a period of three years at the operator's place of business.

THIS VERSION IS NOT ADOPTED

1 B. Each tow company shall maintain a log of, and forward to the Director upon request,  
2 each written complaint that the tow company receives. The tow company must include a notice  
3 of the action taken by the tow company to resolve the complaint and the disposition.

4 C. Each tow company shall keep all records required to be kept under this Section  
5 6.214.250 for a period of three years and shall permit the Director to carry out inspections of  
6 such records without notice.

7 D. Each tow company shall comply with the record requirements of Chapter 46.55 RCW  
8 and permit the Director to carry out inspections of such records without notice.

9  
10 **6.214.260 Unlawful Acts**

11 As of January 1, 2013, it is unlawful for any tow company, tow truck driver, or any agent  
12 of a tow company to:

13 A. Misdemeanors

14 1. Demand or collect for towing service in excess of the maximum rates specified  
15 in Section 6.214.220.

16 2. Demand or collect for towing service in excess of time spent providing the  
17 towing service or for services not rendered.

18 3. In the case of an uncompleted tow, fail to release a vehicle when a person  
19 shows reasonable proof of ownership or authorization to operate the vehicle and provides  
20 payment of the fee allowed under Section 6.214.220.B. The tow truck driver must provide an  
21 itemized receipt in accordance with Section 6.214.240.

22 B. Civil Infractions

23 1. Require any vehicle owner or operator to make any statement or sign any  
24 document promising not to dispute the validity of the tow or fees assessed or relieving the tower  
25 from responsibility for the condition of the vehicle or its contents.

26 2. Fail to release a vehicle pursuant to RCW 46.55.120 to any person authorized  
27

1 to redeem a vehicle under that section.

2 3. Remove a vehicle from any location unless:

3 a. The conditions of Section 6.214.230 are met;

4 b. Requested to so remove by a police officer or appropriate governmental  
5 official acting in his/her official capacity; or

6 c. The vehicle's registered owner, or the owner's authorized agent, engages  
7 the operator's service.

8 4. Block or otherwise interfere with the removal of a vehicle by a person properly  
9 claiming such vehicle.

10 5. Be beneficially interested in a contract, agreement, or understanding that may  
11 be made by or between a person having control or possession of private property and any agent  
12 of such person where the agent has been granted authority to sign an impound authorization.

13 6. Have a financial, equitable, or ownership interest in a firm, partnership,  
14 association, limited liability company, or corporation whose functions include acting as an agent  
15 or a representative of a property owner for the purpose of signing impound authorizations.

16 7. Enter into any contract or agreement or offer any program that provides an  
17 incentive to a person authorized to order a private impound to authorize an impound or number  
18 of impounds.

19 8. Go to the site of a vehicle accident for purposes of soliciting or procuring  
20 towing service business unless called by the owner of a vehicle, the rightful occupier of property  
21 from which a vehicle is to be removed, or a police officer.

22 9. Fail to provide a receipt with all charges itemized as specified in Section  
23 6.214.240.

24 10. Fail to comply with record requirements as specified in Section 6.214.250.

25 C. Each violation of subsection 6.214.260.A shall be a misdemeanor and upon conviction  
26 punishable by a civil fine or forfeiture not to exceed \$1,000, or by incarceration for a term not to

1 exceed 90 days, or by both such fine and incarceration, provided, however, that for each  
2 violation of subsection 6.214.260.A, restitution shall be mandatory.

3 D. Each violation of subsection 6.214.260B shall be a Class 1 civil infraction under  
4 Chapter 7.80 RCW.

5  
6 **6.214.270 Tow company license**

7 A. A tow company license is valid for no more than one year and expires on December  
8 31<sup>st</sup>.

9 B. A tow company shall obtain a separate tow company license for each separate office  
10 location.

11 C. The annual license fee is \$500.

12  
13 **6.214.280 Tow company license renewal**

14 A. If intending to renew its license, each tow company shall submit a renewal  
15 application, pursuant to the application requirements specified in Section 6.214.290, at least 60  
16 days prior to license expiration.

17 B. No tow company license shall be renewed unless the renewal fee has been paid and all  
18 outstanding penalties and interest assessed against the tow company have been paid.

19 C. A late penalty shall be assessed on all renewal applications received later than ten  
20 working days after the due date specified in this Section 6.214.280.A. The amount of the late  
21 penalty shall be 15 percent of the application fee required under subsection 6.214.270.C.

22 D. For all tow company license renewal applications received by the due date specified in  
23 Section 6.214.280, the Director shall issue a new license or notice of denial, to be effective upon  
24 the expiration of the tow company's existing license, at least 10 days prior to the expiration of  
25 the tow company's existing license.

1           **6.214.290 Tow company license application**

2           A. Any person desiring to conduct business as a tow company within Seattle city limits  
3 shall file with the Director a signed and notarized tow company application on forms approved  
4 by the Director. The application shall include, but not be limited to, the following information:

5                 1. The tow company's business or company name, business office street address  
6 and post office box address (if any), business facsimile number, business phone number, and  
7 email address where the tow company representative can generally be reached between 9:00 a.m.  
8 and 5:00 p.m. on all non-holiday weekdays. For purposes of this Section 6.214.290, the business  
9 office street address that the tow company lists on its application shall be the business office  
10 where its files are kept.

11                 2. The form of business entity under which the tow company will operate (e.g.  
12 corporation, etc.).

13                 3. If the tow company is individually owned, the name, business office street  
14 address (or home address if no office address), telephone number and date of birth of the owner,  
15 or if the applicant tow company is a corporation, partnership, limited liability company, or other  
16 business entity, the names, home and business addresses, telephone numbers, and dates of birth  
17 of all officers, directors, general and managing partners, registered agents, and of all other  
18 persons vested with authority to manage or direct the affairs of the legal entity or to bind the  
19 legal entity in dealings with third parties; the entity's true legal name, state of incorporation, or  
20 registration with the Secretary of State of the State of Washington (if any); State of Washington  
21 Unified Business Identifier; and any other information that the Director may reasonably require.

22                 4. The name, address, phone number and date of birth of a tow company  
23 representative who is authorized by the tow company to act on its behalf in all business matters.

24                 5. All locations of secure areas used by the tow company for vehicle storage and  
25 redemption.

26                 6. The vehicle license and vehicle identification numbers of all tow trucks of  
27

1 which the applicant is the registered owner.

2 7. The rates that will be charged by the tow company subject to the maximum  
3 rates allowed by SMC 6.214.220.

4 8. Proof that all lots used for vehicle storage have been inspected and approved by  
5 the Washington State Patrol (most recent annual inspection) as required by RCW 46.55.060.

6 9. Copies of the most recent annual tow truck permits issued by the Washington  
7 State Patrol for each tow truck, pursuant to RCW 46.55.040.

8 10. Any other information required by Director's Rule or under regulations  
9 adopted pursuant to this Chapter 6.214.

10 B. An applicant or licensee shall inform the Director in writing within seven days of any  
11 change in the information required under this Section 6.214.290.

12 C. Each application submitted to the Director must be accompanied by the license fee set  
13 forth in subsection 6.214.270.C.

14  
15 **6.214.300 Standards for license denial**

16 The Director shall deny any tow company license application if the Director determines  
17 that:

18 A. A tow company license issued to the applicant or to any company in which the  
19 applicant was an owner, officer or other principal has been revoked within one year of the  
20 application; or

21 B. Grounds exist for denial of a license under Section 6.202.230; or

22 C. The tow company does not have a current registration certificate as required by RCW  
23 46.55.020.

24  
25 **6.214.310 Standards for license suspension or revocation**

26 A. Suspension Standards. The Director shall suspend any tow company license issued  
27

1 under this Chapter 6.214 if the Director determines that:

2 1. The tow company or any tow truck driver or any person employed, acting as an  
3 independent contractor for, or otherwise associated with the tow company has had one or more  
4 convictions of any unlawful act contained in subsection 6.214.260.A occurring during the  
5 preceding twelve month period. All suspensions issued under this subsection 6.214.310.A.1 shall  
6 extend for one month or until expiration of the license, whichever occurs first.

7 2. The tow company or any tow truck driver or any person employed, acting as an  
8 independent contractor for, or otherwise associated with the tow company has had two or more  
9 convictions of any unlawful act contained in paragraphs 1 through 9 of subsection 6.214.260.B  
10 occurring during the preceding twelve month period. All suspensions issued under this  
11 subsection 6.214.310.A.2 shall extend for one month or until expiration of the license, whichever  
12 occurs first.

13 3. The tow company or any tow truck driver or any person employed, acting as  
14 an independent contractor for, or otherwise associated with the tow company has been  
15 determined by the Director to have three or more violations of any provision of this Chapter  
16 6.214 other than those contained in Section 6.214.260.

17 4. The tow company has failed to keep and maintain records required under  
18 Section 6.214.250 or has failed to allow the inspection by the Director of such records.  
19 Suspensions issued under this subsection 6.214.310.A.3 shall continue until the violation is  
20 cured.

21 5. The tow company does not maintain a City of Seattle business license issued  
22 under Chapter 5.55. Suspensions issued under this subsection 6.214.310.A.4 shall continue until  
23 the violation is cured.

24 6. The tow company has been adjudicated to have committed one or more  
25 violations of the requirements of Chapter 46.55 RCW during the preceding twelve month period.

26 B. Revocation standards. The Director shall revoke a tow company license issued under  
27

1 this Chapter 6.214 if the Director determines that:

2 1. The tow company has had three or more convictions of any unlawful act  
3 contained in subsection 6.214.260.A occurring during the preceding twelve month period.

4 2. The tow company has had four or more convictions of any unlawful act  
5 contained in subsection 6.214.260.B occurring during the preceding twelve month period.

6 3. The tow company or any tow truck driver or any person employed, acting as  
7 an independent contractor for, or otherwise associated with the tow company has been  
8 determined by the Director to have five or more violations of any provision of this Chapter 6.214  
9 other than those contained in Section 6.214.260.

10 4. The tow company has been adjudicated to have committed three or more  
11 violations of Chapter 46.55 RCW during a twelve month period.

12 5. Any one or more of the grounds exists for a revocation of license under Section  
13 6.202.230.

14 C. Effective date of suspensions or revocations.

15 1. Suspension or Revocation. Suspensions or revocations become effective upon  
16 the date of any notice of suspension or revocation or, in the event of an appeal, when a ruling on  
17 appeal affirming the Director's findings is issued.

18 D. Lengths of suspension and revocations.

19 1. Unless a time period is specified in a particular section of this Chapter 6.214,  
20 suspensions shall extend one month or until the license expires, or until evidence is produced to  
21 the Director showing by preponderance that the violation is cured, whichever occurs first.  
22 Revocations shall extend until the end of the annual license period.

23 2. Whenever a timely appeal is filed pursuant to Section 6.214.320, a licensee  
24 may continue to engage in the activity for which the license is required pending a final decision  
25 on appeal.

1           **6.214.320 Notice and hearing for denials, suspensions and revocations.**

2           A. If the Director determines there are grounds to deny, suspend, or revoke a tow  
3 company license, the Director shall give written notice to a tow company. The notice shall be  
4 delivered either personally or by first class mail to the address provided on the most recent  
5 license application by the tow company. The notice shall state that the tow company is entitled to  
6 appeal the Director's findings to the Hearing Examiner, in accordance with Chapter 3.02, within  
7 15 days of the notice date.

8           B. If a tow company files a timely notice of appeal pursuant to Chapter 3.02, a hearing  
9 shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner  
10 Rule of Practice and Procedure. At the Hearing Examiner hearing, the Director shall have the  
11 burden of proving by a preponderance of the evidence that grounds for denying, suspending, or  
12 revoking a tow company license existed.

13           C. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.

14           D. In cases where the Director determines that a tow company has demonstrated a good  
15 faith intent to come into compliance with the requirements of this Chapter 6.214, in lieu of  
16 proceedings to deny, suspend or revoke a tow company license, the Director may enter into an  
17 agreement with the tow company concerning appropriate action to cure the grounds on which a  
18 license denial, suspension or revocation is based.

19  
20           **6.214.330 Complaint hotline**

21           The Director may establish a complaint telephone number.

22  
23           **6.214.340 Complaint process**

24           A. Upon receiving a complaint alleging a possible violation of this Chapter 6.214, the  
25 Director shall determine whether there are reasonable grounds to believe that a violation has  
26 occurred. If the Director determines that there are no reasonable grounds to believe that a  
27

1 violation occurred, or that the violation was inadvertent and minor, the Director shall dismiss the  
2 complaint. If the Director does so dismiss the complaint, he or she shall do so in writing, setting  
3 forth the reasons for the dismissal. If the Director determines that there are reasonable grounds to  
4 believe that a violation has occurred and that the violation was not inadvertent and minor, the  
5 Director may do one or more of the following:

6 1. Issue a notice of complaint to the applicable tow company representative  
7 advising such person of the allegation(s) made in the complaint.

8 2. Require the company to respond in writing to the allegation(s) in the notice of  
9 complaint within ten business days of receipt of the notice of complaint, including:

10 a. digital photographs to demonstrate that the vehicle as parked was subject  
11 to impound, showing: 1) the date and time; 2) the impounded vehicle from all four sides as  
12 parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was on the property  
13 governed by the contract between the private property owner or agent and the tow company; and  
14 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

15 b. A copy of the contract between the tow company and property owner that  
16 was in effect at the time of impound;

17 c. Proof of written authorization with a signature, from the property owner  
18 requesting that the vehicle be impounded;

19 d. A copy of the invoice given to the vehicle owner showing details of all  
20 charges made for the private impound and storage; and

21 e. A written response to the specific allegations made in the complaint.

22 3. Require the tow company to investigate the allegation(s) in the notice of  
23 complaint.

24 4. Order the tow company to take appropriate action to resolve the complaint if  
25 the tow company is adjudicated by a court or determined by the Director to be in violation of this  
26 Chapter 6.214. The tow company shall notify the Director of the action taken.

1           B. For any violation of this Chapter 6.214, the Director may enter into an agreement  
2 with the tow company concerning appropriate action to resolve the complaint. For any act  
3 deemed unlawful under this Section 6.214.260, the Director may enter into such agreements in  
4 lieu of prosecution.

5           C. The tow company may request a hearing to contest any complaint or order of the  
6 Director made pursuant to this Section 6.214.340 by filing a written request for review with the  
7 Director, submitted by the person named in the order, within ten business days after the date of  
8 the order. Any such complaint or order shall state that the tow company is entitled to a hearing to  
9 introduce any evidence to refute or mitigate the allegations relating to the complaint or order.  
10 Upon receipt of a written request for review, the Director shall set a hearing date and time to be  
11 held as soon as possible and not more than 30 calendar days from the date of the request or the  
12 next business day after that if the 30th day falls on a weekend or holiday. The hearing shall be  
13 held by the Director or the Director's designee provided that the designee may not be a person  
14 who directly supervises the person who issued the complaint or order. The hearing shall be  
15 informal, but shall be recorded by electronic means provided by the Director. Within 20 calendar  
16 days of the hearing, the Director shall issue a written ruling including factual findings and the  
17 Director's conclusion with supporting reasons that affirm, modify or reverse the complaint or  
18 order. The decision shall be mailed by first class mail to each affected licensee at the address  
19 listed on the application.

20           D. Failure to respond in writing within ten business days to a notice of complaint or order  
21 of the Director shall constitute a waiver of the tow company's right to contest the allegation(s) in  
22 the complaint or order.

23           E. Nothing in this Section 6.214.340 shall be construed to limit the Director's authority to  
24 prosecute any criminal or civil action in an appropriate court for any act made unlawful under  
25 this Chapter 6.214.

1           **6.214.350 City impound fee**

2           A. The City shall levy a City impound fee on all private impounds conducted in the city  
3 when the vehicle is redeemed. The amount of the fee shall be set by the Director by rule but shall  
4 not exceed more than \$15 per vehicle redemption.

5           B. The City impound fee shall be collected by the tow company performing the impound  
6 and shall be remitted to the Department of Finance and Administrative Services in the manner  
7 directed by the Director. The City impound fee shall be for the purpose of offsetting, to the  
8 extent practicable, the cost to the City of implementing, enforcing, and administering the  
9 provisions of this Chapter 6.214 and shall be deposited in an appropriate account to be specified  
10 by rule.

11  
12           **6.214.360 Rule-making authority**

13           The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02  
14 to implement the provisions of this Chapter 6.214.

15  
16           **Section 5.** To pay for necessary costs and expenses incurred or to be incurred in 2012,  
17 but for which insufficient appropriations were made due to causes that could not reasonably have  
18 been foreseen at the time the 2012 Budget was adopted, appropriations for the following items in  
19 the 2012 Budget are increased from the funds shown as follows:

20

Fund	Department	Budget Control Level	Amount
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	Revenue and Consumer Protection (A4530)	\$37,120
General Subfund ((00100)	Finance General	Appropriation to General Fund Subfunds and Special Funds (2QA00)	\$37,100
Total			\$74,200

21  
22  
23  
24  
25  
26  
27

1  
2           **Section 6.** To implement the regulations in Chapter 6.214, the following new position  
3 will be created in Department of Finance and Administrative Services:

4

Department	Position Title	FTE	Position Type
Finance and Administrative Services	Licenses & Standards Inspector	1.0	Full Time

5  
6  
7

8           The Director of Finance and Administrative Services is authorized to fill this position  
9 subject to civil service and personnel rules and laws.

10  
11           **Section 7.** Sections five and six of this ordinance shall take effect on the effective date of  
12 this ordinance or November 1, 2012, whichever is later.

13  
14           **Section 8.** The several provisions of this ordinance are declared to be separate and  
15 severable and an order of any court of competent jurisdiction holding invalid any clause,  
16 sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the  
17 application thereof to any person or circumstance, shall not affect the validity of the remainder of  
18 this ordinance or the validity of its application to other persons or circumstances.

19  
20           **Section 9.** This ordinance shall take effect and be in force 30 days after its approval by  
21 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
22 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

THIS VERSION IS NOT APPROVED

1 Passed by a 3/4 vote of all the members of the City Council the \_\_\_\_ day of  
2 \_\_\_\_\_, 2012, and signed by me in open session in authentication of its  
3 passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

4  
5  
6 \_\_\_\_\_  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

9  
10  
11 \_\_\_\_\_  
12 Michael McGinn, Mayor

13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

14  
15  
16 \_\_\_\_\_  
17 Monica Martinez Simmons, City Clerk

18 (Seal)

19 Attachment A: Towing operators and towing licenses, repealed code sections.  
20  
21  
22  
23  
24  
25  
26  
27

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL 117568

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

WHEREAS, while the majority of tow companies are reputable service providers, some unscrupulous companies have engaged in predatory pricing practices for vehicles impounded from private property; and

WHEREAS, predatory towing practices include charging unwarranted or excessive fees, particularly in connection with impounding vehicles from private parking lots that may not display warnings to the vehicle owners, or overcharging consumers for towing services provided under circumstances where consumers have no meaningful opportunity to withhold consent; and

WHEREAS, the legitimate business interests of tow truck operators and the needs of private property owners for relief from unauthorized parking must be balanced with the public interest in providing appropriate protection to consumers; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** The City Council finds that it is in the public interest to prevent predatory towing practices, including charging unwarranted or excessive fees in connection with impounding vehicles from private parking lots or overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent. The City Council further finds that a maximum tow rate based on the highest towing rate allowed in Seattle Police Department contracts for public impounds and adjusted for costs applicable to private property impounds and a margin of profit is reasonable and compensatory.

THIS VERSION IS NOT ADOPTED

THIS VERSION IS NOT ADOPTED



1           **Section 2:** Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060,  
2 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140,  
3 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code, which relate to  
4 towing operators and tow truck licenses, and which were last amended by Ordinances 110373,  
5 109080, 109622, and 117242, and which are shown in Attachment A, are repealed.

6  
7           **Section 3:** The name of Chapter 6.214 of the Seattle Municipal Code is amended as  
8 follows: ((~~TOWING OPERATOR AND TOW TRUCK LICENSES~~)) TOW COMPANY  
9 LICENSES AND REGULATIONS

10  
11           **Section 4:** New Sections 6.214.200 through 6.214.360 are added to the Seattle Municipal  
12 Code as follows:

13  
14           **6.214.200 Definitions**

15 For the purpose of this Chapter 6.214:

16           “Class A”, “Class D” and “Class E” tow trucks have the same meaning as defined in  
17 Section 204-91A-170 of the Washington Administrative Code

18           “Director” means the Director of Finance and Administrative Services or his or her  
19 authorized representative.

20           “Impound” means to take and hold a vehicle in legal custody.

21           “Office”, “business office”, and “place of business” have the same meaning as “office” and  
22 “place of business” as defined in Section 5.30.040.

23           “Person” means an individual, a sole proprietorship, partnership, corporation, limited  
24 liability company or any other business entity.

25           “Private impound” means that the vehicle has been impounded at the direction of a person  
26 having control or possession of the private property upon which the vehicle was located.



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

4 "Tow company" means a person engaged in the business of impounding, transporting, or  
5 storage of unauthorized vehicles or the disposal of abandoned vehicles for compensation, but  
6 does not include an employee of such a business who does not have an ownership interest.

7 "Towing service" means the public or private impound of a vehicle by a tow company.

8 "Tow truck" means a vehicle used to render towing service but shall not include a vehicle  
9 used by a vehicle reposessor working on contract for the owner of the legal title to a vehicle.

10 "Tow truck operator" means any individual who operates a tow truck on behalf of a tow  
11 company for the purpose of providing towing service.

12 "Uncompleted tow" means a situation in which the tow truck operator has gained custody  
13 of a vehicle to be towed by hooking it to the tow truck and raising the vehicle's wheels off the  
14 ground but the vehicle operator has returned and requested its release before the tow truck  
15 operator has begun to operate the tow truck with the vehicle in tow.

16 "Vehicle" means every device capable of being moved upon a street and in, upon, or by  
17 which any person or property is or may be transported or drawn upon a street.

18 "Vehicle operator" means any person operating a vehicle with legal authority to do so.

19  
20 **6.214.210 Tow company operating requirements**

21 A. As of March 1, 2013, it is unlawful for any tow company to operate or cause to operate  
22 within Seattle city limits any tow truck for the purpose of providing towing service unless:

23 1. The tow company has a valid tow company license issued under this Chapter  
24 6.214.

25 2. The tow company has a current registration certificate required by RCW  
26 46.55.020.



1 B. Any tow company engaging in or offering to engage in towing service within Seattle city  
2 limits in violation of this Section 6.214.210 is guilty of a misdemeanor.

3  
4 **6.214.220 Maximum private impound fees for towing service, uncompleted tow,  
5 storage, and after-hours release**

6 A. Towing service fee: The maximum hourly fee that tow companies may charge for  
7 towing service for private impounds shall be no more \$209 for the first hour and \$130.60 for the  
8 second and subsequent hours for tows conducted with a Class A, D, or E tow truck. The Director  
9 shall adjust this rate by rule for inflation on an annual basis following publication of the  
10 preceding year's percentage change in the annual Consumer Price Index for all urban consumers  
11 (CPI-U) Seattle-Tacoma-Bremerton, WA metropolitan area, All Items, or a successor index  
12 thereto, as determined by the U.S. Department of Labor, Bureau of Labor Statistics. All towing  
13 service fees must be based on a flat, hourly rate only and will apply without regard to the hour of  
14 day, day of the week or whether the service was performed on a Saturday, Sunday, or state  
15 recognized holiday. The hourly fee for each class of truck must:

16 1. Be the only basis used by the tow company to compute total charges for private  
17 impound towing services, other than the uncompleted tow, storage and after-hours release fees  
18 allowed in subsections 6.214.220.B, C, and D.

19 2. Include all ancillary activities including, but not limited to necessary winching,  
20 dolly service, drive line removal, installation of chains on the tow truck, installation of portable  
21 lights, vehicle hookup for towing or transporting, tire replacement and standby time.

22 3. Include the labor of one person per truck. No charges for additional labor are  
23 allowed for Class A, D, and E private impound tows.

24 4. The hourly fee must be applied to the resulting net time and, after the first hour,  
25 must be rounded to the nearest fifteen minutes. A tow company may charge the hourly fee for the  
26 first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly fee  
27



1 may be charged for each fifteen minutes of towing service work performed.

2 B. Uncompleted tow fee: Tow companies may charge no more than the maximum hourly  
3 towing service fee specified in subsection 6.214.220.A for an uncompleted tow. Beginning with  
4 the first hour, no more than one quarter of the hourly fee may be charged for each fifteen minutes  
5 of towing service work performed. Reimbursement for time spent on an uncompleted tow can  
6 only be computed from the time of dispatch to the time the car is released to the vehicle operator.

7 C. Storage fee: The maximum storage fee that tow companies may charge for storing a  
8 private impound vehicle shall be no more than \$15.50 for each 12-hour increment. The Director  
9 shall revise by rule the maximum storage fee for private property impounds to match the  
10 maximum storage fee allowed under the City towing contracts relating to public impounds  
11 performed for the Seattle Police Department made pursuant to Chapter 11.30, whenever there is  
12 a change to the storage rates under those contracts.

13 D. After hours release fee: The maximum fee that a tow company may charge to release a  
14 privately impounded vehicle outside of normal business hours may not exceed \$100. The  
15 Director may adjust the maximum fee by rule upon written findings by the Director that reasons  
16 to do so exist. The Director shall consider the number and frequency of after-hours releases, the  
17 effect of the fee on consumers, the costs to tow companies, and any other factors related to after-  
18 hours releases.

19 The limitations set out in this Section 6.214.220 only apply if the towed vehicle is parked  
20 and upright, has all its wheels and tires attached, does not have a broken axle, and has not been  
21 involved in an accident at the location from which it is being impounded.

22  
23 **6.214.230 Consent required for towing from privately-owned property**

24 A. No tow company shall perform any private impound without the consent of the  
25 vehicle operator, unless:  
26  
27

THIS VERSION IS NOT ADOPTED



1           1. the tow company has entered into a contract for private impounds with the  
2 owner of the property;

3           2. signs are posted in compliance with Chapter 46.55 RCW;

4           3. the property owner has authorized the tow company to remove the particular  
5 motor vehicle in accordance with RCW 46.55.080;

6           4. the tow company tows the motor vehicle to a secure storage facility that is  
7 located within a reasonable distance of the property from which the vehicle was towed;

8           5. the tow company has taken digital photographs to demonstrate that the vehicle  
9 as parked was subject to impound, showing: 1) the date and time; 2) the impounded vehicle from  
10 all four sides as parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was  
11 on the property governed by the contract between the private property owner or agent and the  
12 tow company; and 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

13           B. No person in possession or control of private property shall authorize the towing of  
14 any motor vehicle parked for an unauthorized purpose or at a time during which such parking is  
15 not permitted on the private property without the consent of the vehicle operator, unless:

16           1. the person in possession or control of the private property has contracted with a  
17 towing company for removal of vehicles parked on the property without authorization.

18           2. signs are posted in conformance with Chapter 46.55 RCW.

19 Each violation of this subsection 6.214.230.B shall be a Class 1 civil infraction under Chapter  
20 7.80 RCW.

21           C. This Section 6.214.230 shall not apply to a motor vehicle parked in front of any  
22 driveway or garage entrance where the motor vehicle is blocking access to that driveway or  
23 garage entrance.



1           **6.214.240 Receipt required**

2           A. The tow company, or his/her agent, shall prepare a receipt for all services charged for  
3 in duplicate, using sequentially numbered forms for every towing service provided within Seattle  
4 city limits. The receipt will contain the following:

- 5                   1. Name, address, telephone number, and place of business of the operator;
- 6                   2. Washington State license number or fleet number of the towing service vehicle  
7 used in providing the service;
- 8                   3. Name and address of every person engaging the operator's service;
- 9                   4. License number, year, make, model and color of the vehicle towed;
- 10                  5. Name and address of the vehicle's registered owner, if known;
- 11                  6. Date, time and place service commenced, and terminated;
- 12                  7. Specific service(s) rendered;
- 13                  8. Total amount to be charged for all services including storage and after-hours  
14 release fees if applicable;
- 15                  9. The signature of the operator, driver, agent or employee providing the service;
- 16                  10. The signature of the person to whom the towing service was provided or to  
17 whom the vehicle was released or delivered, unless refused.
- 18                  11. Whether the tow service was voluntary or involuntary and if involuntary, if it  
19 was requested by a private or public entity.

20           The operator, or his/her agent, shall deliver a copy of the receipt to the person redeeming  
21 the vehicle from the operator's custody, and shall keep one copy, filed serially in order of the  
22 receipt number.

THIS VERSION IS NOT ADOPTED



1           **6.214.250 Records to be kept**

2           A. Each tow company shall keep, maintain and store complete records, invoices and  
3 receipts for each transaction involving any towing service performed within Seattle city limits  
4 for a period of three years at the operator's place of business.

5           B. Each tow company shall maintain a log of, and forward to the Director upon request,  
6 each written complaint that the tow company receives. The tow company must include a notice  
7 of the action taken by the tow company to resolve the complaint and the disposition.

8           C. Each tow company shall keep all records required to be kept under this Section  
9 6.214.250 for a period of three years and shall permit the Director to carry out inspections of  
10 such records without notice.

11           D. Each tow company shall comply with the record requirements of Chapter 46.55 RCW  
12 and permit the Director to carry out inspections of such records without notice.

13  
14           **6.214.260 Unlawful Acts**

15           As of January 1, 2013, it is unlawful for any tow company, tow truck operator, or any  
16 agent of a tow company to:

17           A. Misdemeanors

18                   1. Demand or collect for towing service in excess of the maximum rates specified  
19 in Section 6.214.220.

20                   2. Demand or collect for towing service in excess of time spent providing the  
21 towing service or for services not rendered.

22                   3. Fail to release a vehicle that has been, or is about to be, hooked or lifted but has  
23 not actually been moved or removed from the property when the vehicle operator returns to the  
24 vehicle and requests release of the vehicle.

25           B. Civil Infractions

26                   1. Require any vehicle owner or operator to make any statement or sign any  
27



1 document promising not to dispute the validity of the tow or fees assessed or relieving the tower  
2 from responsibility for the condition of the vehicle or its contents.

3 2. Fail to release a vehicle pursuant to RCW 46.55.120 to any person authorized  
4 to redeem a vehicle under that section.

5 3. Remove a vehicle from any location unless:

6 a. The conditions of Section 6.214.230 are met;

7 b. Requested to so remove by a police officer or appropriate governmental  
8 official acting in his/her official capacity; or

9 c. The vehicle's registered owner, or the owner's authorized agent, engages  
10 the operator's service.

11 4. Block or otherwise interfere with the removal of a vehicle by a person properly  
12 claiming such vehicle.

13 5. Be beneficially interested in a contract, agreement, or understanding that may  
14 be made by or between a person having control or possession of private property and any agent  
15 of such person where the agent has been granted authority to sign an impound authorization.

16 6. Have a financial, equitable, or ownership interest in a firm, partnership,  
17 association, limited liability company, or corporation whose functions include acting as an agent  
18 or a representative of a property owner for the purpose of signing impound authorizations.

19 7. Enter into any contract or agreement or offer any program that provides an  
20 incentive to a person authorized to order a private impound to authorize an impound or number  
21 of impounds.

22 8. Go to the site of a vehicle accident for purposes of soliciting or procuring  
23 towing service business unless called by the owner of a vehicle, the rightful occupier of property  
24 from which a vehicle is to be removed, or a police officer.

25 9. Fail to provide a receipt with all charges itemized as specified in Section  
26 6.214.240.



1 10. Fail to comply with record requirements as specified in Section 6.214.250.

2 C. Each violation of subsection 6.214.260.A shall be a misdemeanor and upon conviction  
3 punishable by a civil fine or forfeiture not to exceed \$1,000, or by incarceration for a term not to  
4 exceed 90 days, or by both such fine and incarceration, provided, however, that for each  
5 violation of subsection 6.214.260.A, restitution shall be mandatory.

6 D. Each violation of subsection 6.214.260B shall be a Class 1 civil infraction under  
7 Chapter 7.80 RCW.

8  
9 **6.214.270 Tow company license**

10 A. A tow company license is valid for no more than one year and expires on December  
11 31<sup>st</sup>.

12 B. A tow company shall obtain a separate tow company license for each separate office  
13 location.

14 C. The annual license fee is \$500.

15  
16 **6.214.280 Tow company license renewal**

17 A. If intending to renew its license, each tow company shall submit a renewal  
18 application, pursuant to the application requirements specified in Section 6.214.290, at least 60  
19 days prior to license expiration.

20 B. No tow company license shall be renewed unless the renewal fee has been paid and all  
21 outstanding penalties and interest assessed against the tow company have been paid.

22 C. A late penalty shall be assessed on all renewal applications received later than ten  
23 working days after the due date specified in this Section 6.214.280.A. The amount of the late  
24 penalty shall be 15 percent of the application fee required under subsection 6.214.270.C.

25 D. For all tow company license renewal applications received by the due date specified in  
26 Section 6.214.280, the Director shall issue a new license or notice of denial, to be effective upon  
27



1 the expiration of the tow company's existing license, at least 10 days prior to the expiration of  
2 the tow company's existing license.

3  
4 **6.214.290 Tow company license application**

5 A. Any person desiring to conduct business as a tow company within Seattle city limits  
6 shall file with the Director a signed and notarized tow company application on forms approved  
7 by the Director. The application shall include, but not be limited to, the following information:

8 1. The tow company's business or company name, business office street address  
9 and post office box address (if any), business facsimile number, business phone number, and  
10 email address where the tow company representative can generally be reached between 9:00 a.m.  
11 and 5:00 p.m. on all non-holiday weekdays. For purposes of this Section 6.214.290, the business  
12 office street address that the tow company lists on its application shall be the business office  
13 where its files are kept.

14 2. The form of business entity under which the tow company will operate (e.g.  
15 corporation, etc.).

16 3. If the tow company is individually owned, the name, business office street  
17 address (or home address if no office address), telephone number and date of birth of the owner,  
18 or if the applicant tow company is a corporation, partnership, limited liability company, or other  
19 business entity, the names, home and business addresses, telephone numbers, and dates of birth  
20 of all officers, directors, general and managing partners, registered agents, and of all other  
21 persons vested with authority to manage or direct the affairs of the legal entity or to bind the  
22 legal entity in dealings with third parties; the entity's true legal name, state of incorporation, or  
23 registration with the Secretary of State of the State of Washington (if any); State of Washington  
24 Unified Business Identifier; and any other information that the Director may reasonably require.

25 4. The name, address, phone number and date of birth of a tow company  
26 representative who is authorized by the tow company to act on its behalf in all business matters.



1           5. All locations of secure areas used by the tow company for vehicle storage and  
2 redemption.

3           6. The vehicle license and vehicle identification numbers of all tow trucks of  
4 which the applicant is the registered owner.

5           7. The rates that will be charged by the tow company subject to the maximum  
6 rates allowed by SMC 6.214.220.

7           8. Proof that all lots used for vehicle storage have been inspected and approved by  
8 the Washington State Patrol (most recent annual inspection) as required by RCW 46.55.060.

9           9. Copies of the most recent annual tow truck permits issued by the Washington  
10 State Patrol for each tow truck, pursuant to RCW 46.55.040.

11           10. Any other information required by Director's Rule or under regulations  
12 adopted pursuant to this Chapter 6.214.

13           B. An applicant or licensee shall inform the Director in writing within seven days of any  
14 change in the information required under this Section 6.214.290.

15           C. Each application submitted to the Director must be accompanied by the license fee set  
16 forth in subsection 6.214.270.C.

17  
18           **6.214.300 Standards for license denial**

19           The Director shall deny any tow company license application if the Director determines  
20 that:

21           A. A tow company license issued to the applicant or to any company in which the  
22 applicant was an owner, officer or other principal has been revoked within one year of the  
23 application; or

24           B. Grounds exist for denial of a license under Section 6.202.230; or

25           C. The tow company does not have a current registration certificate as required by RCW  
26 46.55.020.



1           **6.214.310 Standards for license suspension or revocation**

2           A. Suspension Standards. The Director shall suspend any tow company license issued  
3 under this Chapter 6.214 if the Director determines that:

4                   1. The tow company or any tow truck operator or any person employed, acting as  
5 an independent contractor for, or otherwise associated with the tow company has had one or  
6 more convictions of any unlawful act contained in subsection 6.214.260.A occurring during the  
7 preceding twelve month period. All suspensions issued under this subsection 6.214.310.A.1 shall  
8 extend for one month or until expiration of the license, whichever occurs first.

9                   2. The tow company or any tow truck operator or any person employed, acting as  
10 an independent contractor for, or otherwise associated with the tow company has had two or  
11 more convictions of any unlawful act contained in paragraphs 1 through 9 of subsection  
12 6.214.260.B occurring during the preceding twelve month period. All suspensions issued under  
13 this subsection 6.214.310.A.2 shall extend for one month or until expiration of the license,  
14 whichever occurs first.

15                   3. The tow company or any tow truck operator or any person employed, acting as  
16 an independent contractor for, or otherwise associated with the tow company has been  
17 determined by the Director to have three or more violations of any provision of this Chapter  
18 6.214 other than those contained in Section 6.214.260.

19                   4. The tow company has failed to keep and maintain records required under  
20 Section 6.214.250 or has failed to allow the inspection by the Director of such records.  
21 Suspensions issued under this subsection 6.214.310.A.3 shall continue until the violation is  
22 cured.

23                   5. The tow company does not maintain a City of Seattle business license issued  
24 under Chapter 5.55. Suspensions issued under this subsection 6.214.310.A.4 shall continue until  
25 the violation is cured.

26                   6. The tow company has been adjudicated to have committed one or more  
27



1 violations of the requirements of Chapter 46.55 RCW during the preceding twelve month period.

2 B. Revocation standards. The Director shall revoke a tow company license issued under  
3 this Chapter 6.214 if the Director determines that:

4 1. The tow company has had three or more convictions of any unlawful act  
5 contained in subsection 6.214.260.A occurring during the preceding twelve month period.

6 2. The tow company has had four or more convictions of any unlawful act  
7 contained in subsection 6.214.260.B occurring during the preceding twelve month period.

8 3. The tow company or any tow truck operator or any person employed, acting as  
9 an independent contractor for, or otherwise associated with the tow company has been  
10 determined by the Director to have five or more violations of any provision of this Chapter 6.214  
11 other than those contained in Section 6.214.260.

12 4. The tow company has been adjudicated to have committed three or more  
13 violations of Chapter 46.55 RCW during a twelve month period.

14 5. Any one or more of the grounds exists for a revocation of license under Section  
15 6.202.230.

16 C. Effective date of suspensions or revocations.

17 1. Suspension or Revocation. Suspensions or revocations become effective upon  
18 the date of any notice of suspension or revocation or, in the event of an appeal, when a ruling on  
19 appeal affirming the Director's findings is issued.

20 D. Lengths of suspension and revocations.

21 1. Unless a time period is specified in a particular section of this Chapter 6.214,  
22 suspensions shall extend one month or until the license expires, or until evidence is produced to  
23 the Director showing by preponderance that the violation is cured, whichever occurs first.  
24 Revocations shall extend until the end of the annual license period.

25 2. Whenever a timely appeal is filed pursuant to Section 6.214.320, a licensee  
26 may continue to engage in the activity for which the license is required pending a final decision  
27

1 on appeal.

2  
3 **6.214.320 Notice and hearing for denials, suspensions and revocations.**

4 A. If the Director determines there are grounds to deny, suspend, or revoke a tow  
5 company license, the Director shall give written notice to a tow company. The notice shall be  
6 delivered either personally or by first class mail to the address provided on the most recent  
7 license application by the tow company. The notice shall state that the tow company is entitled to  
8 appeal the Director's findings to the Hearing Examiner, in accordance with Chapter 3.02, within  
9 15 days of the notice date.

10 B. If a tow company files a timely notice of appeal pursuant to Chapter 3.02, a hearing  
11 shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner  
12 Rule of Practice and Procedure. At the Hearing Examiner hearing, the Director shall have the  
13 burden of proving by a preponderance of the evidence that grounds for denying, suspending, or  
14 revoking a tow company license existed.

15 C. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.

16 D. In cases where the Director determines that a tow company has demonstrated a good  
17 faith intent to come into compliance with the requirements of this Chapter 6.214, in lieu of  
18 proceedings to deny, suspend or revoke a tow company license, the Director may enter into an  
19 agreement with the tow company concerning appropriate action to cure the grounds on which a  
20 license denial, suspension or revocation is based.

21  
22 **6.214.330 Complaint hotline**

23 The Director may establish a complaint telephone number.

24  
25 **6.214.340 Complaint process**

26 A. Upon receiving a complaint alleging a possible violation of this Chapter 6.214, the  
27

1 Director shall determine whether there are reasonable grounds to believe that a violation has  
2 occurred. If the Director determines that there are no reasonable grounds to believe that a  
3 violation occurred, or that the violation was inadvertent and minor, the Director shall dismiss the  
4 complaint. If the Director does so dismiss the complaint, he or she shall do so in writing, setting  
5 forth the reasons for the dismissal. If the Director determines that there are reasonable grounds to  
6 believe that a violation has occurred and that the violation was not inadvertent and minor, the  
7 Director may do one or more of the following:

8 1. Issue a notice of complaint to the applicable tow company representative  
9 advising such person of the allegation(s) made in the complaint.

10 2. Require the company to respond in writing to the allegation(s) in the notice of  
11 complaint within ten business days of receipt of the notice of complaint, including:

12 a. digital photographs to demonstrate that the vehicle as parked was subject  
13 to impound, showing: 1) the date and time; 2) the impounded vehicle from all four sides as  
14 parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was on the property  
15 governed by the contract between the private property owner or agent and the tow company; and  
16 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

17 b. A copy of the contract between the tow company and property owner that  
18 was in effect at the time of impound;

19 c. Proof of written authorization with a signature, from the property owner  
20 requesting that the vehicle be impounded;

21 d. A copy of the invoice given to the vehicle owner showing details of all  
22 charges made for the private impound and storage; and

23 e. A written response to the specific allegations made in the complaint.

24 3. Require the tow company to investigate the allegation(s) in the notice of  
25 complaint.

26 4. Order the tow company to take appropriate action to resolve the complaint if  
27



1 the tow company is adjudicated by a court or determined by the Director to be in violation of this  
2 Chapter 6.214. The tow company shall notify the Director of the action taken.

3 B. For any violation of this Chapter 6.214, the Director may enter into an agreement  
4 with the tow company concerning appropriate action to resolve the complaint. For any act  
5 deemed unlawful under this Section 6.214.260, the Director may enter into such agreements in  
6 lieu of prosecution.

7 C. The tow company may request a hearing to contest any complaint or order of the  
8 Director made pursuant to this Section 6.214.340 by filing a written request for review with the  
9 Director, submitted by the person named in the order, within ten business days after the date of  
10 the order. Any such complaint or order shall state that the tow company is entitled to a hearing to  
11 introduce any evidence to refute or mitigate the allegations relating to the complaint or order.  
12 Upon receipt of a written request for review, the Director shall set a hearing date and time to be  
13 held as soon as possible and not more than 30 calendar days from the date of the request or the  
14 next business day after that if the 30th day falls on a weekend or holiday. The hearing shall be  
15 held by the Director or the Director's designee provided that the designee may not be a person  
16 who directly supervises the person who issued the complaint or order. The hearing shall be  
17 informal, but shall be recorded by electronic means provided by the Director. Within 20 calendar  
18 days of the hearing, the Director shall issue a written ruling including factual findings and the  
19 Director's conclusion with supporting reasons that affirm, modify or reverse the complaint or  
20 order. The decision shall be mailed by first class mail to each affected licensee at the address  
21 listed on the application.

22 D. Failure to respond in writing within ten business days to a notice of complaint or order  
23 of the Director shall constitute a waiver of the tow company's right to contest the allegation(s) in  
24 the complaint or order.

25 E. Nothing in this Section 6.214.340 shall be construed to limit the Director's authority to  
26 prosecute any criminal or civil action in an appropriate court for any act made unlawful under  
27

THIS DECISION IS NOT ADOPTED



1 this Chapter 6.214.

2  
3 **6.214.350 City impound fee**

4 A. The City shall levy a City impound fee on all private impounds conducted in the city  
5 when the vehicle is redeemed. The amount of the fee shall be set by the Director by rule but shall  
6 not exceed more than \$15 per vehicle redemption.

7 B. The City impound fee shall be collected by the tow company performing the impound  
8 and shall be remitted to the Department of Finance and Administrative Services in the manner  
9 directed by the Director. The City impound fee shall be for the purpose of offsetting, to the  
10 extent practicable, the cost to the City of implementing, enforcing, and administering the  
11 provisions of this Chapter 6.214 and shall be deposited in an appropriate account to be specified  
12 by rule.

13  
14 **6.214.360 Rule-making authority**

15 The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02  
16 to implement the provisions of this Chapter 6.214.

17  
18 **Section 5.** To pay for necessary costs and expenses incurred or to be incurred in 2012,  
19 but for which insufficient appropriations were made due to causes that could not reasonably have  
20 been foreseen at the time the 2012 Budget was adopted, appropriations for the following items in  
21 the 2012 Budget are increased from the funds shown as follows:  
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Fund	Department	Budget Control Level	Amount
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	Revenue and Consumer Protection (A4530)	\$37,120
General Subfund ((00100)	Finance General	Appropriation to General Fund Subfunds and Special Funds (2QA00)	\$37,100
<b>Total</b>			<b>\$74,200</b>

**Section 6.** To implement the regulations in Chapter 6.214, the following new position will be created in Department of Finance and Administrative Services:

Department	Position Title	FTE	Position Type
Finance and Administrative Services	Licenses & Standards Inspector	1.0	Full Time

The Director of Finance and Administrative Services is authorized to fill this position subject to civil service and personnel rules and laws.

**Section 7.** Sections five and six of this ordinance shall take effect on the effective date of this ordinance or November 1, 2012, whichever is later.

**Section 8.** The several provisions of this ordinance are declared to be separate and severable and an order of any court of competent jurisdiction holding invalid any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

THIS VERSION IS NOT ADOPTED



1           **Section 9.** This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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5           Passed by a 3/4 vote of all the members of the City Council the \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2012, and signed by me in open session in authentication of its  
7 passage this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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10 \_\_\_\_\_  
11           President \_\_\_\_\_ of the City Council

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13           Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

14  
15 \_\_\_\_\_  
16           Michael McGinn, Mayor

17  
18           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

19  
20 \_\_\_\_\_  
21           Monica Martinez Simmons, City Clerk

22 (Seal)

23  
24 Attachment A: Towing operators and towing licenses, repealed code sections.

THIS VERSION IS NOT ADOPTED



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STATE OF WASHINGTON – KING COUNTY

--SS.

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289250  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123979-81,995-124010

was published on

10/11/12

The amount of the fee charged for the foregoing publication is the sum of \$265.05 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/11/2012

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on September 24, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123979

AN ORDINANCE relating to a new multi-purpose sports and entertainment facility; authorizing the Mayor to execute a memorandum of understanding with King County and ArenaCo; and to execute an interlocal agreement with the County.

### ORDINANCE NO. 123980

AN ORDINANCE relating to certain City-owned property located at 1620 12th Avenue East, commonly known as the East Precinct Parking Facility; authorizing the Director of Finance and Administrative Services to execute and record certain documents, including a Condominium Declaration, Survey Map and Plans, a Purchase and Sale Agreement, a Quit Claim Deed, a Ground Lease, a Sublease, and other agreements and documents in consideration of the development by Capitol Hill Housing Improvement Program of a six-story mixed-use facility with underground parking for the Seattle Police Department, commercial, retail and arts space, as well as affordable housing; and increasing appropriations in the 2012 Adopted Budget for certain activities of the Finance and Administrative Services Budget; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123981

AN ORDINANCE relating to economic and community development; authorizing a loan of federal Section 108 loan proceeds to finance development of the 12th Avenue Arts project at 12th Avenue and E. Pine Street; authorizing loan documents, amendments, replacements and related documents and actions; authorizing amendments to the City's 2009-2012 Consolidated Plan to reflect the transactions contemplated by this ordinance; designating the Pike/Pine neighborhood as a local economic zone for New Markets Tax Credit investments; and ratifying and confirming prior acts.

### ORDINANCE NO. 123995

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

### ORDINANCE NO. 123996

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute a seven-year lease agreement between the City and Fu Quan, LLC, a Washington limited liability company, for a portion of the property located at 800 Maynard Avenue South, commonly known as the RDA Building.

### ORDINANCE NO. 123997

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123998

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

### ORDINANCE NO. 123999

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of certain real property at the North Transfer Station and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124000

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

### ORDINANCE NO. 124001

AN ORDINANCE authorizing Seattle Public Utilities and Seattle Parks and Recreation to enter into a Settlement, Release and Cost Allocation Agreement with Puget Sound Energy, Inc. (PSE) for remediation of the combined Gas Works Park uplands and North Lake Union sediments; to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency and PSE to undertake additional work at the Site consistent with the Agreement; and to seek and accept state Remedial Action Grants for cleanup work related to the Site.

### ORDINANCE NO. 124002

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of approximately 148 acres located in Section 36, Township 23 North, Range 7 East W.M., in King County to the State of Washington Department of Natural Resources and the acceptance of a conservation easement on the same property; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

### ORDINANCE NO. 124003

AN ORDINANCE relating to City employment; amending Sections 4.20.300, 4.21.040, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code; authorizing a memorandum of understanding between the City of Seattle and City labor unions; and ratifying and confirming prior acts.

### ORDINANCE NO. 124004

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the International Association of Fire Fighters, Local 27 to be effective January 1, 2012 through December 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

### ORDINANCE NO. 124005

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Washington State Council of County and City Employees, Local 21C to be effective January 1, 2011 through January 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

### ORDINANCE NO. 124006

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute and deliver a building separation easement and restrictive covenant agreement granting an air rights easement over portions of the West Precinct / 911 Communication Center, and to accept payment therefor.

### ORDINANCE NO. 124007

AN ORDINANCE relating to certain appointments; directing the City Clerk to establish and manage a registry of appointments to certain City positions and constituent committees; directing the Clerk to monitor and make public the status of all such appointments; and directing the Clerk to notify the Mayor and Council of pending and actual expirations of such appointments.

### ORDINANCE NO. 124008

AN ORDINANCE relating to the filing of consultant contracts; amending Section 20.50.070 of the Seattle Municipal Code to establish a date by which contracts must be filed with the City Clerk.

### ORDINANCE NO. 124009

AN ORDINANCE related to cable television; amending Ordinance 123954, which approved the transfer of the controlling interest in WaveDivision Holdings, LLC to Oak Hill Capital Partners III, L.P., to correct clerical errors in that legislation.

### ORDINANCE NO. 124010

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2012.

10/11(289250)