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**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT
OR POLICY STATEMENT**

Title of Interpretive Statement: Calculation of towing fees (IS-1)

Issuing Entity: Washington State Patrol, Commercial Vehicle Division

Subject Matter: Clarification of the manner in which the hourly rate for towing fees is calculated under WAC 204-91A-140.

Effective Date: December 15, 2015

Contact Person: Sergeant JD Strup
Washington State Patrol
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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 15, 2015

TIME: 7:41 AM

WSR 16-01-083

**Washington State Patrol
Commercial Vehicle Division Tow Program
Interpretive Statement**

Title of Interpretive Statement: Calculation of towing fees (IS-1)

Effective Date: December 18, 2015

Contact Person: Sergeant JD Strup
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Approved by: Captain Michael Saunders, Commercial Vehicle Division

Purpose:

The purpose of Washington State Patrol Interpretive Statement No. IS-1 is to clarify the manner in which the hourly rate for towing fees is calculated under WAC 204-91A-140.

Background:

In 2014, the Washington State Patrol engaged in rulemaking under WSR 14-17-104. The permanent rule became effective September 19, 2014. As part of this rulemaking process, WAC 204-91A-140 was amended to clarify the manner in which towing fees shall be calculated by tow operators. Specifically, language was added to the rule to clarify that when a tow truck returns to the storage area after being dispatched to a rotational tow, the hourly rate for the tow is computed from the time the truck departs until the time the truck returns to the storage area. Language was also added to require that billing invoices reflect the date and time a vehicle arrives at the storage area or operator's place of business. In November 2015, it was brought to the attention of Washington State Patrol that some members of the tow industry were still unclear about the manner in which towing fees must be calculated by tow operators when the tow truck returns to the storage or impound area at the conclusion of a tow or impound.

Relevant Rules and Laws:

WAC 204-91A-140(1) states: "Towing fees must be based on a flat, hourly rate only"

WAC 204-91A-140(2) states: "The hourly rate must: . . . (d) Be computed from the actual time the truck departs in response to a call until the truck returns to its tow zone, responds to another call, returns to the storage area, or returns to the place of business of the registered tow truck

operator. Billing invoices must have the time of day and date a vehicle arrives at the storage area or place of business of the registered tow truck operator.

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

WAC 204-91A-140(3) states: “The basic storage fee: . . . must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. . . .”

Analysis:

WAC 204-91A-140(1) requires towing fees be based on a flat, hourly rate. The time that a tow operator expends on a tow or impound is computed from the actual time the tow truck departs in response to a call until the tow truck either returns to its tow zone, responds to another call, returns to the storage area, or returns to the place of business of the registered tow truck operator. WAC 204-91A-140(2)(d). When a tow operator returns to the storage area at the conclusion of a tow, the hourly rate stops accruing immediately upon the tow truck’s arrival at the storage area. A tow operator may not include in the hourly tow rate computation any additional time after the truck’s arrival at the storage area used to perform tasks including, but not limited to, offloading the towed vehicle or preparing paperwork. The billing invoice prepared by the operator must reflect the actual time the tow truck arrives at the storage area. Upon the tow truck’s arrival at the storage area, tow fees stop accruing and storage fees start accruing. WAC 204-91A-140(3).