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SENATE BILL 5635

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State of Washington

67th Legislature

2022 Regular Session

By Senator J. Wilson

Prefiled 01/04/22.

1 AN ACT Relating to safety measures for tow truck operators and  
2 vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 46.37.196 and 1977 ex.s. c 355 s 16 are each amended  
6 to read as follows:

7 All emergency tow trucks shall be identified by an intermittent  
8 or revolving red light capable of 360(<sup>o</sup>) degree visibility at a  
9 distance of five hundred feet under normal atmospheric conditions.  
10 (~~This intermittent or revolving red light shall be used only at the~~  
11 ~~scene of an emergency or accident, and it will be unlawful to use~~  
12 ~~such light while traveling to or from an emergency or accident, or~~  
13 ~~for any other purposes.~~) The emergency tow trucks may also operate  
14 rear facing blue lights. The red lights may be used when the tow  
15 truck is enroute to the scene of an emergency or accident, and the  
16 combination of red and blue lights shall only be used at the scene of  
17 an emergency or accident. It is unlawful to use such lights when  
18 traveling from the scene of an accident or for any other purpose.

19 **Sec. 2.** RCW 46.61.212 and 2019 c 106 s 1 are each amended to  
20 read as follows:

1 (1) An emergency or work zone is defined as the adjacent lanes of  
2 the roadway (~~(two hundred)~~) 200 feet before and after:

3 (a) A stationary authorized emergency vehicle that is making use  
4 of audible and/or visual signals meeting the requirements of RCW  
5 46.37.190;

6 (b) A tow truck that is making use of visual (~~(red)~~) lights  
7 meeting the requirements of RCW 46.37.196;

8 (c) Other vehicles providing roadside assistance that are making  
9 use of warning lights with (~~(three hundred sixty)~~) 360 degree  
10 visibility;

11 (d) A police vehicle properly and lawfully displaying a flashing,  
12 blinking, or alternating emergency light or lights; or

13 (e) A stationary or slow moving highway construction vehicle,  
14 highway maintenance vehicle, solid waste vehicle, or utility service  
15 vehicle making use of flashing lights that meet the requirements of  
16 RCW 46.37.300 or warning lights with (~~(three hundred sixty)~~) 360  
17 degree visibility.

18 (2) The driver of any motor vehicle, upon approaching an  
19 emergency or work zone, shall:

20 (a) On a highway having four or more lanes, at least two of which  
21 are intended for traffic proceeding in the same direction as the  
22 approaching vehicle, proceed with caution and, if the opportunity  
23 exists, with due regard for safety and traffic conditions, yield the  
24 right-of-way by making a lane change or moving away from the lane or  
25 shoulder occupied by an emergency or work zone vehicle identified in  
26 subsection (1) of this section;

27 (b) On a highway having less than four lanes, proceed with  
28 caution, reduce the speed of the vehicle, and, if the opportunity  
29 exists, with due regard for safety and traffic conditions, and under  
30 the rules of this chapter, yield the right-of-way by passing to the  
31 left at a safe distance and simultaneously yield the right-of-way to  
32 all vehicles traveling in the proper direction upon the highway; or

33 (c) If changing lanes or moving away would be unsafe, proceed  
34 with due caution and reduce the speed of the vehicle to at least  
35 (~~(ten)~~) 10 miles per hour below the posted speed limit, except for  
36 when the posted speed limit exceeds 60 miles per hour or more, then  
37 reduce the speed of the vehicle to 50 miles per hour or lower.

38 (3) A person may not drive a vehicle in an emergency or work zone  
39 at a speed greater than the posted speed limit or greater than what  
40 is permitted under subsection (2)(c) of this section.

1           (4) A person found to be in violation of this section, or any  
2 infraction relating to speed restrictions in an emergency or work  
3 zone, must be assessed a monetary penalty equal to twice the penalty  
4 assessed under RCW 46.63.110. This penalty may not be waived,  
5 reduced, or suspended.

6           (5) A person who drives a vehicle in an emergency or work zone in  
7 such a manner as to endanger or be likely to endanger any emergency  
8 or work zone worker or property is guilty of reckless endangerment of  
9 emergency or work zone workers. A violation of this subsection is a  
10 gross misdemeanor punishable under chapter 9A.20 RCW.

11           (6) The department shall suspend for (~~sixty~~) 60 days the  
12 driver's license, permit to drive, or nonresident driving privilege  
13 of a person convicted of reckless endangerment of emergency or work  
14 zone workers.

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