



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: August 10, 2022

TIME: 11:10 AM

WSR 22-17-037

Agency: Washington State Patrol

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 22-13-037 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Lighting and Emergency Equipment: WAC 204-21-130 Emergency Lamps; WAC 204-21-230 Lighting Equipment Prohibited and WAC 204-36-050 Equipment Requirements

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 27, 2022	09:00am	Call-in 1-253-215-8782 Meeting ID: 977 6585 0837 Passcode:373864	Hearing to be held via Zoom

Date of intended adoption: 9/28/2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Kimberly Mathis, Agency Rules Coordinator  
 Address: 106 11<sup>th</sup> Street SE, Olympia WA 98507  
 Email: wsprules@wsp.wa.gov  
 Fax:  
 Other:  
 By (date) 9/23/2022

Assistance for persons with disabilities:

Contact Kimberly Mathis, Agency Rules Coordinator  
 Phone: 360-596-4017  
 Fax:  
 TTY:  
 Email: wsprules@wsp.wa.gov  
 Other:  
 By (date) 9/23/2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Changes to WAC 204-21-130, 204-21-230 and 204-36-050 are needed to coincide with legislative changes to RCW 46.37.184 that permit rear-facing blue lights on fire department vehicles, which will become effective June 9, 2022. A change is also needed in WAC 204-36-050 to make it consistent with the authority in WAC 204-21-130 and 204-21-230, which permit blue lights on law enforcement vehicles. Additional minor, non-substantive changes are necessary to clean up the existing language and eliminate confusion.

Reasons supporting proposal: Updates are to ensure consistency and clarity with statutory changes.

Statutory authority for adoption: RCW 46.37.005, 46.37.320 and 46.37.194

Statute being implemented: RCW 46.37.184

Is rule necessary because of a:

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

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

Type of proponent:  Private  Public  Governmental

Name of proponent: (person or organization) Washington State Patrol

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Kimberly Mathis	Olympia, WA	360-596-4017
Implementation:	Washington State Patrol	Olympia, WA	360-596-4017
Enforcement:			

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: A cost-benefit analysis is not required per RCW 34.05.28(5)(a)(i) – (ii) and 34.05.328(5)(b)(ii).

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
 Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b) (Internal government operations)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e) (Dictated by statute)
<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c) (Incorporation by reference)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f) (Set or adjust fees)
<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d) (Correct or clarify language)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\), 34.05.310\(4\)\(c\) – \(d\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: The proposed revisions to allow rear-facing blue lights on fire department vehicles in this rulemaking are necessitated by, and an adoption of, the new statutory language. The remainder of the changes clarify the authority existing in other rules without substantively changing their content or their effect

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** 8/10/2022

**Name:** John R. Batiste

**Title:** Chief

**Signature:**



**WAC 204-21-130 Emergency lamps.** (1) All emergency lamps must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(a) Conformance to Federal Motor Vehicle Safety Standards, or((~~τ~~)); if none((~~τ~~))

(b) Conformance to current standards and specifications of the Society of Automotive Engineers, or((~~τ~~)); if none((~~τ~~))

(c) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Headlamp flashing systems may be used for authorized emergency vehicles owned and operated by law enforcement agencies, licensed ambulance companies, and fire departments. Headlamp flashing systems must:

(a) Have a circuit that alternately flashes only the high beams from the headlamps at a rate of ((~~sixty to one hundred twenty~~)) 60 to 120 flashes per minute per side.

(b) Be so designated that any failure to flash the lamps will not result in failure of the headlamp system to operate normally.

(c) Incorporate an override feature which must stop the flashing and provide full illumination from both high beam headlamps when the dimmer switch is in the high-beam mode.

(d) Have an indicator lamp included in the circuit to give a visible and unmistakable indication to the driver that the system is turned on.

(3) The following table outlines the color of emergency lamps to be used for each type of ((~~emergency~~)) vehicle.

<b>Vehicle Type</b>	<b>Lighting Required</b>	<b>Other Lighting Allowed</b>
Authorized Emergency Vehicles (except <u>Law Enforcement and Fire Department Vehicles</u> )	1 red lamp	Flashing amber or white lamps
Law Enforcement Vehicles	1 blue lamp	Flashing red, amber or white lamps
<u>Fire Department Vehicles (RCW 46.37.184)</u>	<u>1 rear facing blue lamp</u>	<u>Flashing red, amber, or white lamps</u>

Vehicle Type	Lighting Required	Other Lighting Allowed
Volunteer Firefighter Vehicles and Firefighter Private Vehicles (RCW 46.37.185)		If approved by the chief of their respective service, green lamps may be installed on the vehicle provided that the requirements outlined in subsection (4) of this section are met.
Public utilities vehicles, other construction and maintenance vehicles, pilot cars, tow trucks, animal control vehicles, hazardous materials response team vehicles, search and rescue team vehicles, and rural newspaper carrier vehicles, and vehicles towing a load that exceeds legal dimensions.		One or more flashing amber lamps provided that the requirements of subsection (5) of this section are met.

(4) Green (~~(lights)~~) lamps for volunteer firefighter and fire-fighter private vehicles must:

(a) Meet the requirements of SAE J595 except that the color of the lamp must be green as the color described in SAE J578.

(b) Be visible for a distance of (~~(two hundred)~~) 200 feet under normal atmospheric conditions.

(c) Not have a maximum light projected in any one direction exceeding three hundred candle power.

(d) Be mounted no less than (~~(twenty-four)~~) 24 inches above the level surface upon which the vehicle stands, or may be placed on the forward portion of the top above the windshield.

(e) Be mounted anywhere from the center of the vehicle to the left side thereof.

(f) Be used only for the purpose of identification and the operator of a vehicle so equipped must not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(5) Amber lamps must:

(a) Be mounted and be of sufficient intensity so as to be clearly visible to approaching traffic for at least (~~(five hundred)~~) 500 feet in normal sunlight.

(b) Be mounted as outlined in WAC 204-21-020 and as follows:

(i) Must be mounted so that the entire projected area of the lens is visible from all eye heights of drivers of other vehicles at angles within (~~(forty-five)~~) 45 degrees left to (~~(forty-five)~~) 45 degrees

right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional (~~warning~~) amber lamp must be displayed within the obstructed angle.

(ii) May be mounted at any height.

(c) Only be used on the vehicles described in subsection (3) of this section, when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. (~~Warning~~) Lamps must not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations must be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars must be illuminated only while the vehicle is actually providing escort service. Lamps on rural newspaper delivery vehicles must only be illuminated when the vehicle is traveling on the delivery route. Lamps on oversize units may be illuminated when traveling on public roadways. The operator of these vehicles (~~must~~) are not (~~be~~) entitled to any (~~of the~~) other privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(6) Three hundred sixty degree (~~emergency~~) warning lamps must meet SAE Standard J845.

(7) Nothing in this section relieves the operator of any vehicle from displaying any other light or warning device required by statute or regulation.

AMENDATORY SECTION (Amending WSR 15-16-124, filed 8/5/15, effective 9/5/15)

**WAC 204-21-230 Lighting equipment prohibited.** (1) The addition of a lamp, reflective device or other motor vehicle equipment must not impair the effectiveness of lighting equipment required by 49 C.F.R. Part 571.108, as it exists on February 22, 2022, or chapter 46.37 RCW.

(a) If a vehicle is in motion on a public roadway, the vehicle must not:

(i) Display aftermarket neon lighting devices.

(ii) Combine any type of letter, number, sign, symbol or combination thereof with an eye level brake light meeting the standards of 49 C.F.R. Part 571.108 (FMVSS 108). No function other than red reflex reflectors will be combined in eye level brake lights.

(iii) Have a lighted or electrically/mechanically powered sign or message board enabling change or movement of any displayed message to be displayed or affixed to the vehicle. Except:

(A) Vehicles that are used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or movement may display lighted or electrically powered signs to assist in the efficient control of traffic movement on public roadways. The signs must be designed, worded, and located to limit misinterpretation and confusion by the motoring public.

(B) Electric signs may be unitized to identify taxicabs and the destinations of mass transportation vehicles. These signs must not contain any commercial or personal message and must be designed, worded, and located so that it is clearly differentiated from other required motor vehicle lights.

(b) If a vehicle is not in motion and parked on private property, the vehicle may use aftermarket lighting except as outlined under RCW 46.37.180.

(c) This section is not intended to prohibit a scrolling sign provided that the scrolling sign must:

(i) Be powered by an external source or in a manner which does not cause the required equipment on the vehicle to be out of compliance with 49 C.F.R. Part 571, chapter 46.37 RCW or Title 204 WAC.

(ii) Not be lit.

(iii) Not have continual motion.

(2) Pursuant to Title 49 C.F.R. Part 571.108, the addition of an aftermarket style ornament or other feature such as tinted plastic glass covers, a grille or slotted covers must not be placed in front of the headlamp lens, or in front of any other lighting devices installed on motor vehicles which impair the effectiveness of lighting equipment required under 49 C.F.R. Part 571.108 (FMVSS 108) or chapter 46.37 RCW. Except:

(a) Clear aftermarket headlamp covers.

(b) Headlamp wipers may be used in front of the lens provided that the headlamp system is designed to conform to all applicable photometric requirements in 49 C.F.R. Part 571.108 (FMVSS 108) with the wiper stopped in any position in front of the lens.

(c) A bike rack may be installed on the front of a municipal transit vehicle (as defined under RCW 46.04.355) provided that even with the bike rack installed, loaded or unloaded with bicycles, the headlight system still conforms with all applicable photometric requirements in 49 C.F.R. Part 571.108 (FMVSS 108).

(3) Red emergency lights are prohibited on any vehicle other than an authorized emergency vehicle, a law enforcement vehicle, an emergency tow truck as defined in WAC 204-21-020(8), school buses, and private carrier buses.

(4) Blue lights are prohibited on any vehicle other than a law enforcement vehicle as defined in WAC 204-21-020 and a fire department vehicle as authorized in RCW 46.37.184.

(5) Flashing white lights are prohibited on any vehicle other than authorized emergency vehicles, law enforcement vehicles, school buses, and emergency tow trucks as defined in WAC 204-21-020.

**WAC 204-36-050 Equipment requirements.** (1) Authorized emergency vehicles must be:

(a) Conventional passenger cars, vans, pickups, or similar vehicles;

(b) Conventionally painted; and

(c) Legally equipped in conformance with RCW 46.37.190(1) with at least one lamp capable of displaying a red light visible from at least (~~five hundred~~) 500 feet in normal sunlight and a siren capable of giving an audible signal. Such equipment must not be installed prior to obtaining approval of the application and issuance of a temporary certificate of approval for the vehicle(s) by the patrol. To be considered approved equipment for use under the provisions of this section, all devices must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(i) Conformance to current standards and specifications of the Society of Automotive Engineers, or; if none

(ii) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Authorized emergency vehicles must not:

(a) Be equipped with blue lamps except as provided in RCW 46.37.184 and WAC 204-21-230(4).

(b) Display commercial signs, posters, or pictures.

(c) Carry or attach to the outside of the vehicle equipment, not related to the emergency nature of the vehicle.

(d) Display or use any name that includes the word "police" or "law enforcement" or other word which portrays the individual or business as a public law enforcement agency.

(3) Authorized emergency vehicles may, in addition to the required equipment, have:

(a) An amber or white lamp on their vehicle as outlined under WAC 204-21-130;

(b) Signal preemptive device as outlined in RCW 46.37.670;

(c) Flashing or strobing headlamps;

provided that such equipment is listed on the application and approved by each primary jurisdiction and the patrol.