



# 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 17, 2023

TIME: 1:12 PM

WSR 23-17-110

Agency: Washington State Patrol

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

- Preproposal Statement of Inquiry was filed as WSR 23-14-008 ; 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)

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 27, 2023	10:00am	Washington State Patrol Helen Somers Building 106 11 <sup>th</sup> Street SE, Room 1011 Olympia, WA 98507	

Date of intended adoption: (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) September 26, 2023

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) September 26, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

A cornering lamp function provided by the Original Equipment Manufacturer (OEM) is typically a function within the headlamp or using an existing lamp (such as a fog lamp). FMVSS 108 requires headlamps to be mounted not less than 22 inches nor more than 54 inches from the ground, measured from the center of the lamp. The cornering lamp mounting height limitation of 30 inches in the current WA regulation does not accommodate for some SUVs or higher vehicles which have the headlamp mounted above 30 inches, yet still within the FMVSS limit of 54 inches. This prohibits the OEM the ability of offering a cornering lamp function within a headlamp or at the same height as a headlamp on higher vehicles that is compliant with federal rules and allowable in all other states..

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

Statutory authority for adoption: RCW 46.37.005 and 46.37.320

Statute being implemented: RCW 43.37.320

Is rule necessary because of a:

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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:	Washington State Patrol	Olympia, WA	360-596-4017

**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 34.05.328(5)(a)(i) – (ii) and 34-05-328(5)(b)(iii).

**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)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((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 \_\_\_\_\_.
- Explanation of how the above exemption(s) applies to the proposed rule:

**(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:** August 16, 2023

**Name:** John R. Batiste

**Title:** Chief

**Signature:**

**WAC 204-21-120 Cornering lamps.** Cornering lamps:

- (1) Must meet SAE Standard (~~(J852a)~~) J852.
- (2) Must be on the front of the vehicle near the side or the side near the front.
- (3) (~~Must be mounted no lower than twelve inches nor higher than thirty inches.~~)
- (4)) Must, if they have means to adjust and aim the lamp, be mounted so the center of the high intensity portion of the beam is within (~~(forty to fifty)~~) 40 to 50 degrees from the longitudinal axis of the vertical toward the front. The vertical aim must be within the center of the high intensity zone, (~~(ten to fourteen)~~) 10 to 14 inches below the level of the lamp center.
- (~~(5)~~) (4) Must, if they don't have aiming mechanisms, be mounted in a fixed position on the vehicle in accordance with the manufacturer's instructions.