

# Chapter 204-93 WAC

## ASSISTANCE VANS

### WAC

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**WAC 204-93-010 Authority.** This rule is promulgated pursuant to RCW 47.52.120, 46.37.005, and 46.37.194.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-010, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-010, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-010, filed 10/1/85.]

**WAC 204-93-020 Purpose.** The purpose of this regulation is to provide minimum standards and operating regulations for assistance vans.

[Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-020, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-020, filed 10/1/85.]

**WAC 204-93-030 Definitions.** (1) **Assistance van:** A vehicle that has been approved by the state patrol to provide aid, free of charge, to vehicles with equipment or fuel problems. An assistance van will be referred to as "van" in this regulation.

(2) **Commander:** Means the commanding officer, or their designee, of a Washington state patrol district or division.

(3) **ESR:** Equipment and standards review section of the Washington state patrol.

(4) **Driver:** Means any person who drives the van and furnishes the actual service.

(5) **Geographic area:** Means the city, county, state routes or interstate roads on which the vehicle will be operated under the authorized emergency vehicle permit if approved.

(6) **Highway:** Means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(7) **Inspector:** Means an officer of the Washington state patrol who has been designated by his/her commander to conduct inspections of assistance vans.

(8/31/09)

(8) **Operator:** Means the person(s) or firm so named in the letter of appointment, who operates the assistance van.

(9) **Owner:** Means the legal owner of the assistance van.

(10) **Patrol:** Means the Washington state patrol as defined in RCW 43.43.010.

(11) **Permit:** Means the document issued by ESR that authorized the assistance van to operate.

(12) **Primary jurisdiction:** Means lead department who has jurisdiction on the roads that the applicant wishes to use the emergency lighting on.

(13) **Political subdivision:** Means the individual who has authority over the applicant if the applicant is the chief law enforcement officer or fire chief.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-030, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-030, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-030, filed 10/1/85.]

**WAC 204-93-040 Driver standards.** (1) The driver's minimum age is to be 21 years, and the driver must possess a valid:

(a) First-aid card.

(b) Washington operator's license.

(2) The patrol may refuse to approve the permit or in the case of a permit which lists multiple operators/drivers may refuse to approve any single operator/driver if the applicant/operator/driver:

(a) Has been convicted of a felony during the ten years preceding the date of the application provided the felony for which the applicant was convicted directly relates to the specific occupation, trade, vocation, or business for which the certificate or permit is sought;

(b) Has ever been convicted of any Class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the state of conviction;

(c) Has been convicted of DUI as defined in chapter 46.61 RCW, or convicted of a similar offense regardless of the state of conviction, within the last seven years;

(d) Has been convicted of reckless driving, or a hit-and-run, within the last seven years;

(e) Has been convicted of a gross misdemeanor within the last five years;

(f) Has been convicted of any misdemeanor within the last year; or

(g) Must register as a sex offender.

Crimes referenced in this section are as defined in the criminal code as they exist at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-040, filed 8/31/09, effective 10/1/09. Statutory Authority:

RCW 47.52.120. WSR 90-18-049, § 204-93-040, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-040, filed 10/1/85.]

**WAC 204-93-050 Van standards.** (1) The minimum size vehicles must be a half-ton rated van or pickup truck.

(2) The van must:

(a) Be equipped with adequate front pushbars of a design that protects the finish of any vehicle being pushed.

(b) Not have towing capabilities.

(c) Have the primary sponsor or operator's name, address, and telephone number painted on both sides of the vehicle in a contrasting color. The lettering must be at least 3 inches in height with a 3/4 inch stroke. Other sponsors may be shown in smaller lettering.

(d) Have the words "assistance van" painted on the front and rear of the van. The size of the lettering must be the same as the primary sponsor's or operator's name.

(e) Have the capability to jump start another vehicle without going the wrong direction on the highway.

(f) Have the ability to transfer fuel, or carry a minimum of 2.5 gallons of gasoline.

(g) Be maintained in a clean and neat manner.

(h) Be equipped with an approved light bar that displays amber lighting in a 360° radius. The amber lights must be used only at the scene of a disabled vehicle or when a disabled vehicle is being pushed from the travel lane to the nearest shoulder of the highway. If the van is used for private purposes, or for purposes in an area or by an operator/driver other than as set forth in the application, all emergency equipment which is exposed to public view must be removed or covered with an opaque hood, and must not be operated during such period of time.

(3) The van must not:

(a) Be equipped with the following:

(i) Emergency lighting other than outlined in subsection (2)(h) of this section.

(ii) Signal preemptive device.

(b) 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.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-050, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-050, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-050, filed 10/1/85.]

**WAC 204-93-060 Two-way communications requirements.** The van must have:

(1) The capability to monitor channel 9 of the citizen's band radio.

(2) A mobile telephone system in proper working order, functions correctly throughout the assigned area of operation, and is used in a correct and lawful manner.

(3) A public address system.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-060, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-060, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-060, filed 10/1/85.]

**WAC 204-93-070 Equipment requirements.** The van must be equipped with the following items:

(1) Floor jack - 2-1/2 ton rating.

(2) Portable tank of compressed air with a gauge indicating a minimum capacity of 100 psi.

(3) One 36 unit first-aid kit or larger.

(4) One 20 BC rated fire extinguisher or two 10 BC rated fire extinguishers.

(5) Mechanics tools for minor repairs.

(6) Five-gallon container of water.

(7) Six orange or red traffic cones.

(8) One case of 20-minute fuses.

(9) Operable 12 volt jump pack and jumper cables that are at least eight feet in length.

(10) Absorbent material capable of absorbing one gallon of vehicular fluid leaks.

(11) Four-way lug wrench in metric and Society of Automotive Engineer (SAE) sizes.

(12) Two wheel chocks or wheel blocking devices.

(13) One pair of heavy duty leather gloves.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-070, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-070, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-070, filed 10/1/85.]

**WAC 204-93-080 Insurance requirements.** (1) Each van must be covered with the following minimum insurance coverage:

(a) One hundred thousand dollars of legal liability per occurrence to protect against vehicle damage.

(b) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence.

(2) Proof of insurance must be filed with the ESR section of the patrol. Failure to maintain the required coverage will result in immediate cancellation of the letter of appointment by the state patrol.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-080, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-080, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-080, filed 10/1/85.]

**WAC 204-93-090 Permit requirements.** (1) An application for a permit to operate an assistance van shall be filed with the ESR on a form prescribed and furnished by the state patrol.

(2) The application must furnish the following information to the patrol:

(a) A listing of the names of all operators or drivers of the van and a completed fingerprint card and associated fee for the applicant and each person who operates and/or drives the van.

(b) A description of the specific geographic area in which the vehicle will be used as an assistance van.

(c) A description of each vehicle, to include, year, make, model, VIN, license number, and registered owner.

(d) Certification from each primary jurisdiction identified in (b) of this subsection that the vehicle is to be used as described. Such certification must be by the chief law enforcement officer. If the person making the application is the chief law enforcement officer, certification must be made

by the chief executive officer of the political subdivision of the jurisdiction. The certification must state that a need exists in the jurisdiction for the vehicle to be used as described and that the certifier knows of no reason why the application should be denied.

(3) Upon satisfactory application the patrol may issue a permit.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-090, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-090, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-090, filed 10/1/85.]

#### **WAC 204-93-100 Inspections and approval decals.**

Upon receipt of an application for a permit, the patrol will conduct an inspection of the applicant's van, to determine if the applicant qualifies for the issuance of a permit.

(1) After a permit has been issued, the state patrol will cause to be affixed to each qualified van a window decal indicating that it has been approved by the state patrol.

The decal will be furnished by the state patrol and affixed to the windshield on the lower right hand corner by the inspector.

(2) Reinspections of approved vans will be conducted at least once a year by an inspector.

(a) Upon subsequent inspections, the inspector may remove the decal from the van if it is no longer found to be qualified, subject to the following procedures:

(i) In the event of a safety-related defect which would render the van a safety hazard upon the public highway, the decal may be removed immediately by the inspector. Upon a protest by the operator that the defect does not represent a safety hazard, the decal may not be removed until such time as the defect is verified as a safety hazard by the inspector's supervisor.

(ii) In the event of missing or defective equipment which is not a safety hazard but is required for initial approval, the inspector must issue a correction notice for the defect. If after ten days the operator fails or refuses to repair the defect, the decal may be removed.

(iii) Upon repair of a defect which has previously caused removal of a decal, the inspector will reinspect the equipment which had been defective. If the specified corrections have been satisfactorily completed, the inspector will reapply another decal to the windshield. In the event that the inspector is not readily available to reinspect and reapply the decal, such other patrol officer as may be appointed by the patrol may reinspect and reapply the decal. The reinspection and reapplication will be done as soon as possible after the operator advises that the defect has been repaired.

(b) Upon termination of a permit, the decal will be immediately removed and the permit retrieved by the state patrol.

(c) Upon sale or other transfer of the van from the business, the operator must so advise the ESR and must remove the decal prior to the sale or transfer of the vehicle.

(d) Upon the purchase or acquisition of any additional van to be used pursuant to this chapter, the operator must immediately notify the ESR and request an inspection of the new unit by the patrol. No vehicle will be authorized under the permit until it is approved by the patrol.

(8/31/09)

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-100, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-100, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-100, filed 10/1/85.]

**WAC 204-93-110 Certification.** After inspection of the van, driver qualifications, and required equipment, the inspecting officer will certify one of the following:

(1) The van operation of the applicant fully conforms to the requirements established by this rule.

(2) The van operation of the applicant does not fully conform to the requirements. The deficiencies will be listed on the inspection form. The operator will be informed of the deficiencies by the inspector. The operator may reapply to the inspector or the ESR when he/she has corrected the deficient areas and request another inspection.

Upon certification of compliance by the inspector and after all other requirements of this regulation have been met, the ESR will issue a permit to the applicant.

A copy of the current permit must be posted in the place of business of the applicant, and carried in each vehicle at all times.

Failure of the operator to comply with any of the various regulations in this chapter may result in cancellation of the operator's permit by the ESR.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-110, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-110, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-110, filed 10/1/85.]

**WAC 204-93-120 Free service.** All services provided to a disabled motorist at the location of the disablement must be free. This will include any vehicle repair parts that may be furnished by the operator.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-120, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-120, filed 10/1/85.]

**WAC 204-93-130 Notification to law enforcement agencies.** The appropriate law enforcement agency must be notified of the following circumstances:

- (1) Motor vehicle accidents
- (2) Ill or incapacitated motorists
- (3) Intoxicated motorists
- (4) If a disabled vehicle is to be left on the highway shoulder and the driver is to be transported away from the scene.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-130, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-130, filed 10/1/85.]

**WAC 204-93-140 Restrictions to van operation and movement on highway.** Any van authorized under this section must:

- (1) Not travel in high-occupancy vehicle lane unless traveling to assist a disabled vehicle.
- (2) Not travel in the wrong direction on any highway or on/off ramps of highway, unless directed by a law enforcement officer.

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(3) Safely push a disabled vehicle only to the nearest safe highway shoulder area.

(4) Not tow disabled vehicles for any distance.

(5) Obey all "rules of the road" as defined by chapter 46.61 RCW with the exception of RCW 46.61.570 and 46.61.575 as they relate to stopping, standing, or parking restrictions on public highways.

(6) Obey RCW 47.52.120, except section (5) as it relates to the stopping or parking of a vehicle on a limited access highway facility.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-140, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-140, filed 10/1/85.]

#### **WAC 204-93-150 Record of assistance furnished.**

Each van operator must maintain a permanent daily log or record of all assistance furnished to disabled motorists. These records will be made available to the inspector, any law enforcement officer, or ESR upon request. This record must include, but is not limited to, the following items:

- (1) Van driver's name
- (2) Location and time of assistance
- (3) Vehicle license number of vehicle assisted
- (4) Type of assistance given
- (5) Date and time of day that van is placed in service and taken out of service.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-150, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. WSR 90-18-049, § 204-93-150, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-150, filed 10/1/85.]

**WAC 204-93-160 Driver's clothing.** The van driver must wear clothing that identifies the operator or primary sponsor.

- (1) This must include:
  - (a) A legible name tag.
  - (b) Clothing maintained in a presentable and clean manner.

(2) Level III reflective vest and pants. The vest and pants must be approved as meeting the United States Department of Transportation (USDOT) or American National Standards Institution (ANSI) standards.

(3) An operator of an assistance van will not be allowed to display any sign, shield, marking, accessory or insignia on their uniform, clothing, or equipment to imply that he or she is a law enforcement officer, unless all of the following apply:

(a) The sign, shield, marking, accessory or insignia on their uniform or equipment is issued by a public law enforcement agency.

(b) The operator is employed by the public agency that is represented on the sign, shield, marking, accessory or insignia on their uniform or equipment, and approved to operate the vehicle by that agency under the authorized emergency vehicle permit.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-160, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120 and 46.37.005. WSR 85-20-090 (Order 002-85), § 204-93-160, filed 10/1/85.]

**WAC 204-93-170 Revocation or suspension.** (1) Violation of any of these regulations will be grounds for suspension or revocation of the permit. Notice will be furnished to the applicant at least twenty days prior to the effective date of such suspension or revocation. The notice will describe the grounds for the order and will furnish the applicant an opportunity to be heard within the twenty-day period. The notice may provide for immediate suspension of the permit prior to any hearing, or the patrol may suspend the permit following the hearing but prior to final determination, if it is necessary to do so in the interests of the public health, safety, or welfare.

(2) The chief law enforcement officer of each primary jurisdiction in which the vehicle is operated as an assistance van may revoke his certification of the vehicle by notifying the patrol in writing of such revocation and their reasons therefore. Following notice to the applicant and an opportunity to be heard, the permit may be invalidated by the patrol.

(3) Mailing by certified mail of any notice or correspondence by the patrol to the last address of the applicant shown on his/her application will be sufficient service of notice as required by this chapter.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. WSR 09-18-072, § 204-93-170, filed 8/31/09, effective 10/1/09.]