

HOUSE BILL REPORT

HB 1709

As Reported by House Committee On:
Transportation

Title: An act relating to safety measures for tow truck operators and vehicles.

Brief Description: Addressing safety measures for tow truck operators and vehicles.

Sponsors: Representatives Orcutt, Wylie, Springer, Griffey and Leavitt.

Brief History:

Committee Activity:

Transportation: 1/13/22, 2/1/22 [DPS].

Brief Summary of Substitute Bill

- Allows emergency tow trucks at the scene of an accident to use rear-facing blue lights in addition to an intermittent or revolving red light.
- Allows emergency tow trucks to operate an intermittent or revolving red light when on the way to the scene and when, due to the emergency or accident, the speed of traffic has been reduced to 35 miles per hour (mph) or less.
- Allows emergency tow trucks to operate an intermittent or revolving red light when leaving the scene of an emergency or accident while accelerating to 10 mph below the posted speed limit.
- Requires any driver on a road with a speed limit of 60 mph or more approaching any emergency or work zone who are unable to move away or change lanes to reduce speed to 50 mph or lower.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Dent, Donaghy, Duerr, Entenman, Griffey, Hackney, Klicker, McCaslin, Orcutt, Paul, Ramel, Riccelli, Slatter, Sutherland, Taylor, Valdez, Walsh and Wicks.

Minority Report: Without recommendation. Signed by 2 members: Representatives Robertson, Assistant Ranking Minority Member; Goehner.

Staff: Michael Hirsch (786-7195).

Background:

Authorized Emergency Vehicle.

An authorized emergency vehicle is:

- any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol (WSP), or ambulance service, or
- any other vehicle authorized in writing by the WSP.

Authorized emergency vehicles using signal equipment consisting of a red visible light and a siren requires drivers to yield right-of-way and stop.

Tow Truck Lights.

Emergency tow trucks are required to have an identifying light that must: be red, revolve or flash intermittently, be visible from 360 degrees, and be visible from 500 feet under normal atmospheric conditions. Emergency tow trucks must use the light at the scene of an emergency or accident. A tow truck is not considered an authorized emergency vehicle and may not operate the light on the way to an accident or for any purpose other than at the scene of an emergency or accident.

Emergency Work Zone.

An emergency or work zone is defined as the adjacent lanes of the roadway 200 feet before and after an emergency or work zone vehicle. The following vehicles qualify as emergency or work zone vehicles:

- a stationary authorized emergency vehicle that is making use of audible and/or visual signals that meet state requirements for authorized emergency vehicles;
- a tow truck that is making use of visual red lights that meet state requirements for emergency tow trucks;
- other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility;
- a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights;
- or a stationary or slow-moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle that is making use of flashing lights that meet state requirements for snow-removal and other highway maintenance,

and service equipment or warning lights with 360-degree visibility.

Passing an Emergency or Work Zone.

If the highway has four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the motor vehicle approaching the emergency or work zone, the driver of any motor vehicle must proceed with caution and, if the opportunity exists, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by an emergency or work zone vehicle.

On a highway having fewer than four lanes, the driver of a motor vehicle must proceed with caution, reduce the speed of the vehicle, and, if the opportunity exists, with due regard for safety and traffic conditions, and following all applicable rules of the road, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction on the highway.

If changing lanes or moving away would be unsafe, the driver of a motor vehicle must proceed with due caution and reduce the speed of the vehicle to at least 10 miles per hour (mph) below the posted speed limit.

Summary of Substitute Bill:

Tow Truck Lights.

Emergency tow trucks may operate an intermittent or revolving red light when:

- en route to the scene and encountering a significant slowdown in the speed of traffic due to the emergency or accident where the speed of traffic has been reduced to 35 mph or less;
- at the scene of an emergency or accident; and
- leaving the scene of an emergency or accident while accelerating to 10 mph below the posted speed limit.

Emergency tow trucks at the scene of an accident may use rear-facing blue lights.

Passing an Emergency or Work Zone.

Any driver who is unable to change lanes on a road passing an emergency or work zone and is proceeding with due caution in an adjacent lane is required to reduce the speed of the vehicle to 50 mph or lower when the posted speed limit exceeds 60 mph or more.

Substitute Bill Compared to Original Bill:

The substitute bill modifies when an emergency tow truck may use intermittent or flashing red lights in relation to the scene of an emergency or accident in two ways: (1) the substitute bill expands the use of these lights from the original bill to include when a tow

truck is leaving the scene and accelerating to 10 mph below the speed limit; and (2) the substitute bill narrows the use of these lights en route to the scene to times when a tow truck encounters a slowdown in traffic to 35 mph or less due to the emergency or accident.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill would increase safety for tow truck operators working in a dangerous industry. Tow truck drivers do not have enough space on the side of the roadway and cannot block a lane of traffic. Tow truck drivers may end up standing near or in the lane of travel. People are not slowing down and moving over when they see the red light. Drivers pay attention and slow down for blue lights. Other states allow tow trucks to have rear-facing blue lights. Tow truck driving is a dangerous profession. Two tow truck drivers were killed last year in Washington on the side of the highway. Traffic is getting worse and motorists are not paying attention. Red light operation for the approach on the way to a scene increases safety while approaching the scene and alerts other vehicles to the presence of a tow truck. Tow trucks need warning lights leaving the scene as they need time to get up to speed and that distance would vary based on the grade of the road. Setting a maximum speed in an emergency or work zone would increase tow truck driver safety. People should not be going by any emergency scene faster than 50 mph. This bill should clarify the requirement for drivers to slow down and move over.

(Opposed) There is no known evidence blue lights reduce collisions on roadways and Washington State Patrol cars with blue lights have been struck. People may assume the blue light indicates law enforcement presence but would not be able to receive law enforcement services. Tow truck operators have not had training on operating red lights on the way to a scene. Tow trucks are secondary responders to the scene and are called once law enforcement has secured the scene.

Persons Testifying: (In support) Representative Ed Orcutt, prime sponsor; Peter Lukevich and Matthew Porter, Towing and Recovery Association of Washington; Cory Wells, TLC Towing; Jennifer Cook and Jesse Pauley, AAA Washington; and Pamela Lux, Shannon Towing, Inc.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Captain Neil Weaver, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.