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**HOUSE BILL 1469**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Jenkin, Chapman, Lovick, Young, Ryu, Orcutt, McCaslin, and Barkis

Read first time 01/23/19. Referred to Committee on Transportation.

1 AN ACT Relating to approaching emergency or work zones and tow  
2 truck operators; amending RCW 46.61.212; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.212 and 2018 c 18 s 2 are each amended to read  
5 as follows:

6 (1) The driver of any motor vehicle, upon approaching an  
7 emergency or work zone, which is defined as the adjacent lanes of the  
8 roadway two hundred feet before and after (a) a stationary authorized  
9 emergency vehicle that is making use of audible and/or visual signals  
10 meeting the requirements of RCW 46.37.190, (b) a tow truck that is  
11 making use of visual red lights meeting the requirements of RCW  
12 46.37.196, (c) other vehicles providing roadside assistance that are  
13 making use of warning lights with three hundred sixty degree  
14 visibility, (d) a police vehicle properly and lawfully displaying a  
15 flashing, blinking, or alternating emergency light or lights, or (e)  
16 a stationary or slow moving highway construction vehicle, highway  
17 maintenance vehicle, solid waste vehicle, or utility service vehicle  
18 making use of flashing lights that meet the requirements of RCW  
19 46.37.300 or warning lights with three hundred sixty degree  
20 visibility shall:

1 (i) On a highway having four or more lanes, at least two of which  
2 are intended for traffic proceeding in the same direction as the  
3 approaching vehicle, proceed with caution and(~~(, if reasonable,)~~)  
4 reduce the speed of the vehicle to fifty miles per hour or less and  
5 with due regard for safety and traffic conditions, yield the  
6 right-of-way by making a lane change or moving away from the lane or  
7 shoulder occupied by an emergency or work zone vehicle identified in  
8 this subsection (1) (~~of this section~~);

9 (ii) On a highway having less than four lanes, proceed with  
10 caution, reduce the speed of the vehicle to at least ten miles per  
11 hour below the posted speed limit, and, if reasonable, with due  
12 regard for safety and traffic conditions, and under the rules of this  
13 chapter, yield the right-of-way by passing to the left at a safe  
14 distance and simultaneously yield the right-of-way to all vehicles  
15 traveling in the proper direction upon the highway; or

16 (iii) If changing lanes or moving away would be unreasonable or  
17 unsafe, proceed with due caution and reduce the speed of the vehicle.

18 (2) A person may not drive a vehicle in an emergency or work  
19 zone, or in the area where a tow truck is making use of visual red  
20 lights meeting the requirements of RCW 46.37.196, at a speed greater  
21 than the (~~posted~~) speed limit provided for in subsection (1)(e)(i)  
22 or (ii) of this section.

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

28 (4) A person who drives a vehicle in an emergency or work zone in  
29 such a manner as to endanger or be likely to endanger any emergency  
30 or work zone worker or property is guilty of reckless endangerment of  
31 emergency or work zone workers. A violation of this subsection is a  
32 gross misdemeanor punishable under chapter 9A.20 RCW.

33 (5) The department shall suspend for sixty days the driver's  
34 license, permit to drive, or nonresident driving privilege of a  
35 person convicted of reckless endangerment of emergency or work zone  
36 workers.

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