

8. This notice is filed by (signature of individual and capacity in which the person is signing):

Date _____

[Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-990, filed 2/10/84, effective 4/4/84.]

Title 204 WAC
EQUIPMENT, COMMISSION ON

Chapters

204-66	Towing businesses.
204-82	Standards for motor vehicle sun screening devices.
204-91	Towing businesses.
204-93	Assistance vans.
204-94	Reflectorized warning devices.

Chapter 204-66 WAC
TOWING BUSINESSES

WAC

204-66-010 through 204-66-200 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

204-66-010	Authority. [Order 7720, § 204-66-010, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-010.	204-66-080	Processing of application. [Statutory Authority: 1977 ex.s. c 167. 78-10-016 (Order 7720C), § 204-66-080, filed 9/12/78; Order 7720, § 204-66-080, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005.
204-66-020	Purpose. [Order 7720, § 204-66-020, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-020.	204-66-090	Issuance of a letter of appointment. [Order 7720, § 204-66-090, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-100.
204-66-030	Definitions. [Order 7720, § 204-66-030, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-030.	204-66-100	Suspension or revocation of letter of appointment. [Order 7720, § 204-66-100, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-110.
204-66-040	Application for letter of appointment. [Order 7720, § 204-66-040, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-040.	204-66-110	Letter does not grant vested right. [Order 7720, § 204-66-110, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005.
204-66-050	Application form for letter of appointment. [Order 7720, § 204-66-050, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005.	204-66-120	Procedure. [Statutory Authority: RCW 46.37.005. 79-09-093 (Order 7720H), § 204-66-120, filed 8/31/79; Order 7720, § 204-66-120, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-120.
204-66-060	Inspections. [Statutory Authority: RCW 46.61.567. 80-10-006 (Order 80-07-01), § 204-66-060, filed 7/25/80. Statutory Authority: RCW 46.37.005. 80-02-093 (Order 7720K), § 204-66-060, filed 1/23/80. Statutory Authority: 1977 ex.s. c 167. 78-08-079 (Order 7720B), § 204-66-060, filed 7/27/78; Order 7720, § 204-66-060, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-070.	204-66-130	Appeal. [Order 7720, § 204-66-130, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-130.
204-66-070	Certification. [Order 7720, § 204-66-070, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-080.	204-66-140	Towing procedure. [Statutory Authority: RCW 46.37.567 [46.61.567]. 83-11-028 (Order 83-05-01), § 204-66-140, filed 5/13/83. Statutory Authority: RCW 46.37.005. 79-11-107 (Order 7720J), § 204-66-140, filed 11/1/79; Order 7720, § 204-66-140, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-160.
		204-66-150	Tow zones. [Order 7720, § 204-66-150, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-170.
		204-66-160	Minimum standards for tow trucks. [Statutory Authority: RCW 46.61.567. 80-10-006 (Order 80-07-01), § 204-66-160, filed 7/25/80. Statutory Authority: 1977 ex.s. c 167. 79-05-109 (Order 7720E), § 204-66-160, filed 5/2/79; 78-08-079 (Order 7720B), § 204-66-160, filed 7/27/78; Order 7720, § 204-66-160, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-180.
		204-66-170	Tow truck classifications. [Statutory Authority: RCW 46.61.567. 80-10-006 (Order 80-07-01), § 204-66-170, filed 7/25/80. Statutory Authority: 1977 ex.s. c 167. 78-08-079 (Order 7720B), § 204-66-170, filed 7/27/78; Order 7720, § 204-66-170, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005.

- 204-66-180 Vehicle towing operator qualifications. [Statutory Authority: RCW 46.37.005 and 46.61.567. 81-10-038 (Order 81-04-01), § 204-66-180, filed 4/30/81. Statutory Authority: RCW 46.37.005. 79-09-093 (Order 7720H), § 204-66-180, filed 8/31/79. Statutory Authority: RCW 46.61.562 through 46.61.567. 79-01-077 (Order 7720D), § 204-66-180, filed 1/2/79; 78-08-079 (Order 7720B), § 204-66-180, filed 7/27/78; Order 7720A, § 204-66-180, filed 11/18/77, effective 12/21/77; Order 7720, § 204-66-180, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-190.
- 204-66-190 Penalties. [Order 7720, § 204-66-190, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005.
- 204-66-200 Effective date. [Order 7720, § 204-66-200, filed 10/14/77.] Repealed by 85-20-100 (Order 003-85), filed 10/1/85, effective 1/1/86. Statutory Authority: 1985 c 377 and RCW 46.37.005. Later promulgation, see WAC 204-91-200.

WAC 204-66-010 through 204-66-200 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 204-82 WAC STANDARDS FOR MOTOR VEHICLE SUN SCREENING DEVICES

WAC	
204-82-010	Authority.
204-82-020	Purpose.
204-82-030	Scope.
204-82-040	Definitions.
204-82-050	Glazing locations and restrictions.
204-82-060	Certification by manufacturers.

WAC 204-82-010 Authority. This chapter is promulgated pursuant to RCW 46.37.430 and chapter 304, Laws of 1985, and is intended to administratively implement that statute. [Statutory Authority: RCW 46.37.430 and 46.37.005. 85-20-089 (Order 001-85), § 204-82-010, filed 10/1/85.]

WAC 204-82-020 Purpose. The purpose of this rule is to establish requirements for approved vehicle glazing materials designed to reduce the effects of the sun, and for products and materials which are designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun. [Statutory Authority: RCW 46.37.430 and 46.37.005. 85-20-089 (Order 001-85), § 204-82-020, filed 10/1/85.]

WAC 204-82-030 Scope. This regulation is applicable to passenger cars, multipurpose passenger vehicles, trucks, and buses. Additionally, this regulation encompasses the following window areas on the above-described vehicles.

- (1) Windshields;
- (2) Windows to the immediate right and left of the driver, including wind wings; or
- (3) Rearmost windows if used for driving visibility by means of an interior rearview mirror.

(4) This rule does not permit or prohibit the use and placement of federal, state, or local certificates on any window as are required or prohibited by applicable laws or regulations.

(5) This rule has no effect on tinted safety glazing material that is installed in accordance with Federal Motor Vehicle Safety Standards (FMVSS 205 and 128) and American National Standards Institute (ANSI Z26.1.1977) on new vehicles at the time of the manufacturing process. [Statutory Authority: RCW 46.37.430 and 46.37.005. 85-20-089 (Order 001-85), § 204-82-030, filed 10/1/85.]

WAC 204-82-040 Definitions. (1) Sunscreening devices means those products or materials designed to be used in conjunction with approved vehicle safety glazing materials for the purpose of reducing the effects of the sun.

(2) Luminous reflectance and light transmittance mean that the reflectance and transmittance referred to in this rule are in the visible light range.

(3) Reflectance means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material.

(4) Transmittance means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including the glazing, to the amount of total light falling on the product or material and glazing.

(5) Person means every natural person, firm, copartnership, association, or corporation.

(6) Manufacture means:

(a) Any person engaged in the manufacturing or assembling of sun screening products and/or materials designed to be used in conjunction with vehicle glazing materials; or

(b) Any person who fabricates, laminates, or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process. [Statutory Authority: RCW 46.37.430 and 46.37.005. 85-20-089 (Order 001-85), § 204-82-040, filed 10/1/85.]

WAC 204-82-050 Glazing locations and restrictions. (1) The maximum level of film sunscreening material to be applied to windshields, windows to the immediate right and left of the driver, including wind wings or rearmost windows, if used for driving visibility by means of an interior rearview mirror, shall have a total reflectance of 35 percent or less, plus or minus 3 percent, and a light transmission of 35 percent or more, plus or minus 3 percent, when measured in conjunction with the safety glazing material.

(a) All other windows may have sunscreening applied that has a greater degree of light reduction.

(b) This rule shall permit a greater degree of light reduction on all windows of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator

or passenger must be protected from exposure to sunlight for physical or medical reasons.

(2) Louvered materials, when installed as designed, shall not reduce the driver visibility below 50 percent as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from the inside rearview mirror.

(3) Windshield application. The application of sunscreening material is restricted to the top six-inch area of a vehicle's windshield.

(4) If suncreening material is applied to the rearview window, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least 200 feet to the rear of the vehicle.

(5) The following types or colors of sunscreening material are not permitted:

(a) Mirror finish products;

(b) Red, gold, yellow, or black material; or

(c) Sunscreening material that is in liquid preapplication form and brushed or sprayed on. [Statutory Authority: RCW 46.37.430 and 46.37.005, 85-20-089 (Order 001-85), § 204-82-050, filed 10/1/85.]

WAC 204-82-060 Certification by manufacturers. Each manufacturer shall demonstrate compliance with the applicable requirements of this regulation upon the request of the state commission on equipment. Testing to prove compliance with this rule shall be done in conformance with all applicable federal standards.

(1) Each manufacturer shall include instructions with the suncreening product or material for proper installation.

(2) No person shall offer for sale any sunscreening product or material for motor vehicle use not in compliance with this regulation. [Statutory Authority: RCW 46.37.430 and 46.37.005, 85-20-089 (Order 001-85), § 204-82-060, filed 10/1/85.]

Chapter 204-91 WAC TOWING BUSINESSES

WAC	
204-91-010	Authority.
204-91-020	Purpose.
204-91-030	Definitions.
204-91-040	Application for letter of appointment.
204-91-050	Application.
204-91-060	Certificate of approval.
204-91-070	Inspections.
204-91-080	Certification.
204-91-100	Issuance of a letter of appointment.
204-91-110	Suspension or revocation of letter of appointment.
204-91-120	Procedure.
204-91-130	Appeal.
204-91-140	Complaints.
204-91-150	Business office and business hours.
204-91-160	Towing procedure.
204-91-170	Tow zones.
204-91-180	Minimum standards for tow trucks.
204-91-190	Vehicle towing operator qualifications.
204-91-200	Effective date.

WAC 204-91-010 Authority. This chapter is promulgated pursuant to chapter 34.04 RCW and chapter 377, Laws of 1985, which require that rules and regulations be made for the removal from the highway of disabled, abandoned, or damaged motor vehicles, or the removal of vehicles when the driver is intoxicated or otherwise incompetent. Such regulations are intended to apply only when the removal is done by a registered tow truck operator upon the request of an officer of the Washington state patrol. [Statutory Authority: 1985 c 377 and RCW 46.37.005, 85-20-100 (Order 003-85), § 204-91-010, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-010.]

WAC 204-91-020 Purpose. These rules are intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington state patrol and the commission on equipment.

All registered tow truck operators providing service to the public through calls received from the Washington state patrol shall conduct their operations in accordance with all applicable laws of the state of Washington and all applicable rules of this commission and the department of licensing. [Statutory Authority: 1985 c 377 and RCW 46.37.005, 85-20-100 (Order 003-85), § 204-91-020, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-020.]

WAC 204-91-030 Definitions. (1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.

(2) "Department" means the Washington state department of licensing.

(3) "Director" means the director of the department of licensing.

(4) "Commission" means the state commission on equipment established under RCW 46.37.005.

(5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the commission.

(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck service" means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(10) "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.

(11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.

(12) "Vehicle storage area" means the approved yard or enclosed building where stored vehicles are kept. This storage area and fencing will comply with the requirements as established by the department of licensing and all local zoning rules and regulations.

(13) "District commander" means the local commanding officer of an area established by the Washington state patrol.

(14) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.

(15) "Tow zone" means that geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and these regulations.

(16) "Secretary" means the executive secretary of the commission on equipment.

(17) "Letter of appointment" means a letter issued by the secretary that authorizes a licensed tow truck operator to tow on a rotational or contractual basis for the Washington state patrol. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-030, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-030.]

WAC 204-91-040 Application for letter of appointment. (1) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the secretary of the commission on equipment on a form prescribed by the commission. In the case of a partnership, each partner shall apply on the form prescribed by the commission. In the case of a corporation, the commission may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form.

(2) The application form will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence thereafter.

(3) The filing of an application for a letter of appointment to tow upon request of the patrol does not in itself authorize the towing operator to provide towing services pursuant to these regulations until a letter of appointment has been granted by the commission. The patrol shall not call a towing business unless a permanent letter has been issued in connection with such business by the commission. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of the person responsible for the vehicle or his agent.

A permanent letter will not be granted until all applicable sections of the rules and regulations of the department of licensing to qualify as a licensed and registered tow truck operator have been met by the applicant. Upon request, the secretary shall advise the applicant of

the contents of these regulations and of the standards established for the issuance of a letter of appointment. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-040, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-040.]

WAC 204-91-050 Application. Application for licensing as a registered tow truck operator shall be made on forms furnished by the department and shall be accompanied by an inspection certification from the Washington state patrol. The inspection form shall be furnished by the commission. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-050, filed 10/1/85, effective 1/1/86.]

WAC 204-91-060 Certificate of approval. A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:

(1) The applicant has an established place of business at the address shown.

(2) The place of business has an office area that is accessible to the public without entering the storage area.

(3) The place of business has adequate and secure storage facilities as defined by rules of the department, where vehicles and their contents can be properly stored and protected.

(4) The applicant has proof of the following minimum insurance requirements:

(a) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence, and

(b) One hundred thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(5) The information for the certificate of approval may be included in the inspection form that is completed by the inspector. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-060, filed 10/1/85, effective 1/1/86.]

WAC 204-91-070 Inspections. Upon receipt of an application for a letter of appointment, the secretary of the commission shall cause the patrol to conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant qualifies for the issuance of a letter of appointment pursuant to Title 204 WAC. Verification must be shown to the inspector that the applicant's request for a letter of appointment complies with all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established. If local zoning regulations are applicable, a copy of the certification of approval from the local zoning commission will be furnished to the inspector. This certification may be included in the

department of licensing application form for license. This certification will become a part of the permanent record maintained on each approved towing firm by the commission.

(1) Inspections will be conducted at least once a year. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records.

(2) After a license to operate as a registered tow truck has been approved by the department, a cab card permit will be carried in the tow truck at all times. The permit will be designed and be furnished by the department, and will be renewed and changed on an annual basis. The class of the tow truck shall be stamped on this permit.

(a) A tow truck number, as assigned by the department, will be affixed to each qualified tow truck.

(3) Upon a subsequent inspection of a tow truck which has previously been found qualified and to which a permit has been affixed, the inspector may place a "red" out of service tag on the windshield of the tow truck if it is no longer found to be qualified, subject to the following procedures.

(a) In the event of a safety-related defect which would render the tow truck a safety hazard upon the public highway, the red tag shall be affixed immediately. Upon a protest by the operator that the defect does not represent a safety hazard, the red out of service tag shall not be affixed until such time as the defect is verified as a safety hazard by the inspector's supervisor.

(b) In the event of missing or defective equipment which is not a safety hazard but was required for approval initially, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the red out of service tag shall be affixed.

(c) Upon repair of a defect which has previously caused the applying of a red tag, the inspector shall reinspect the equipment which has been found defective. If the specified corrections have been satisfactorily completed, the inspector shall remove the red tag. In the event that the inspector is not readily available to reinspect and remove the red tag, such other patrol officer as appointed by the inspector's supervisor may reinspect and remove the red tag. The reinspection shall be completed as soon as possible after the operator advises that the defect has been repaired.

(d) Upon termination of a letter of appointment, the operator's right to conduct towing services at the request of the patrol is canceled.

(e) Upon sale or other transfer of the truck from the business, the operator shall so advise the secretary of the commission and the inspector will be requested to obtain the previously-issued permit. This permit will be forwarded to the department of licensing.

(f) Upon the purchase or acquisition of any additional tow truck to be used pursuant to this chapter, the operator shall immediately notify the commission and request an inspection of the new unit by the patrol. [Statutory Authority: 1985 c 377 and RCW 46.37.005.

85-20-100 (Order 003-85), § 204-91-070, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-060.]

WAC 204-91-080 Certification. After inspection of the towing business facilities and equipment, the inspecting officer of the patrol will certify one of the following:

(1) The towing operation of the applicant fully conforms to the requirements and qualification standards established by the commission and the department of licensing; or,

(2) The towing operation of the applicant does not conform to the requirements and qualification standards of the commission. The patrol shall state the reasons for failure to qualify in a separate report which shall be attached to the application/inspection form.

(3) In the event the applicant fails to meet the established requirements for approval, the applicant may re-apply for a subsequent inspection and request for certification.

(4) The secretary of the commission shall have the authority to issue letters of appointment after receiving certification from the inspector and notice from the department of licensing that the applicant meets all legal requirements to be licensed as a registered tow truck operator. All such letters of appointment may be reviewed by the commission at its regular meetings.

If the commission shall find that the applicant does not or will not meet the requirements of this regulation or is not qualified regardless of waiver, then the commission shall deny such application and shall so notify the applicant of its decision, stating the reasons therefore in writing. If a letter of appointment is granted, the secretary will notify the applicant in writing and notify the patrol directing them to use the services of the applicant in accordance with this regulation.

If the district commander of the Washington state patrol district concerned recommends denial of a business application for authorization to provide a towing service for the patrol, the secretary to the commission on equipment shall notify the applicant and the district commander that the applicant and the district commander or his designee have the right to appear before the commission on equipment when the application is to be considered to show cause why the application should or should not be approved. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-080, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-070.]

WAC 204-91-100 Issuance of a letter of appointment. (1) No towing operator shall be called to perform a towing service at the request of the patrol unless such operator has a letter of appointment as described herein by the commission. No such letter of appointment will be issued by the commission unless the commission is satisfied that all qualifications set out in this regulations have either been met by the applicant, or that a waiver of one or more qualifications has been granted by the commission.

(2) A letter of appointment will be valid only in a single tow zone assigned by the district commander. Applications for additional letters of appointment in other zones must be based on a complete and separate business location capable of independent operation within the additional zone.

(3) A tow operator or a district commander may petition the commission for a waiver of requirements. The commission may grant a waiver if it finds that the towing service available to the patrol is inadequate in that area to meet the needs of the public.

In the event a qualified tow business that meets all requirements and qualifications receives a letter of appointment in the same zone as the tow business that had been granted a waiver, the tow business currently operating under a waiver will have its letter of appointment rescinded by the commission and after notification will not be called for patrol-initiated tows.

(4) Every letter of appointment shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment shall be valid until superseded or revoked by the commission.

(8) Each separate place of business will have a letter of appointment.

(9) Before a letter of appointment can be issued by the secretary, the applicant must have a tow truck meeting the minimum standards in WAC 204-91-180. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-100, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-090.]

WAC 204-91-110 Suspension or revocation of letter of appointment. Upon receiving evidence that any appointee has failed to comply to or no longer complies with any requirement or provision of these rules and regulations, the commission may deny, suspend, or revoke the letter of appointment. The commission may not deny, suspend, or revoke the letter of appointment unless the appointee has been given notice and an opportunity to be heard as prescribed in chapter 34.04 RCW.

The holder of a letter of appointment may voluntarily relinquish his or her letter. The secretary will be advised in writing of this voluntary relinquishment. After receiving written notice, the secretary will cause the inspector to obtain the original letter of appointment and forward the same to the commission. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-110, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-100.]

WAC 204-91-120 Procedure. The provisions of chapter 1-08 WAC shall govern the conduct of any hearing held pursuant to these regulations. The burden of proof in any hearing before the commission shall be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of

a letter of appointment, or other action by the commission. The commission, after having heard and considered all pertinent evidence, or after having considered a record of a hearing conducted by a hearing officer duly appointed by the commission, shall make written findings of facts based on the evidence and written conclusions based on its findings. Oral proceedings shall be recorded on tape and such tape shall become part of the hearing record. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-120, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-120.]

WAC 204-91-130 Appeal. Any person aggrieved by a decision of the commission denying, suspending, or revoking a letter of appointment may appeal such decision to the superior court under the provisions of chapter 34.04 RCW. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-130, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-130.]

WAC 204-91-140 Complaints. All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with supporting documents, including all results from the complaint investigation, to the department.

(1) Those complaints investigated by the patrol will be forwarded to the secretary and the secretary will review the complaint, prior to forwarding it to the department.

(2) The patrol shall investigate all complaints involving deficiencies of equipment.

(3) A complete copy of all complaints investigated by the patrol will be kept on file by the commission on equipment. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-140, filed 10/1/85, effective 1/1/86.]

WAC 204-91-150 Business office and business hours. Business hours for purposes of inspection of business records, place of business, and towing equipment shall be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of public contact for the release of vehicles or personal property.

(2) The operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 30-minute period of time.

(3) Personal property shall be released without charge between the hours of 8 a.m. to 5 p.m., except on weekends and legal holidays.

(4) Any fee that is charged for the storage of a vehicle shall be calculated on a 24-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area. All impounded vehicles shall be taken to the nearest approved storage location.

(5) All billing invoices that are provided to the redeemer of the vehicle shall be consecutively numbered and shall contain the following minimum information:

- (a) Date of service and tow truck operator's name.
- (b) Time of departure from business.
- (c) Time of return to business.
- (d) Starting mileage of tow truck.
- (e) Ending mileage of tow truck.
- (f) Class of tow truck.
- (g) If towing call is for a Washington state patrol request.

(h) All fees for service shall be itemized.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file.

(6) The department shall adopt rules concerning fencing and security requirements of storage areas which may provide for modification or exemptions when needed to achieve compliance with local zoning laws.

(7) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(8) All personal belongings and contents in the vehicle shall be kept intact and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(9) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.29 RCW.

(10) After January 1, 1986, all employees who serve as tow truck operators shall have a Washington state driver's license endorsed for vehicle combinations under RCW 46.20.440.

(11) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner may inspect and view the vehicle without charge during normal business hours.

(12) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its business records are kept. The application shall also list all locations of secure areas for vehicle storage and redemption.

(13) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle. The lettering shall be at least two inches in height with 1/2-inch stroke, in a color that contrasts with the tow truck's color. The lettering shall be three inches in height, with 1/2-inch stroke, on all tow trucks that are placed into service after January 1, 1986.

(14) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-150, filed 10/1/85, effective 1/1/86.]

WAC 204-91-160 Towing procedure. Officers of the patrol shall obtain towing services to remove damage or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

(1) If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make his own arrangements for removal. This does not affect rotational positions.

(2) If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow operator. The request will be honored by the officer of the patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.

(3) When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the patrol shall, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

(4) The commission shall specify that tow services obtained by the patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.

(5) For the purposes of rotational tow requests, an approved tow truck shall be used only in the single tow zone which has been assigned to the company or business enterprise operating such truck, except:

(a) In cases of specific requests covered by (2) above; and

(b) When tow service is not reasonably available within a given zone and tow service may be obtained from another zone.

(6) The patrol and the secretary may establish rules that will allow approved towing firms to establish their own central dispatch centers to dispatch tow trucks at the request of the patrol in selected geographical areas of the state.

(a) These dispatch centers will be the responsibility of those member towing firms that utilize this type of service.

(b) The patrol communications centers will advise the towing dispatch center of the location, zone number, class of tow truck(s), and number of tow trucks needed at the location. The towing dispatch center will be responsible for dispatching the various towing firm's tow trucks.

(c) Permanent records will be maintained by the towing dispatch center for a period of three years of all tow trucks dispatched at the request of the patrol. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100

(Order 003-85), § 204-91-160, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-140.]

WAC 204-91-170 Tow zones. Each district commander of the patrol shall outline geographical areas within his district to be designated as tow zones and approved by the commission. The geographical tow zones for each Washington state patrol district are on file with the secretary of the state commission on equipment, Washington State Patrol Headquarters, General Administration Building AX-12, Olympia, Washington. The boundaries established pursuant to this action may be modified by an appeal. Each district of the patrol shall be divided into tow zones to be determined on the basis of a general comparison between the availability of towing service and the incidence of need for towing service in geographical areas within his district. They shall consider such factors as the frequency and severity of accidents and the frequency of DWI arrests in respective areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the respective areas of need within each district. Nothing herein shall prevent the commission from amending tow zones from time to time as required by changing traffic and accident patterns and other such factors affecting the adequacy of towing service available to the patrol. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-170, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-150.]

WAC 204-91-180 Minimum standards for tow trucks. Class A tow trucks. Tow trucks that are capable of towing and recovery operations for passenger cars, pickup trucks, small trailers, or equivalent vehicles. All equipment used in conjunction with the tow truck must be commensurate with the manufacturer's basic boom rating.

(1) Ten thousand pounds minimum manufacturer's gross vehicle rating or equivalent.

(2) Dual tires on the rear axle or duplex type tires, referred to as super single with load rating that is comparable to dual tire rating.

(3) Six ton boom rating dual or single boom with dual winches to control a minimum of two service cables.

(4) A minimum of one hundred feet of 3/8-inch continuous length cable or its equivalent, measured from the point of attachment, in safe working condition on each drum.

(5) Each cable shall be capable of being fully extended from and fully wound onto its drum.

(a) Cables or wire ropes shall be free from the following defects and conditions.

(b) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(c) No evidence of any heat damage from any cause.

(d) No end attachments that are cracked, deformed, worn, or loosened.

(e) Where a wire rope is attached to a hook with clamps instead of being swaged, a minimum of three

clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the rope. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size.

(6) One revolving or intermittent red lamp with 360 degree visibility; may also be equipped with flashing amber lamp and/or flashing white lamps which may be used in conjunction with the red lamp(s). Such lighting will not be used when responding to a call, but only at the scene when necessary to warn approaching traffic of impending danger.

(7) A broom and shovel. The broom shall be at least twelve inches wide and have a handle at least four feet long. The shovel shall be flat scoop type with a minimum width of seven inches and overall length of at least three feet.

(8) A tow sling, wheel lift, car carrier, or other comparable device made of a material designed to protect vehicles and motorcycles while being towed.

(9) A 20 BC rating fire extinguisher(s) or equivalent.

(10) A minimum of two snatch blocks or their equivalent in working condition.

(11) A portable dolly or its equivalent for hauling vehicles that are not towable.

(12) Two pinch bars or equivalent devices; one tapered, one flattened; one three feet and one four feet, with a minimum diameter of three quarters of one inch.

(13) A two-way radio having the ability to communicate with a base station. Citizen band radio does not suffice.

(14) Portable lights for unit being towed including, but not limited to, tail lights, stop lights, and directional signals.

(15) In addition to the preceding, the following is required:

(a) Tow truck interior will be reasonably clean.

(b) Tow truck drivers will clean accident/incident scenes of all vehicle glass and debris.

Class B. Tow trucks that are capable of towing and recovery operations for medium size trucks, trailers, motor homes, or equivalent vehicles. Class B tow trucks shall have:

(1) Seventeen thousand pounds minimum gross vehicle weight.

(2) Ten ton minimum hoist rating.

(3) Seven-sixteenths inch cable; a minimum of one hundred fifty feet.

(4) The remaining minimum required standards stated in Class A.

(5) Those Class B tow trucks in excess of 23,000 pounds GVW will not be required to carry dollies when used for heavy truck towing.

Class C.

(1) Forty thousand pounds minimum gross vehicle weight.

(2) Twenty-five ton minimum hoist rating.

(3) One hundred fifty feet of cable at 9/16-inch.

(4) Air brakes and air system capable of supplying air to the towed unit.

(5) Portable dollies not required.

(6) Tandem rear axle truck chassis.

(7) The remaining minimum required standards in Class A as stated above.

Class D. Must meet equipment standards in Class A, except:

(1) Wheel lift winch capacity of 6,000 pounds minimum.

(2) One cable for Class D.

All other tow trucks which cannot meet these classification or equipment requirements must obtain special approval by the secretary through the district commander in writing, stating the need, capability, size, and equipment of the tow truck. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-180, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-160.]

WAC 204-91-190 Vehicle towing operator qualifications. In addition to WAC 204-91-180, tow truck operators appointed to perform towing service pursuant to this regulation shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance and traffic conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time, the tow truck operator shall so advise the patrol. In the event the tow truck does not arrive at the scene within a reasonable time, the patrol will contact another tow business to perform the necessary services.

(5) A tow operator on rotation who is unable to dispatch within the time stated in WAC 204-91-190, paragraphs, 1, 2, 3, and 4, will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator will advise the patrol when he receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on the public roadway. The tow operator also will advise the patrol of all traffic accidents on private property resulting in bodily injury or death when the operator has received a private call for a tow at such an accident.

(8) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the Motor Vehicle Code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under

the influence or intoxicants or drugs, or is otherwise incapacitated.

(9) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol, or the driver/owner or his agent.

(10) The tow operator shall be available twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the secretary of the commission and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, secretary of the commission, and district commander ten days before their effective date.

(11) Tow operators will notify the appropriate patrol office of the release of stored vehicles within five working days after the release of such vehicle. Notification to the patrol will be made in such a manner as prescribed by the secretary.

(12) Tow operators will post current towing service rates in a conspicuous place at the company's place of business and shall list such rates on a form approved by the commission. A copy of the current rates will be sent to the department, secretary of the commission, and patrol district commander of the district in which the tow operator has applied for a letter of appointment. Any change(s) in service rates will be forwarded to the district commander of the area and to charges made for towing services arising from calls issued by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(13) Tow operators will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. This record will include, but not be limited to:

(a) An itemized receipt of charges to the claimant of the vehicle.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the tow truck driver.

Such records will be available for inspection by the patrol during normal business hours at the appointee's place of business for which the letter of appointment has been issued.

(14) The tow truck driver will sign an inventory sheet made out by the patrol officer at the scene.

(15) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to chapter 377, Laws of 1985.

(16) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(17) No tow operator or his/her employee or agent shall misappropriate, wrongfully convert to his/her own use, or abuse any property entrusted to his/her care or

storage as a result of performing towing services for the benefit of a towing service customer. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-190, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-180.]

WAC 204-91-200 Effective date. These regulations shall become effective on January 1, 1986. Those towing operators who possess valid letters of appointment dated prior to January 1, 1986, are hereby authorized to continue towing for the Washington state patrol until such time as they have completed their application to qualify as a registered tow truck operator, have been inspected by the Washington state patrol, received their license as a registered tow truck operator, and received their letter of appointment. Failure to pass the inspection of the Washington state patrol, as dictated by chapter 377, Laws of 1985, will cause the automatic cancellation of the pre-1986 letter of appointment. [Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-200, filed 10/1/85, effective 1/1/86. Formerly WAC 204-66-200.]

Chapter 204-93 WAC ASSISTANCE VANS

WAC	
204-93-010	Authority.
204-93-020	Purpose.
204-93-030	Definitions.
204-93-040	Driver standards.
204-93-050	Van standards.
204-93-060	Two-way communications requirements.
204-93-070	Equipment requirements.
204-93-080	Insurance requirements.
204-93-090	Application for and issuance of letter of appointment.
204-93-100	Inspections.
204-93-110	Certification.
204-93-120	Free service.
204-93-130	Notification to law enforcement agencies.
204-93-140	Restrictions to van operation and movement on highway.
204-93-150	Record of assistance furnished.
204-93-160	Driver's clothing.

WAC 204-93-010 Authority. This rule is promulgated pursuant to RCW 47.52.120 and chapter 149, Laws of 1985, and is intended to administratively implement that statute. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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 this state with minimum standards and operating regulations for assistance vans. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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 commission on equipment 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) Commission: As hereinafter referred to within this regulation shall mean the Washington state commission on equipment.

(3) Secretary: Shall mean the executive secretary of the commission on equipment.

(4) Patrol: Shall mean the Washington state patrol as defined in RCW 43.43.010.

(5) District commander: Shall mean the commanding officer of a Washington state patrol district.

(6) Inspector: Shall mean a commissioned officer of the Washington state patrol who has been designated by his/her district commander to conduct inspections of assistance vans.

(7) Owner: Shall mean the legal owner of the assistance van.

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

(9) Driver: Shall mean the person who drives the van and furnishes the actual service.

(10) 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.

(11) Letter of appointment: Shall mean the document issued by the secretary that authorizes the assistance van to operate within this state. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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.

(2) Driver shall possess a valid first aid card.

(3) Driver shall possess a valid Washington operator's license.

(4) Driver shall not have a previous felony conviction and shall agree to submit to a no fee criminal background investigation by the patrol. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-040, filed 10/1/85.]

WAC 204-93-050 Van standards. (1) The minimum size of the van will be a half-ton rated van or pickup truck.

(2) Van will be equipped with adequate front pushbars and will be of such a design to protect the finish of the vehicle being pushed.

(3) The van will not have towing capabilities.

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

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

(6) The van shall have the capability to jump start another vehicle without going the wrong direction on the highway. It will have the ability to transfer fuel.

(7) The vehicle shall be maintained in a clean and neat manner.

(8) The van will be equipped with an approved light bar that displays amber lighting in a 360° radius. The amber lights will 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. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-050, filed 10/1/85.]

WAC 204-93-060 Two-way communications requirements. (1) Capability to monitor channel 9 of the citizen's band radio.

(2) Two-way mobile communications with a base station. A CB radio will not be adequate for this communication.

(3) Public address system.

(4) Communication headsets will not be used while the van is in motion. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-060, filed 10/1/85.]

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

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

(2) Portable tank of compressed air with a minimum capacity of 100 pounds of compressed air.

(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 red traffic cones.

(8) One case of 20-minute fuses. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-070, filed 10/1/85.]

WAC 204-93-080 Insurance requirements. Each van shall be covered with the following minimum insurance coverage:

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

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

(3) Proof of insurance will be filed with the commission. Failure to maintain the required coverage will result in cancellation of the letter of appointment by the commission. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-080, filed 10/1/85.]

WAC 204-93-090 Application for and issuance of letter of appointment. (1) An application for a letter of appointment to operate an assistance van shall be filed with the secretary of the commission on equipment. This application will be filed on a form prescribed and furnished by the commission.

(2) The application will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments.

(3) The secretary will cause an inspection to be made of the van. The inspection form will be prescribed by the commission and the inspector will be assigned by the district commander. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-090, filed 10/1/85.]

WAC 204-93-100 Inspections. Upon receipt of an application for a letter of appointment, the secretary shall cause the patrol to conduct an inspection of the applicant's van, to determine if the applicant qualifies for the issuance of a letter of appointment pursuant to chapter 204-93 WAC.

(1) Inspections will be conducted at least once a year.

(2) After a letter of appointment has been issued, the secretary will cause to be affixed to each qualified van a window decal indicating that the particular van has been approved by the commission.

(a) The decal will be furnished by the commission and affixed to the windshield on the lower right hand corner by the inspector.

(b) Upon a subsequent inspection of a van which has previously been found qualified and to which a decal has been affixed, the inspector may remove the decal from the van if it is no longer found to be qualified, subject to the following procedures:

(1) 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.

(2) In the event of missing or defective equipment which is not a safety hazard but was required for approval initially, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the decal may be removed.

(3) Upon repair of a defect which has previously caused removal of a decal, the inspector shall reinspect the equipment which had been defective. If the specified corrections have been satisfactorily completed, the inspector shall 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 shall be done as soon as possible after the operator advises that the defect has been repaired.

(c) Upon termination of a letter of appointment, the decal will immediately be removed.

(d) Upon sale or other transfer of the van from the business, the operator shall so advise the secretary to the commission and shall remove the decal prior to the sale or transfer of the vehicle.

(e) Upon the purchase or acquisition of any additional van to be used pursuant to this chapter, the operator shall immediately notify the commission and request an inspection of the new unit by the patrol. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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 shall 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 secretary when he/she has corrected the deficient areas and request another inspection.

(3) Upon certification of compliance by the inspector and after all other requirements of this regulation have been met, the commission will issue a letter of appointment to the applicant.

(a) A copy of the current letter of appointment shall be posted in the place of business of the applicant.

(4) Failure of the operator to comply with any of the various regulations in this chapter may result in cancellation of the operator's letter of appointment by the commission. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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 shall be free. This will include any vehicle repair parts that may be furnished by the operator. [Statutory Authority: RCW 47.52.120 and 46.37.005. 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 will be notified under 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 47.52.120 and 46.37.005. 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. (1) No traveling in high-occupancy vehicle lane unless responding to a disabled vehicle.

(2) No wrong direction travel on highway or on/off ramps of highway.

(3) A disabled vehicle will be pushed only to the nearest highway shoulder area.

(4) Disabled vehicles will not be towed for any distance.

(5) All "rules of the road" as defined by RCW 46.61 shall be obeyed 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) RCW 47.52.120 shall be obeyed, except section (5) as it relates to the stopping or parking of a vehicle

on a limited access highway facility. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-140, filed 10/1/85.]

WAC 204-93-150 Record of assistance furnished. Each van operator will maintain a permanent daily log or record of all assistance furnished to disabled motorists. These records shall be made available to the inspector or secretary upon request. This record shall include but not be 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) Time of day that van is placed in service and taken out of service. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-150, filed 10/1/85.]

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

(1) The driver will wear a legible name tag.

(2) Clothing will be maintained in presentable and clean manner. [Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-160, filed 10/1/85.]

Chapter 204-94 WAC REFLECTORIZED WARNING DEVICES

WAC

204-94-010	Authority.
204-94-020	Purpose.
204-94-030	Definition.
204-94-040	Standards for reflectORIZED warning devices.
204-94-050	Placement of reflectORIZED warning devices.

WAC 204-94-010 Authority. This chapter is promulgated pursuant to RCW 46.37.450 and chapter 119, Laws of 1984, and is intended to administratively implement that statute. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-010, filed 10/1/85.]

WAC 204-94-020 Purpose. Law enforcement personnel are required to place a reflectORIZED warning device on or near any motor vehicle (trucks, buses, and trailers over eighty inches in overall width excluded) which has become disabled along the highway or shoulder of the road outside any municipality at a time when lights are required on the vehicle. State and local governments and their employees are relieved from civil liability in the implementation of this section. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-020, filed 10/1/85.]

WAC 204-94-030 Definition. "ReflectORIZED warning device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with

a transparent plastic having a smooth, flat outer surface. The sheeting shall be weather resistant and have a protected, low tac, precoated adhesive backing. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-030, filed 10/1/85.]

WAC 204-94-040 Standards for reflectorized warning devices. Reflectorized warning devices used by law enforcement shall conform to those devices described in RCW 46.37.450 and requirements of the Washington state department of transportation standard specifications for road, bridge, and municipal construction, Section 9-28.6, "Enclosed lens reflective sheeting." These specifications are available through the State Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504, or the Department of Transportation, Transportation Building, Olympia, Washington 98504. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-040, filed 10/1/85.]

WAC 204-94-050 Placement of reflectorized warning devices. Whenever any vehicle is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectorized device such as those defined in RCW 46.37.450 or WAC 204-94-030 shall be placed on the vehicle. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-050, filed 10/1/85.]

Title 212 WAC STATE FIRE MARSHAL

Chapters

212-17	Fireworks.
212-50	Identification for alternative fuel source motor vehicles.
212-70	Group care facilities for severely and multiply-handicapped children--Standards for fire protection.
212-75	Posting premises protected by guard animals.

Chapter 212-17 WAC FIREWORKS

WAC

PART I--GENERAL

212-17-025	Definition—"Fireworks."
212-17-035	Definition and classification—"Common fireworks."
212-17-040	Definition and classification—"Special fireworks."
212-17-045	Definition and classification—"Agricultural and wild-life fireworks."
212-17-050	Firework device chemical content, construction.
212-17-055	Firework device, labeling.
212-17-060	Public purchase of fireworks.

PART II--MANUFACTURER

212-17-065	Fireworks manufacturer—General.
212-17-070	Fireworks manufacturer—Licensing.

PART III--WHOLESALE

212-17-115	Fireworks wholesaler—General.
212-17-120	Fireworks wholesaler—Licensing.
212-17-125	Fireworks wholesaler—Investigation.

PART IV--IMPORTER

212-17-165	Importers of fireworks—General.
212-17-170	Importers of fireworks—Licensing.

PART V--RETAILER

212-17-185	Retailers of fireworks—General.
212-17-190	Retailers of fireworks—Sales dates.
212-17-198	Retailers of fireworks—List.
212-17-203	Retailers of fireworks—List to be posted.

PART I--GENERAL

WAC 212-17-025 Definition—"Fireworks." The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "common" or "special" fireworks. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-025, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-025, filed 11/2/82.]

WAC 212-17-035 Definition and classification—"Common fireworks." The term "common fireworks" shall mean any fireworks designed primarily to produce visible or audible effects by combustion. The term includes:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.