

# Title 204 WAC

## STATE PATROL (COMMISSION ON EQUIPMENT)

### Chapters

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### Chapter 204-10 WAC

#### EQUIPMENT STANDARDS

#### WAC

204-10-014	Definitions.
204-10-022	Body requirements.
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**WAC 204-10-014 Definitions.** (1) "Eye glasses" mean any spectacles, sunglasses, or goggles having two separately mounted lenses, but shall exclude contact lenses.

(2) "Goggles" means an optical device worn before the eyes, the predominant function of which is to protect the eyes without obstructing peripheral vision. They provide protection from the front and sides and may or may not form a complete seal with the face.

(3) "Face shield" means an eye protector attached to a helmet or headband(s) and which covers the wearer's eyes and face at least to a point approximately to the tip of the nose and whose predominant function is protection of the eyes.

(4) "FMVSS" means Federal Motor Vehicle Safety Standard, chapter 49 Code of Federal Regulations (CFR) Part 571.

(5) "Headband" means that part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

(6) "Motor vehicle" means passenger vehicles, multipurpose passenger vehicles, motorcycles, trucks and buses which are intended for use on public highways, excluding commercial vehicles as defined under RCW 46.04.140.

(7) "Recognized manufacturer" means a person, firm, copartnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(8) "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.

(9) "Reflex reflector" means a device that is used on vehicles to give an indication of presence to an approaching

driver by reflecting light from the headlamps of the approaching vehicle.

(10) "SAE" means the Society of Automotive Engineers. Copies of the SAE Standards are available for review at the Washington State Patrol, 210 11th Avenue, Olympia, WA 98504, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15086-7511.

(11) "Wheelchair conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used for transporting the impaired person who is simultaneously occupying a wheelchair.

[Statutory Authority: RCW 46.37.005 and 46.37.320. 09-22-078, § 204-10-014, filed 11/3/09, effective 12/4/09; 08-19-079, § 204-10-014, filed 9/16/08, effective 10/17/08.]

**WAC 204-10-022 Body requirements.** (1) Defroster and defogging devices: Every enclosed motor vehicle must be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January 1938 are exempt from this requirement.

(2) Door latches: Every enclosed motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations must be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood must be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

(4) Enclosed passenger compartment: A motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine must be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A motor vehicle must be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A motor vehicle must be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. For the relevant model year, bumpers must accommodate recognized manufacturer impact absorption systems pursuant to applicable SAE Bumper Standards or equivalent standards.

Bumpers are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

Bumpers, unless specifically exempted above, must:

- (a) Be at least four and one-half inches in vertical height.
- (b) Be centered on the vehicle's centerline.

(c) Extend no less than the width of the respective wheel track distances.

(d) Be attached to the vehicle in a manner equivalent to the original manufacturer's installation.

(e) Be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.

(f) Be mounted at a maximum height based on the original gross vehicle weight rating (GVWR) of the vehicle, measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement must be made to the bottom of the frame rail. Maximum heights are as follows:

	Front	Back
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. and over GVWR	28 Inches	30 Inches

A blocker beam or additional bumper may not be used to meet the above requirements.

(g) If an existing bumper from a recognized manufacturer is not used and a special bumper is fabricated, it must be certified as meeting the bumper standards set under 49 CFR 581.

(7) Fenders: All wheels of a motor vehicle must be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time can the tire come in contact with the body, fender, chassis, or suspension of the vehicle. Street rods and kit vehicles which are more than forty years old and are owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

(8) Frame: A motor vehicle must be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it must be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. The structural strength of the frame must be certified by the builder as meeting the applicable standards set under 49 CFR 571 Parts 201, 214, 216, and 220 through 224, and the SAE Standards. Such certification must be made by either:

(a) Certification provided on the vehicle in the form of a label which has been affixed in accordance with FMVSS outlining the portions of the FMVSS which have been met; or

(b) A notarized letter from the builder of the frame outlining the portions of the Federal Motor Vehicle Safety Standards (FMVSS) which have been met; or

(c) If the vehicle is a kit vehicle, as outlined in RCW 46.12.440, documentation from the manufacturer of the vehicle frame that informs the owner that the frame has not been certified as meeting the applicable federal motor vehicle

safety standard set under 49 CFR 571 Parts 201, 214, 216, and 220 through 224, and the applicable SAE Standards.

[Statutory Authority: RCW 46.37.005 and 46.37.240. 09-18-071, § 204-10-022, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.37.005 and 46.37.320. 08-19-079, § 204-10-022, filed 9/16/08, effective 10/17/08.]

**WAC 204-10-024 Windows.** (1) The windshield must be framed and in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass must be six inches, or as originally equipped by a recognized manufacturer.

(2) The vehicle must be provided with a windshield and side windows or openings which allow the driver a minimum outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision:

(a) May be interrupted by window framing not exceeding four inches in width at each side location.

(b) Must have no obstruction forward of the windshield which extends more than two inches upward into the horizontally forward projected vision area of the windshield except windshield wiper components and hood ornaments identical to those originally installed by a recognized manufacturer. For the purposes of this section, the projected vision area of the windshield shall be defined as that area above a line from the top of the steering wheel to the top of the front fenders or hood, whichever is higher.

(3) If a windshield is not required under 49 CFR 571, the operator must wear eye protection as outlined in chapter 46.37 RCW and WAC 204-10-026.

[Statutory Authority: RCW 46.37.005 and 46.37.320. 09-22-078, § 204-10-024, filed 11/3/09, effective 12/4/09; 08-19-079, § 204-10-024, filed 9/16/08, effective 10/17/08.]

## Chapter 204-24 WAC

### TRACTION DEVICES

#### WAC

204-24-040

Traction devices.

**WAC 204-24-040 Traction devices.** The following equipment items are approved by the state patrol for use as traction devices wherever traction devices are required by the department of transportation:

(1) Tire chains meeting the standards in WAC 204-24-020.

(2) Studded tires meeting the standards in WAC 204-24-030.

(3) Approved traction tires. An approved traction tire must have the following tread characteristics:

(a) A minimum of 4/32 inch tread, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.

(b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread must have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.

(c) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.

(d) Tires manufactured to meet these specifications must:

(i) Be permanently labeled on at least one sidewall with the words "mud and snow" or any contraction using the letters "M" and "S" (e.g. MS, M/S, M-S, M & S, etc.); or

(ii) Be permanently labeled on at least one side wall with the mountain/snowflake symbol.

[Statutory Authority: RCW 46.37.005 and 46.37.420. 09-15-150, § 204-24-040, filed 7/21/09, effective 8/21/09; 08-24-030, § 204-24-040, filed 11/24/08, effective 12/25/08. Statutory Authority: RCW 46.37.420. 92-05-016, § 204-24-040, filed 2/10/92, effective 3/12/92; 83-21-080 (Order 83-10-01), § 204-24-040, filed 10/19/83. Statutory Authority: RCW 46.37.005. 82-11-045 (Order 82-05-01), § 204-24-040, filed 5/12/82; Order 7607, § 204-24-040, filed 9/14/76; Order 6902, § 204-24-040, filed 2/17/70.]

**Chapter 204-36 WAC**

**AUTHORIZED EMERGENCY VEHICLE PERMITS**

**WAC**

204-36-010	Promulgation.
204-36-020	Definitions.
204-36-030	Permit requirements.
204-36-040	Permit limitations.
204-36-050	Equipment requirements.
204-36-060	Procedure.
204-36-070	Revocation or suspension.

**WAC 204-36-010 Promulgation.** The state patrol hereby adopts the following regulations relating to the issuance of an authorized emergency vehicle permit, for those vehicles not already authorized under statute.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 09-09-091, § 204-36-010, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. 88-15-052 (Order 88-08-ESR), § 204-36-010, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. 79-02-085 (Order 7501A), § 204-36-010, filed 2/7/79; Order 7301, § 204-36-010, filed 2/5/73.]

**WAC 204-36-020 Definitions.** (1) 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.

(2) Operator or driver. The term operator and the term driver, as used herein, means every person who is in actual physical control of an authorized emergency vehicle.

(3) Operation. The term operation, as used herein, is the driving or moving by any operator or driver upon a public highway of any vehicle that is equipped or has attached thereon any equipment, the installation of which requires an authorized emergency vehicle permit, whether or not the emergency equipment is activated.

(4) Patrol means the Washington state patrol.

(5) Primary jurisdiction means lead department who has jurisdiction on the roads that the applicant wishes to use the emergency lighting on.

(6) 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 46.37.194 and 46.37.005. 09-09-091, § 204-36-020, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. 88-15-052 (Order 88-08-ESR), § 204-36-020, filed 7/18/88. Statutory

Authority: RCW 46.37.005 and 46.37.194. 79-02-085 (Order 7501A), § 204-36-020, filed 2/7/79; Order 7301, § 204-36-020, filed 2/5/73.]

**WAC 204-36-030 Permit requirements.** (1) Any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle pursuant to RCW 46.37.194 must apply for such classification to the state patrol on forms provided by the patrol.

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

(a) A description of the specific geographic area in which the vehicle will be used as an authorized emergency vehicle.

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

(c) A description of the specific purposes for which the vehicle will be used as an authorized emergency vehicle, funeral escorts, fire response, or other (describe in detail). This description must include each function for the vehicle, including, but not limited to, traffic control, incident response, roadside safety and security patrols.

(d) An explanation of the nature and scope of the duties, responsibilities and authority of the vehicle operator which necessitate the need for vehicle to have an authorized emergency vehicle permit. This description must include the authority under statute for the operator to perform the functions listed under the permit.

(e) A description of the emergency equipment to be used if the permit is granted.

(f) A listing of the names, addresses, birthdates, operator's license numbers and other identifying data as may be prescribed on the application form by the patrol, of all persons who will use the vehicle as an authorized emergency vehicle, and a completed applicant fingerprint card.

(g) Certification from each primary jurisdiction identified in (a) of this subsection that the vehicle is to be used as described. Such certification must be by:

(i) The chief law enforcement officer if the applicant is a law enforcement or security officer, or has funeral home, coroner, ambulance or other nonfire related duties.

(ii) The fire chief if the vehicle is to be used for firefighting purposes.

(iii) If the person making the application is the chief law enforcement officer or the fire chief of the jurisdiction, 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.

Upon satisfactory application the patrol may issue an emergency vehicle permit or permits which, when carried as required, are valid until expiration or cancellation as prescribed in WAC 204-36-070.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 09-09-091, § 204-36-030, filed 4/16/09, effective 5/17/09; 02-07-055, § 204-36-030, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. 90-07-034, § 204-36-030, filed 3/15/90, effective 4/15/90; 88-15-052 (Order 88-08-ESR), § 204-36-030, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. 79-02-085 (Order 7501A), § 204-36-030, filed 2/7/79; Order 7501, § 204-36-030, filed 11/25/75; Order 7301, § 204-36-030, filed 2/5/73.]

**WAC 204-36-040 Permit limitations.** (1) A vehicle authorized by the patrol must not be used as an authorized emergency vehicle except as follows:

(a) Only by the operators named in the original or amended application approved by the patrol. If the applicant wishes to add or remove operator(s) from the permit, such request must be made to the patrol in writing.

(b) Only with the equipment described in the original or amended application approved by the patrol.

(c) Only within the geographic area described in the original or amended application approved by the patrol.

(d) Only for the purposes set forth in the original or amended application approved by the patrol.

(e) If being used for escort services, may be used only for funeral escorts.

(2) If an authorized emergency vehicle is used for private purposes, or for purposes in an area or by an operator 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 issuance of an emergency vehicle permit does not relieve the driver from the duty to drive with regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his disregard for the safety of others and does not grant police authority to the operators of said vehicle. Any inappropriate or misuse of authorized emergency vehicles may result in criminal or civil liability as well as cancellation of the emergency vehicle permit.

(4) No permit will be issued to an applicant if the name of the applicant portrays the applicant as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word "police" or "patrol."

(5) An operator under an approved emergency vehicle permit will not be allowed to display or use any of the following:

(a) A name that includes the word "police," "patrol," or "law enforcement," or other word which portrays the individual or business as a public law enforcement agency.

(b) A sign, shield, marking, accessory or insignia on their uniform, clothing or equipment to imply that he or she is a law enforcement officer.

(6) Subsections (4) and (5) of this section do not apply:

(a) If the applicant is recognized under Washington state law as a municipal corporation and certifies to the patrol that the applicant is a municipal corporation; or

(b) If the sign, shield, marking, accessory or insignia on the operator's uniform or equipment is issued by a public law enforcement agency; the operator is employed by the public law enforcement agency that the operator is representing with the sign, shield, marking, accessory or insignia on the operator's uniform or equipment; and the operator is approved to operate the vehicle by that public law enforcement agency for the purposes outlined under the authorized emergency vehicle permit.

(7) All current permit holders as of December 31, 2010, will have until January 1, 2012, to make changes necessary to comply with the requirements outlined in subsections (4) and (5) of this section.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 10-01-110, § 204-36-040, filed 12/17/09, effective 1/17/10; 09-09-091, § 204-36-040, filed 4/16/09, effective 5/17/09; 02-07-055, § 204-36-040, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. 90-07-034, § 204-36-040, filed 3/15/90, effective 4/15/90; 88-15-052 (Order 88-08-ESR), § 204-36-040, filed 7/18/88; Order 7301, § 204-36-040, filed 2/5/73.]

**WAC 204-36-050 Equipment requirements.** (1) Authorized emergency vehicles must be:

(a) Conventional passenger cars, vans, pickups, or similar vehicles;

(b) Conventionally painted; and

(c) Legally equipped in conformance with RCW 46.37-190(1) with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal. Such equipment must not be installed prior to obtaining approval of the application and issuance of a temporary certificate of approval for the vehicle(s) by the patrol. To be considered approved equipment for use under the provisions of this section, all devices must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(i) Conformance to current standards and specifications of the Society of Automotive Engineers, or; if none

(ii) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Authorized emergency vehicles must not:

(a) Be equipped with blue lamps.

(b) Display commercial signs, posters, or pictures.

(c) Carry or attach to the outside of the vehicle equipment, not related to the emergency nature of the vehicle.

(d) 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.

(3) Authorized emergency vehicles may, in addition to the required equipment, have:

(a) An amber or white lamp on their vehicle as outlined under WAC 204-21-130;

(b) Signal preemptive device as outlined in RCW 46.37.670;

(c) Flashing or strobing headlamps;

provided that such equipment is listed on the application and approved by the patrol.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 09-09-091, § 204-36-050, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. 90-07-034, § 204-36-050, filed 3/15/90, effective 4/15/90; 88-15-052 (Order 88-08-ESR), § 204-36-050, filed 7/18/88; Order 7301, § 204-36-050, filed 2/5/73.]

**WAC 204-36-060 Procedure.** (1) If the patrol approves the application, the applicant will be issued a certificate of approval for the vehicle(s) which will be valid for thirty days, during which time the emergency equipment may be installed. After installation of the emergency equipment, the applicant must bring the vehicle to a district or detachment office of the Washington state patrol to be examined to determine if it is of an approved type. A Washington state patrol officer will certify the results of this examination on a form

prescribed and provided by the patrol and the applicant must file the form with the State Patrol, E.S.R. Unit, General Administration Building, P.O. Box 42600, Olympia, WA 98504-2600. Upon receipt of such certification, the patrol will issue a vehicle permit, which must be carried in the vehicle at all times, and expires when the vehicle is:

- (a) Removed from the permit; or
- (b) The authorized emergency vehicle permit is terminated by the applicant or by the patrol; or
- (c) An authorized emergency vehicle permit which will expire one year from the date of issuance thereof.

(2) The patrol may refuse to approve the application, certificate or permit or in the case of an application which lists multiple operators may refuse to approve any single operator if the applicant/operator:

- (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.

(3) Each approved authorized emergency vehicle permit will be good for a period of one year. A renewal application must be filed with the patrol on forms prescribed by the patrol as outlined in WAC 204-36-030.

(a) A request to add drivers to a permit may be made, in writing to the patrol, at any time. If there is a request for new drivers to be added to the permit, the drivers will not be allowed to operate the vehicles as outlined in the permit until they have been approved to do so by the patrol. Any request to add or remove drivers from a permit must be made to the patrol in writing.

(b) A request to add vehicles to a permit may be made, in writing to the patrol, at any time. If there is a request for new vehicles to be added to the permit, a certificate of approval for the vehicles will be issued granting a thirty-day period within which the equipment must be installed and inspected by the patrol. Once the inspection paperwork is received by the patrol it will be reviewed, and if approved, the patrol will issue a vehicle permit which must be carried in the vehicle at all times.

(i) No additional equipment other than the equipment outlined on the permit is authorized for use under the permit.

(ii) If additional equipment other than that approved under the vehicle permit must be installed, a new certificate of equipment must be filled out for the vehicle and the patrol must inspect and approve such equipment issuing a new vehicle permit prior to its use under the authorized emergency vehicle permit.

(4) The certificate of approval and when issued, the permit, including all endorsements for change of conditions as provided in WAC 204-36-030, must be carried in the authorized emergency vehicle at all times, and must be displayed on request to any law enforcement officer.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 09-09-091, § 204-36-060, filed 4/16/09, effective 5/17/09; 02-07-055, § 204-36-060, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. 90-07-034, § 204-36-060, filed 3/15/90, effective 4/15/90; 88-15-052 (Order 88-08-ESR), § 204-36-060, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. 81-04-043 (Order 81-01-01), § 204-36-060, filed 2/3/81; 79-02-085 (Order 7501A), § 204-36-060, filed 2/7/79; Order 7301, § 204-36-060, filed 2/5/73.]

**WAC 204-36-070 Revocation or suspension.** (1) Violation of any of these regulations will be grounds for suspension or revocation of the authorized emergency vehicle 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, or fire chief if the vehicle is to be used for firefighting purposes, of each primary jurisdiction in which the vehicle is operated as an authorized emergency vehicle may revoke his certification of the vehicle by notifying the patrol in writing of such revocation and his 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 application will be sufficient service of notice as required by this chapter.

[Statutory Authority: RCW 46.37.194 and 46.37.005. 09-09-091, § 204-36-070, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. 88-15-052 (Order 88-08-ESR), § 204-36-070, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. 79-02-085 (Order 7501A), § 204-36-070, filed 2/7/79; Order 7301, § 204-36-070, filed 2/5/73.]

**Chapter 204-50 WAC**

**IGNITION INTERLOCK BREATH ALCOHOL DEVICES**

**WAC**

204-50-030	Definitions.
204-50-040	Testing certification, revocation or surrender of certification and recertification.
204-50-050	Modifications to a certified device.
204-50-070	Variable calibration.
204-50-080	Device maintenance and reports.
204-50-090	Device security.
204-50-110	Mandatory operational features.
204-50-120	Other provisions.
204-50-130	Removal procedures.

**WAC 204-50-030 Definitions.** The following definitions will apply throughout this chapter:

**Alcohol** - Means the unique chemical compound ethyl alcohol. For the purpose of ignition interlock devices, all devices will be specific for ethyl alcohol.

**Authorized service provider (ASP)** - The person or company meeting all qualifications outlined throughout this chapter and approved and trained by the manufacturer to service, install, monitor, calibrate, and provide information on manufacturer's devices currently certified for use in Washington state.

**Bogus sample** - Any air sample that is altered, diluted, stored, or filtered human breath, or which is obtained from an air compressor, hot air dryer, balloon, manual air pump, or other mechanical device, and is provided by an individual attempting to start or continue to operate a vehicle equipped with a device.

**Breath or blood alcohol concentration (BAC)** - Is the amount of alcohol in a person's blood or breath determined by chemical analysis, which shall be measured by grams per alcohol per:

- (a) 100 milliliters of blood; or
- (b) 210 liters of breath.

**Certification** - The testing and approval process required by RCW 46.04.215.

**Chief** - The chief of the Washington state patrol.

**Circumvention** - Means the attempted or successful bypass of the proper functioning of an ignition interlock device including, but not limited to, the operation of a vehicle without a properly functioning device, the push start of a vehicle with the device, disconnection or alteration of the device, the introduction of a bogus sample other than a deep-lung sample from the driver of the vehicle, introduction of an intentionally contaminated or altered breath sample, continued operation of the interlock vehicle after the device detects excess breath alcohol.

**Court (or originating court)** - The particular Washington state court, if any, that has required the use of an ignition interlock device by a particular individual or has responsibility for the preconviction or postconviction supervision of an individual required to use or using the device.

**Device** - An ignition interlock breath alcohol device (IID).

**DOL** - The department of licensing of the state of Washington.

**Fail level** - The BAC of .025 or a level set by the originating court, if lower, at which the device will prevent the operator from starting the vehicle, and/or once the vehicle is started, the level at which the operator must record a test below, or must shut off the vehicle, to avoid registering a violation reset.

**Ignition interlock device (IID)** - An electronic device that is installed in a vehicle which requires submitting to a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine. If the unit detects a BAC test result above the alcohol setpoint, the vehicle will be prohibited from starting.

**Impaired driving section (IDS)** - The impaired driving section of the Washington state patrol.

**Lessee** - A person who has entered into an agreement with a manufacturer or authorized service provider to lease a device.

**Manufacturer** - The person, company, or corporation who produces the device, and certifies to IDS that a service provider is qualified to service, install, monitor, calibrate, and provide information on devices.

**OAC** - Office of the administrator of the court.

**Restricted operator** - A person whose driving privileges are restricted to operating only motor vehicles equipped with an approved, functioning IID.

**Simulator** - A device which when filled with a certified simulator solution, maintained at a known temperature, provides a vapor sample of a known alcohol concentration.

**Tampering** - Any act or attempt to disable or circumvent the legal operation of an IID.

**Violation reset** - The condition caused by the failure of the operator of a vehicle to perform a test or retest as required, or by the operator's inability to achieve such test or retest results at the lower of the maximum allowable alcohol concentration as set by the originating court or .025 BAC, the device and the vehicle in which it is installed must be returned to the manufacturer or authorized service provider to be reset.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-030, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-030, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-030, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-030, filed 12/9/87.]

**WAC 204-50-040 Testing certification, revocation or surrender of certification and recertification. (1) Testing and certification.**

(a) To be certified, a device must:

(i) Meet all standards set under chapter 204-50 WAC;

(ii) Meet or exceed the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787, or as rules are adopted. Only a notarized statement, from a laboratory capable of performing the tests specified, will be accepted as proof of meeting or exceeding the standards. The notarized statement must include the name and signature of the person in charge of the tests under the following sentence:

Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory). They do meet or exceed all specifications listed in the Federal Register, Volume 57, Number 67, pages 11774 - 11787.

Signed \_\_\_\_\_

(iii) Submit two devices to the IDS for testing and review.

(b) Upon receipt of a statement from a testing laboratory that two samples of a device have successfully passed the test procedures listed in this chapter, and confirmation that all other requirements of this chapter have been met, the chief or designee may issue a letter of certification for the device.

**(2) Revocation or surrender of certification.**

(a) The letter of certification will be subject to review by the IDS on an annual basis. It will be valid for three years or until voluntarily surrendered by the manufacturer or until revoked by the chief or designee for cause. Reasons for revocation include but are not limited to:

(i) Evidence of repeated device failures due to gross defects in design, materials, and/or workmanship during manufacture, installation, monitoring, or calibration of the device such that the standards for accuracy and reliability of the devices for which the devices were tested are not being met (as determined by IDS);

(ii) Evidence that the features and functionality of a manufacturer's devices are not being programmed properly by ASP(s) or are being circumvented by lessees such that the standards for anticircumvention for which the devices were tested are not being met;

(iii) Any violation on the part of the manufacturer(s) or ASP(s) of any of the laws or regulations related to the installation, servicing, monitoring, and calibration of devices, including, but not limited to, "other provisions" listed in WAC 204-50-120;

(iv) Notice of cancellation of manufacturer's and/or ASP's required liability insurance is received;

(v) Notification that the manufacturer is no longer in business. This notification must be made immediately to the IDS;

(vi) Notification that material modification or alteration in the components and/or the design of the certified device is not provided or the recertification process is not completed as outlined in WAC 204-50-050.

(b) Unless necessary for the immediate good and welfare of the public, revocation will be effective thirty days from the date of the letter sent to the manufacturer via certified mail, return receipt requested. A copy of each notice of revocation will be provided to the director of the DOL and to the OAC for the state of Washington. The manufacturer's device(s) will be removed from the list of certified devices on the WSP web site.

(c) Upon voluntary surrender, or revocation of a letter of certification for a manufacturer's device, all like devices must be removed and replaced by a certified device, within sixty-five days of the effective date of such surrender or revocation. The ASP must notify all affected lessees of decertification and the requirements for a new device to be installed by an existing ASP.

(d) The IDS will maintain a file of all current, revoked, and voluntarily surrendered letters of certification for the period of time as outlined in the WSP records retention schedule.

**(3) Review for recertification.**

A manufacturer whose letter of certification has been revoked may request a review of revocation by submitting the request in writing to the chief or designee within thirty days from the date on the revocation letter. The request must be made in writing and mailed to WSP Impaired Driving Section, 811 East Roanoke St., Seattle, WA 98102.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-040, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-040, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-040, filed

12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730. 88-15-050 (Order 88-04-ESR), § 204-50-040, filed 7/18/88. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-040, filed 12/9/87.]

**WAC 204-50-050 Modifications to a certified device.**

The manufacturer must notify IDS, in writing, of any material modification or alteration in the components and/or the design of the certified device. Within ninety days of notifying the IDS of the material modification or alteration to a certified device, the manufacturer must resubmit to IDS the evidence of compliance as required in WAC 204-50-040.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-050, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-050, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-050, filed 12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730. 88-15-050 (Order 88-04-ESR), § 204-50-050, filed 7/18/88. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-050, filed 12/9/87.]

**WAC 204-50-070 Variable calibration.** To be certified, a device must be capable of being preset, by the manufacturer or by an ASP, at any fail level from .02 through .09% BAC (plus or minus .005% BAC). The actual setting of each device, unless otherwise mandated by the originating court, must be .025 BAC. The capability to change this setting must be made secure, by the manufacturer, or by an ASP.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-070, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-070, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-070, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-070, filed 12/9/87.]

**WAC 204-50-080 Device maintenance and reports.**

(1) Each lessee must have the device examined by the manufacturer or by an ASP for correct calibration and evidence of tampering at intervals not to exceed sixty-five days, or more often as may be ordered by the originating court.

(2) The device must be calibrated for accuracy according to the manufacturer's and the IDS's procedures, using a wet bath simulator or dry gas standard.

(a) Wet bath simulators must use a mercury in glass or digital thermometer with a scale graduated in tenths of a degree measuring a range between 33.5 and 34.5 degrees centigrade. These thermometers must be certified annually using a National Institute of Standards and Technology (NIST) certified digital reference thermometer.

(b) Dry gas alcohol standards must be certified to a known reference value and traceable to National Institute of Standards and Technology - NIST Traceable Reference Material (NIST-NTRM) ethanol standards. This known value will also be adjusted for pressure changes due to elevation to which the dry gas is being used.

(3) All data contained in the device's memory must be downloaded and the manufacturer and/or the ASP must make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention must be reported as requested by and in a format acceptable to the originating court, IDS and/or DOL. All information obtained as a result of each inspection must be retained by the manufacturer or approved service provider for two years from the date the device is removed from the vehicle.

(4) Any ASP proposing to offer a mail-in calibration and examination program to their lessees must obtain approval from IDS prior to implementing the mail-in program. To obtain approval the ASP must submit procedures outlining how the mail-in program will work. ASP must also provide the customer with written instructions on how to utilize the mail-in program. A mail-in program does not eliminate or take the place of any requirements outlined in WAC 204-50-120.

(5) The manufacturer and/or ASP must provide upon request, additional reports in a format acceptable to and at no cost to DOL, IDS and/or the originating court.

(6) The ASP must maintain records documenting all calibrations, downloads and any other service performed, to include violation reset service. Charges for installations, calibrations, downloads and service must be made using a numbered billing invoice. The billing invoice must contain the date of service and all fees for service must be itemized.

(7) Retention of the record of installation, calibrations, downloads, service and associated invoices must be maintained on site for a minimum of two years.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-080, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-080, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-080, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-080, filed 12/9/87.]

**WAC 204-50-090 Device security.** The manufacturer and its approved service provider(s) must take all reasonable steps necessary to prevent tampering or physical circumvention of the device. These steps must include:

(1) Special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts.

(2) In addition, the approved service provider will affix to the device a label containing the following notation: "Warning - This device has been installed under the laws of the state of Washington. Attempts to disconnect, tamper with, or circumvent this device may subject you to criminal prosecution. For more information, call (insert manufacturer's or approved service provider's toll free number)."

(3) No owner or employee of a manufacturer of ASP may authorize or assist with the disconnection of a device, or enable the use of any "emergency bypass" mechanism or any other "bypass" procedure that allows a person restricted to use the vehicle equipped with a functioning ignition interlock, to start or operate a vehicle without providing all required breath samples. Doing so may subject the person to criminal prosecution under RCW 46.20.750 and may cause the revocation of a manufacturer's certification under WAC 204-50-040.

(4) All known device circumventions or tampering must be reported to the IDS upon request.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-090, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-090, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-090, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-090, filed 12/9/87.]

**WAC 204-50-110 Mandatory operational features.** Notwithstanding other provisions of this chapter, a certified device must:

(1) Be designed to permit a "restart" within two minutes of a stall or when the ignition has been turned off.

(2) Automatically and completely purge residual alcohol before allowing subsequent tests.

(3) Be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(4) Be provided with an ample supply of disposable mouth pieces designed to minimize the introduction of saliva into the device.

(5) Be uniquely serial numbered. Along with any other information required by DOL or by an originating court, all reports to DOL or to an originating court concerning a particular device must include the name, address, and driver's license number of the lessee, and the unique number of the device. The name, address, telephone number (toll free), and contact person of the manufacturer or approved service provider furnishing such report must also be included as part of the report.

(6) Record each time the vehicle is started, the results of the test, how long the vehicle was operated, and any indication of bypassing or tampering with the device.

(7) Require the operator of the vehicle to submit to a retest within ten minutes of starting the vehicle. Retesting must continue at intervals not to exceed sixty minutes after the first retest. The device must:

(a) Be equipped with a method of immediately notifying peace officers if the required retest(s) above is not performed, or if the result of the retest exceeds the lower of .025 BAC or the alcohol concentration as prescribed by the originating court. Examples of acceptable forms of notification are repeated honking of the vehicle's horn, repeated flashing of the vehicle's headlamps, or the wailing of a small siren. Such notification may be disabled only by switching the engine off, or by the achievement of a retest at a level the lower of .025 BAC or the maximum allowable alcohol concentration as set by the originating court.

(b) Automatically enter a violation reset condition. A device which enters a violation reset condition and the vehicle in which it is installed, must be returned to the manufacturer or ASP to be serviced within five days or the device must render the vehicle inoperable. The manufacturer or approved service provider must notify the originating court (if any) of such violation reset conditions in a format acceptable to the originating court within five days of servicing the device. The manufacturer or ASP must provide notification to DOL and IDS in a format acceptable should DOL or IDS promulgate rules requiring such notification.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-110, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-110, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-110, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-110, filed 12/9/87.]

**WAC 204-50-120 Other provisions.** Notwithstanding other provisions of this chapter, each manufacturer of a certified device, either on its own or through its approved service provider(s) must:



(1) Guarantee repair or replacement of a defective device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint.

(2) Demonstrate to the satisfaction of IDS, a service delivery plan under which any restricted operator may obtain installation and routine service of that manufacturer's device within a seventy-five mile radius of his or her place of residence.

(3) Provide IDS, a map of the state of Washington showing the area covered by each approved service provider, and the name, address, and telephone number of each approved service provider.

(a) Any changes to its authorized service provider network within ten days of such change.

(b) Any additions to the approved service provider network, provide evidence to IDS that any added ASPs have the insurance coverage as required by subsection (7) of this section.

(4) Maintain a twenty-four hour, three hundred sixty-five days a year toll-free telephone number for lessees to call if they have problems with the device they have leased from the manufacturer or approved service provider. Calls must either be answered by a technician qualified to service the manufacturer's devices, or the call must be returned by a qualified technician within thirty minutes of the original call.

(5) Provide the lessee a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge. To ensure equal accessibility of the benefits of this technology to all citizens of the state of Washington, such pricing must be uniform statewide.

(6) Provide the lessee written notice of any changes in the statement of charges regardless of what person or agency requested the change, prior to the implementation of such changes.

(7) Provide to IDS proof that the manufacturer has products liability insurance coverage with minimum liability limits of one million dollars per occurrence, and three million dollar aggregate. Liability covered must include, but not limited to: Defects in product design, materials, and workmanship during manufacture, calibration, installation, removal, and all completed operations. Such insurance must be provided by a company authorized to offer such coverage in the state, and such company must include the state of Washington as an additional insured, and must agree to notify IDS not less than thirty days before the expiration or termination of such coverage. Insurance coverage required in this subsection must be in addition to, and not considered a replacement for coverage required in subsection (8) of this section.

(8) Provide IDS proof that each and every ASP has garage keepers liability insurance coverage with minimum liability limits of fifty thousand dollars. Liability covered must include, but not be limited to, damage to lessee's vehicle and personal property while in the care and/or custody of the ASP. Further must provide IDS proof that each and every ASP has completed operations insurance coverage with minimum liability limits of one million dollars per occurrence, and two million dollars aggregate. Liability covered must include, but not be limited to, defects in materials and workmanship during installation, removal, service, calibration,

and monitoring. All such insurance must be provided by a company authorized to offer such coverage in the state, and such company must include the state of Washington as an additional insured, and must agree to notify IDS not less than thirty days before expiration or termination of such coverage. Insurance coverage required in this subsection must be in addition to and not considered a replacement for coverage required in subsection (6) of this section.

(9) If so requested by the originating court, notify the originating court, if any, of the removal of a device under any circumstances other than:

(a) Immediate device repair needs.

(b) Removal of the device in order to switch it to a replacement vehicle to be operated by the restricted operator. Report of such a vehicle switch must be transmitted to the originating court within two business days of such a switch, if so requested by the originating court at the time of initial installation of the device. Report of such a vehicle switch must be transmitted to the DOL within two business days of such a switch, if so requested by the DOL. **NOTE:** Whenever a device is removed for repair, and cannot be immediately reinstalled, a substitute device must be utilized. Under no circumstances will a manufacturer or ASP knowingly permit a restricted operator to drive a vehicle not equipped with a functioning device.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-120, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-120, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-120, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-120, filed 12/9/87.]

**WAC 204-50-130 Removal procedures.** The manufacturer or its approved service provider must remove the device and return the vehicle in normal operating condition. The manufacturer or its ASP must provide any final report requested by the originating court, IDS and/or requested by DOL.

[Statutory Authority: RCW 46.37.005 and 46.04.215. 09-18-073, § 204-50-130, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.-688(2). 05-17-065, § 204-50-130, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. 99-01-156, § 204-50-130, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. 88-01-020 (Order 87-05-ESR), § 204-50-130, filed 12/9/87.]

## Chapter 204-91A WAC TOWING BUSINESSES

### WAC

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204-91A-160	Tow zones.
204-91A-170	Minimum tow truck equipment standards.

204-91A-180 Additional vehicle towing/operator qualifications, restrictions, and requirements.

**WAC 204-91A-010 Authority.** This chapter is adopted pursuant to RCW 46.37.005, 46.55.050, and 46.55.115.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-010, filed 4/21/09, effective 5/22/09; 02-07-056, § 204-91A-010, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-010, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-010, filed 6/23/89.]

**WAC 204-91A-020 Purpose.** This chapter is intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington state patrol.

All registered tow truck operators providing service as a result of being appointed by, or contracted to the Washington state patrol must conduct all operations in accordance with all applicable laws of the state of Washington and applicable rules of the Washington state patrol and the department of licensing.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-020, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-020, filed 6/23/89.]

**WAC 204-91A-030 Definitions.** The following definitions will apply throughout this chapter:

(1) "Chief" means the chief of the Washington state patrol.

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

(3) "Designee" means a person designated by the chief of the Washington state patrol.

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

(5) "District commander" means the commanding officer or designee of an area established by the Washington state patrol.

(6) "Emergent move" means a law enforcement directed movement of any vehicle by a tow truck, utilizing any safe means, for the purposes of clearing the roadway in the interest of safety and/or for the reduction of congestion. Emergent movement of any oversized or overweight vehicle(s) or combination of vehicles requiring a permit must only be made to the nearest safe location, until such time as a permit is acquired or until the load can be made legal by reducing the nonfixed load. Emergent movement of a vehicle is limited to a distance of five miles, unless an exception is granted by a patrol supervisor based on special circumstances.

(7) "Highway" means the entire width between the boundary lines of every highway publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(8) "Initial tow" means services provided including, but not limited to, collisions, incidents, disableds, and impound requests, as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol using a copy of a current rotational call list for the particular zone.

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

(10) "Letter of appointment" means a letter issued by the Washington state patrol that authorizes a registered tow truck operator to tow and store vehicles for the patrol on a rotational or contractual basis in a specified area.

(11) "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.

(12) "Owner/operator" means an owner who is active in the general management of the towing business.

(13) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.

(14) "Place of business" means a building located in an assigned tow zone that 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.

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

(16) "Secondary tow" means towing services from an operator's storage facility or place of business to another location designated by the owner/agent of a vehicle, when the initial towing services were the result of a call from the patrol.

(17) "Section" means the section designated by the chief of the Washington state patrol to coordinate the tow truck inspection program, maintain tow truck files, and issue letters of appointment.

(18) "Special event" means any event that causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and which is declared as such by the district commander or designee.

(19) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas must be obtained from the department, the patrol, and appropriate city and county jurisdictions.

(20) "State recognized holiday" means a legal holiday as outlined under RCW 1.16.050.

(21) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the patrol.

(22) "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.

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

(24) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the patrol.

(25) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.

(26) "Vehicle storage area" means the approved yard and buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing must comply with the requirements established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within the tow zone assigned to the operator.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-030, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-030, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-030, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-030, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-030, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-030, filed 6/23/89.]

**WAC 204-91A-035 Registered tow truck application process.** (1) A tow company must apply through the patrol to be a registered tow operator in Washington state.

Once an application is received, the patrol must conduct an initial inspection of the applicant's place of business, facilities, and equipment.

(2) At the time of initial inspection:

(a) The applicant must:

(i) Provide written verification that the business complies with all applicable local laws and regulations in the geographical area where the towing business will be established.

(ii) If local zoning regulations apply, provide a copy of the certification of approval from the local zoning commission. This certificate will become a part of the permanent record maintained on each approved towing firm approved by the patrol.

(b) The inspector will:

(i) Verify the identities and status of driving privileges for all persons who operate tow trucks, and notify the applicant of any person who does not meet the minimum licensing requirements.

(ii) Determine if the applicant meets the applicable requirements of chapter 46.55 RCW, or Titles 308 or 204 WAC.

(A) If applicant meets the requirements, the inspector will provide certification.

(B) If the applicant does not meet the requirements, the inspector must state the reasons for failure to qualify in a separate report which must be returned to the applicant along with the application and inspection form. If the applicant is initially not certified, the applicant may request an additional inspection once all deficiencies are corrected.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-035, filed 4/21/09, effective 5/22/09.]

**WAC 204-91A-040 Inspections.** (1) **When will an inspection be conducted?**

(a) After the initial inspection, inspections will be conducted at least once a year.

(b) 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) **What will the inspection consist of?** At the time of inspection:

(a) The operator must:

(i) Provide copies of tow business records by either:

(A) Permitting the patrol to make copies at their place of business.

(B) Permitting the patrol to remove tow business records for the purpose of reproduction provided that the patrol issues a receipt for any original records removed from the place of business.

(ii) Allow the inspectors to reinspect previously approved vehicles for equipment defects.

(iii) Provide current driver information to the inspector.

(b) The inspector must:

(i) Determine if the operator meets the applicable requirements of chapter 46.55 RCW, chapters 204-91A and 308-61 WAC.

(ii) Verify the identities and status of driving privilege of all persons that operate tow trucks, and notify the operator if any person does not meet the minimum license requirements.

(iii) Determine if there are equipment defects on the vehicle(s):

(A) The inspector will conduct equipment inspections per Commercial Vehicle Safety Alliance (CVSA) criteria as outlined in the Federal Motor Carrier Safety Regulations, chapters 204-91A WAC and 46.37 RCW.

(B) The inspector must document the inspection on the Uniform Driver/Vehicle Inspection report utilizing the appropriate Code of Federal Regulations, chapters 46.37 RCW and 204-91A WAC.

(C) If safety-related equipment violations exist which would render the tow truck unsafe for tow operation or constitute a safety hazard upon the public highway, the inspector will place the vehicle out-of-service and notify the operator the vehicle may not be operated until compliance has been met. The operator must repair the violation immediately and certify compliance in writing within fifteen days or remove the vehicle from tow operation.

(D) If violations of equipment or other required items exist, the inspector will notify the operator of the violation(s), and note the violations on the inspection report. The operator must correct the violations and certify compliance in writing within fifteen days.

(c) Whenever practical the patrol will complete a reinspection within three days or as soon as possible after the operator advises the patrol. The patrol may:

(i) Choose to reinspect the vehicle, if it is placed out-of-service.

(ii) Require the operator to bring the truck to the inspector.

(iii) Appoint another patrol officer to reinspect the vehicle(s), if the original inspector is not available. Such appointment must be made by the appropriate patrol supervisor.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-040, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-040, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-040, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-040, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-040, filed 6/23/89.]

**WAC 204-91A-050 Adding or removing drivers or vehicles.** (1) Drivers:

(a) If an operator becomes aware that the driving privileges of any tow truck driver no longer meet the minimum licensing requirements, the operator must prohibit that person from operating any tow truck.

(b) If an operator employs a new driver:

(i) The operator must notify the inspector in writing within three days of employing the new driver using the form provided by the inspector.

(ii) The inspector will notify the operator, in a timely manner, if the new employee does not meet the minimum licensing requirements, or the requirements established by chapter 204-91A WAC.

(iii) The operator must not use the check performed by the inspector as part of the preemployment screening processes for a new employee. The new employee must contact the inspector in writing to request a waiver.

(2) Vehicles:

(a) If a tow truck is sold or transferred from the business, within three days, the operator must:

(i) Advise the inspector.

(ii) Send the issued cab card permit to the inspector via U.S. mail or another method agreed upon by the parties.

(iii) Remove any decals indicating truck class, company name, district, and tow zone. Once notification is made, the inspector will notify the department and the patrol.

(b) If a tow truck is purchased or acquired, the operator must immediately notify the patrol and request an inspection. The patrol must complete an inspection and issue either a cab card permit, or decal or both before the new tow truck is used for impound calls.

(c) Tow trucks newly acquired or purchased must meet the current equipment criteria listed in chapter 204-91A WAC.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-050, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-050, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-050, filed 6/23/89.]

**WAC 204-91A-060 Application for letter of appointment.** An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services pursuant to this chapter. However, nothing herein prohibits the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his/her agent.

**(1) Who must complete the application?**

Type of business	Who must complete the application
Tow company	Operator/owner
Partnership	Each partner
Corporation	The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock.

**(2) What is required on the application?**

(a) In order to be issued a letter of appointment, the applicant(s) must:

(i) Fill out the application form provided by the patrol.

(ii) Demonstrate through a letter with the application that they have two years of experience within the towing industry, including which of the following requirement(s) apply:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(ii) Be granted a waiver, if the owner/operator does not have the required two years experience. If the owner/operator is granted a waiver, they will remain on probation for a period of one year from the date of the waiver.

(iv) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls.

(v) An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

(vi) Upon request, the patrol will advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(b) The district office must:

(i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the form; and

(ii) Forward the application and letter of contractual agreement to the section.

(c) The patrol will assign the application a docket number which will be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the patrol thereafter.

**(3) When will an application be denied?**

(a) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(i) Has been convicted of any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction;

(ii) Has been convicted of any class B felony within the last ten years;

(iii) Has been convicted of any class C felony within the last five years;

(iv) Has been convicted of DUI, as defined in chapter 46.61 RCW, two or more times within the last five years;

(v) Has been convicted of any gross misdemeanor within the last three years;

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

(vii) Must register as a sex offender.

(b) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

(c) Crimes referenced in this section are as defined in the criminal code as they existed 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.

**(4) If an application is denied, when can a new application be submitted?** Only one application per year to tow on the Washington state patrol rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of the letter of appointment's revocation.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-060, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-060, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-060, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-060, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 97-08-021, § 204-91A-060, filed 3/25/97, effective 4/25/97; 94-18-083, § 204-91A-060, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-060, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-060, filed 6/23/89.]

**WAC 204-91A-070 Issuance of a letter of appointment.** (1) The chief or designee will have the authority to issue a letter of appointment if all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted. In order to issue a letter of appointment the section commander must receive:

(a) Certification from the inspector;

(b) An application for a letter of appointment endorsed by the district commander; and

(c) A notice from the department that the requestor has been licensed as a registered tow truck operator.

(2) The patrol will notify the requestor of its decision in writing.

(a) If all requirements are met, the request will be approved and the patrol will issue a letter of appointment, and the tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

(b) If all requirements are not met, and the requestor is not qualified for a waiver of the requirements, then such request will be denied.

(c) If the district commander recommends denial of a request, the patrol will notify the applicant and provide an opportunity for the applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

To receive a letter of appointment, each business must:

(a) Be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. This dispatch center must be capable of acknowledging each individual company when answering each call.

(c) Have on both sides of the truck a different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department. All required information must be plainly seen and able to be read at all times. All other required markings must also be located where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

**EXAMPLE:** A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II.

(d) Have adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday except for state recognized holidays. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation.

(e) Have adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered and within the zone approved/assigned for use in, unless specifically requested by law enforcement. All trucks must be clearly marked with the company's identity as outlined in (b) of this subsection.

(f) Have its own outside entrance, or when the building has one main entrance, the offices must have doors clearly marking and separating each business (not acceptable to walk in the main door and be hit with a counter or one office for the multiple tow companies housed in the building), with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business.

(g) Maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant/bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

(h) Have impound/storage areas meeting the requirements of WAC 308-61-026(2) at all times, including proper segregation. All storage areas, primary and secondary for each place of business must be in the tow zone assigned to that place of business.

(i) Maintain at least one truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment will be issued in the name of the applicant and the holder thereof must not allow any other person or business 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 will be valid until suspended, superseded, or revoked by the patrol.

(8) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-070, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-070, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-070, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-070, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-070, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-070, filed 6/23/89.]

**WAC 204-91A-080 Suspension or revocation of letter of appointment.** The patrol may deny, suspend, or revoke a letter of appointment:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The patrol must give the appointee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

(b) Upon receiving notice of the action, the appointee may, within twenty days from the date of the notice of action, request in writing to the section commander a hearing on the denial, suspension or revocation of the letter of appointment. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the section may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which will be without

prejudice to the rights of the parties. The informal settlement conference will be held in the district where the company resides at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(2) Without prior notification if it finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a letter of appointment, an order signed by the chief or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instituted and determined. The patrol must give notice as is practicable to the appointee.

(3) Immediately if the department revokes or cancels the registered tow truck operator license or if the tow company's insurance certification bond is canceled.

(4) If the holder of a letter of appointment voluntarily relinquishes the letter, the inspector and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the district commander will instruct the inspector to obtain the original letter of appointment. If the owner/operator requests reissuance of a letter of appointment, the patrol may require a new application. Additionally, if applicable, all new equipment exempted under the previous letter of appointment must meet current requirements outlined in WAC and RCW.

(5) If violations of the terms and conditions of the letter of appointment that are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the patrol imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation of the letter of appointment, the district commander may take into consideration all major and minor violations that occurred within thirty-six months prior to the date of the current violation.

(b) Terms of disciplinary action - minor violations of the terms and conditions of the LOA may be cause for disciplinary action in the following manner:

(i) First violation within a twelve-month period - letter of written reprimand;

(ii) Second violation within a twelve-month period - thirty day suspension;

(iii) Third violation within a twelve-month period - sixty - ninety day suspension;

(iv) Fourth violation within a twelve-month period - termination of the letter or appointment.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-080, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-080, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-080, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-080, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-080, filed 6/23/89.]

**WAC 204-91A-090 Hearing procedure.** Hearings under this chapter will be pursuant to chapters 34.05 RCW, 446-08 and 10-08 WAC, as supplemented by this section.

(1) The presiding officer will conduct the hearing and any prehearing conference(s).

(2) The burden of proof in any hearing will 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 chief or designee. The chief or designee, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, will make written findings of facts and conclusions based on evidence presented.

(3) Oral proceedings must be recorded by a method chosen by the patrol and such recording will become part of the hearing record.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-090, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-090, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-090, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.35.005 [46.37.005], 89-14-015 (Order 89-04-ESR), § 204-91A-090, filed 6/23/89.]

**WAC 204-91A-110 Complaints.** (1) All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators must forward complaints, along with all results from the complaint investigations and other supporting documents, to the department.

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

(3) Complaints investigated by the patrol will be reviewed by the chief or designee before forwarding to the department.

(4) A complete copy of all complaints investigated by the patrol will be kept on file.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-110, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-110, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005], 89-14-015 (Order 89-04-ESR), § 204-91A-110, filed 6/23/89.]

**WAC 204-91A-120 Business office hours and records.** (1) Business hours for purposes of inspection of records, place of business, and towing equipment must be 8 a.m. to 5 p.m., excluding weekends and state recognized holidays.

(2) The owner/operator must have personnel at the place of business during business hours to answer phone calls and to release vehicles and personal property. Persons from adjoining or neighboring businesses may not be used to meet this requirement. Phones may not be forwarded to an answering service during normal business hours.

(3) When an operator is not open for business and does not have personnel present at the place of business, the operator must post a clearly visible telephone number at the business location to advise the public how to make contact for the release of vehicles or personal property.

(4) The owner/operator must maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a sixty-minute period of time. The personnel must be identifiable as representing the company.

(5) All billing invoices must be numbered and must contain the following information:

(a) Date of service and tow truck operator's name.

(b) Time of departure in response to the call.

(c) Time service completed.

(d) Class of tow truck.

(e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

(f) All fees for service must be itemized.

(g) The date and time the vehicle was released.

(6) Yard cards containing the information in subsection

(5) of this section may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards are supplemental to, and do not replace the invoice required above.

(7) A copy of the invoice must be filed by invoice number at the business location and a copy of any voided invoice must be retained in this same file. Another copy of the invoice must be included with the transaction file items identified in RCW 46.55.150.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-120, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-120, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-120, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-120, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005], 89-14-015 (Order 89-04-ESR), § 204-91A-120, filed 6/23/89.]

**WAC 204-91A-130 Personal property handling procedures.** All personal belongings and contents in the vehicle that are not permanently attached must be kept intact, and must 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. The tow operator must without charge and upon demand, release personal property not being held for evidence purposes by the impounding agency, to the vehicle's owner or agent during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and state recognized holidays. Release procedures must also follow guidelines as set forth in chapters 308-61 WAC and 46.55 RCW.

The vehicle contents, less items listed in WAC and RCW, and personal property not picked up prior to the vehicle going to auction must remain with the vehicle and may not be kept by the operator or sold at auction to fulfill a lien against the vehicle.

(1) The items of personal property that the state patrol will not accept in response to RCW 46.55.090 include but are not limited to the following:

(a) Tire chains;

(b) Spare tire and wheels;

(c) Used auto parts and accessories;

(d) Seat covers;

(e) Fuel containers;

(f) Jacks and lug wrenches;

(g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner that incorporates them to the vehicle. These items must remain with the vehicle;

(h) Refuse, trash, garbage, open or empty alcohol containers and perishable items;

(i) Soiled or mildewed items, including clothing, shoes, blankets, and tarps having no actual value;

(j) Miscellaneous unofficial papers and other items having no actual value.

(2) Items that must be turned over to the patrol within forty-eight hours and inventoried include, but are not limited to:

(a) Money;

(b) Wallets and purses;

(c) Bank and check books;

(d) Bank and credit cards;

(e) Official identification cards, operator's license and passports;

(f) Jewelry;

(g) Firearms and any type weapon;

(h) Contraband including controlled substances;

(i) Stocks, bonds, money orders, bank certificates, travelers checks, postage stamps, and food stamps;

(j) Other items of obvious value.

(3) The tow operator must not remove or damage any vehicle parts permanently affixed to the vehicle, i.e., trunk locks or door locks. The tow operator must allow the registered owner or driver of a vehicle to remove specialized hand controls, provided that their removal does not damage the vehicle.

(4) If a vehicle is equipped with an ignition interlock system as outlined in RCW 46.20.720, the tow operator must contact the ignition interlock company through the phone number provided on the ignition interlock label within forty-eight hours to inform them that the vehicle has been impounded. The ignition interlock system must be removed by a qualified technician and released to the installing company, at no charge and upon proof of ownership, prior to the auction of the vehicle. The removal of the ignition interlock system must not render the vehicle inoperable.

(5) After the certified sale letter has been mailed, the tow operator may dispose of any perishable items or items that may rot, decay, or otherwise cause substantial odor within the interior of the vehicle.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-130, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-130, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-130, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.35.005 [46.37.005], 89-14-015 (Order 89-04-ESR), § 204-91A-130, filed 6/23/89.]

**WAC 204-91A-140 Fees.** (1) All towing fees must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or state recognized holiday. The hourly rate for each class of truck must be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or state recognized holidays, if different from the hourly rate, must be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The tow inspector will investigate allegations of overcharging. Intentional overcharging or a pattern of overcharg-

ing will be cause for suspension. The suspension will remain in effect until the tow operator has presented to the patrol sufficient proof that the aggrieved customer(s) has been fully reimbursed.

(2) The chief or designee will, prior to October 15th of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates will be determined after consultation with members of the towing industry, review of current private towing rates, and such other economic factors as the chief deems appropriate.

When signed by the chief or designee and the tow operator, a contractual agreement to charge no more than the maximum rates will become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate must:

(a) Be the only basis used by the tow operator to compute total charges for towing services.

(b) Apply when a call for a tow is made by the state patrol, including, but not limited to, collisions and impound requests.

(c) Include all ancillary activities including, but not limited to, removal of glass, debris, and vehicle fluids less than one gallon from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installation of chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement and standby time. Before leaving any collision or incident, the tow company must advise the department of transportation, the patrol or local road department of all fluid spills greater than one gallon.

(d) Include the labor of one person per truck. When responding with a class "C" or a S-1 rotator truck to a major collision or incident, a second person is allowed at the hourly labor rate per contract for an extra RTO employee. Any charges for additional labor or ancillary vehicles, or both, or for removing debris, cargo, or other items must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until the truck returns to its normal area/zone, responds to another call, or the tow yard. The hourly rate must be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

(f) Be evenly divided between vehicles transported when class "E" trucks are used for multiple towing/recovery (one on bed, one in tow) from the same location.

(3) The basic storage fee:

(a) Must be calculated using bumper to bumper measurements for vehicles, and using tongue to bumper measurements for trailers; and

(b) Must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. Vehicles stored



over twelve hours on any given day within the twenty-four-hour period may be charged a full day's storage. Vehicles stored less than twelve hours on any given day, may only be charged for twelve hours of storage; and

(c) Must be the same for all three and four-wheel vehicles twenty feet or less in length; and

(d) For vehicles or combinations exceeding twenty feet, the storage fee must be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee; and

(e) For motorcycles, operators may charge the basic storage fee for vehicles.

(4) After hours release fee. After hour fees must:

(a) Be based on a flat, hourly rate;

(b) Be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes;

(c) Be no more than one-half of the class "A" rate; and

(d) Apply on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; and state recognized holidays. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," may be assessed.

(5)(a) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for the following services must charge the same lower rate for similar services performed as a result of patrol initiated calls:

(i) Roadside mechanical service, including, but are not limited to, fuel transfer, tire and belt changes;

(ii) Disabled vehicle tow/transportation;

(iii) Storage;

(iv) After hours release fees.

(b) The price requirement in subsection (a)(i) through (iii) of this section does not apply to unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

(6) Upon redemption of a vehicle, an additional charge may not be assessed for moving or relocating any stored vehicle from inside a tow operator's storage yard to the front of the business establishment.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-140, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-140, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-140, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-140, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 97-08-021, § 204-91A-140, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-140, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37-005]. 89-14-015 (Order 89-04-ESR), § 204-91A-140, filed 6/23/89.]

**WAC 204-91A-150 Towing procedure.** Officers of the patrol will obtain towing services to remove damaged 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 will, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

(4) The chief or designee will 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 or contractual tow requests, an approved tow truck must be used only in the tow zone designated by the district commander. The patrol may, when tow service is not reasonably available within a given zone, obtain service from an adjacent zone.

(6) The patrol may adopt 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, and must dispatch the specific company requested.

(b) The patrol communications center will advise the towing dispatch center of the approximate location, number of tow trucks needed, number of occupants, make, model and color of the vehicle, if available, and the reason for the call. The towing dispatch center will be responsible for dispatching the participating firm's tow trucks.

(c) Permanent records of all tow trucks dispatched at the request of the patrol will be maintained by the towing dispatch center for a period of three years.

(7) Tow operators responding to calls from the patrol must be capable of transporting one occupant. In those instances where the occupant is argumentative, disabled, or otherwise incapable of riding in a tow truck, the patrol will provide or obtain alternative transportation.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-150, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-150, filed 6/23/89.]

**WAC 204-91A-160 Tow zones.** Each district commander will outline geographical areas within their district to be designated as tow zones. The geographical tow zones for each patrol district will be filed with the patrol. The boundaries established pursuant to this action may be modified as circumstances warrant. Considerations may include, but are not limited to, such factors as the frequency and severity of collisions and the frequency of DWI arrests in various areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the areas of need within each district. Nothing herein will prevent the patrol from amending tow zones from time to time as required by changing traffic and collision patterns and other such factors affecting the adequacy of towing service available to the patrol.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-160, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-160, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-160, filed 6/23/89.]

**WAC 204-91A-170 Minimum tow truck equipment standards.** All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests must meet the minimum standards as listed in this section.

Equipment standards will be effective one year from the date of adoption.

**(1) Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

(b) Each wire rope or equivalent material must be capable of being fully extended from and fully wound onto its drum. Each wire rope or equivalent material must meet the industry standards for specified type of use with equipment.

OSHA (1410.179 (h)(2)(iii)) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

(d) All wire rope must be in good working order. The following industry standards for **out-of-service** criteria will apply:

(i) 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.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, must have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

(i) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(j) All "J" hook chain assemblies must be grade "7" chain or better.

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

(l) Comply with legal lighting, equipment, and license requirements.

(m) Portable tail, stop, and turn signal lights for vehicles being towed.

(n) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(o) Have a revolving, strobe, or intermittent red light with three hundred sixty degrees visibility. Trucks may also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Additionally, trucks must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

(q) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard or solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone system capable of communicating with a base station. A citizen band radio does not suffice. A mobile telephone system is acceptable provided that it must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

(u) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(v) Axle weight must comply with the requirements of RCW 46.37.351.

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

(2) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks must meet the requirements of subsection (1)(a) through (w) of this section and in addition must have:

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums. Class "A" tow trucks currently in-service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

(e) A minimum of two snatch blocks rated at 3.4 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(3) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must

meet the requirements of subsection (1)(a) through (w) of this section and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) Minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks rated at 4.5 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being used for class "A" tows.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity.

(i) A minimum of one ten-foot or two five-foot one-half inch diameter recovery chains used in the winching system and must be grade "8" chain with matching fittings. Class "B" tow trucks currently in-service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

(4) **Class "B-2" trucks:** Are trucks rated at over 30,000 GVWR with air brakes. Class "B-2" trucks must:

(a) Meet the requirements of subsection (1)(a) through (w) of this section.

(b) Have a minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(c) Meet the requirements of subsection (3)(b), (d), (e), (f), (g), (h), and (i) of this section. Class "B-2" tow trucks currently in-service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

(5) **Class "C" tow trucks and class "C" rotator trucks:** Are trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection (1)(a) through (w) of this section and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service drums. Class "C" tow trucks currently in-service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) If equipped with a wheel lift system, it must have a fully extended working load limit of at least twelve thousand pounds.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks rated at eight tons each.

(6) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks.

Class "D" trucks must meet the requirements of subsection (1)(a) through (w) of this section and in addition must have:

(a) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity.

(b) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(c) One snatch block rated at 3.5 tons.

(d) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(7) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically requested by the patrol. Class "E" trucks must meet the requirements of subsection (1)(a) through (w) of this section.

(a) In addition must have:

(i) Four securing devices with a minimum working load limit of three thousand four hundred pounds. The devices must:

(A) Be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

(B) Have tie downs attached to the axle, tires, or frame member of the transported vehicle both front and rear. Factory style "T" hook tie downs may be used for front and rear securement.

(C) Ensure all tie down ends are secured to the truck bed or rail in a manner that will prevent movement of the transported vehicle.

(ii) One snatch block rated at 3.5 tons.

(iii) Dual tires on the rear axle.

(b) Class "E" trucks may also be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system, the system must have a manufacturer's rating appropriate to the vehicle being towed. If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturer's rating appropriate to the vehicle being towed.

(ii) Class "E" trucks are only required to carry portable lights when used in towing mode.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

(d) Additional minimum class "E" truck requirements include:

(i) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR);

(ii) Current licensing and tonnage equal to the maximum combination GVWR;

(iii) Four ton winch rating;

(iv) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope;

(v) One five-foot grade "7" chain with matching fittings for use in winching; and

(vi) Seventeen feet of usable bed capable of carrying vehicles.

(e) Class "E" tow trucks currently in-service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

(8) **Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section which must include:

(i) Why the truck is needed;

(ii) What the truck will be used for;

(iii) The vehicle size;

(iv) Purchased tonnage if required;

(v) Capability; and

(vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the patrol for review and final approval. If approval is granted, the equipment must be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

(c) If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual reinspection. In any case, all tow trucks must be correctly classified within one year of adoption of these rules.

(9) **Class "S-1 rotator" trucks:** Are tow trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection (1)(a) through (w) of this section and in addition must have:

(a) A fifty-two thousand pound manufacturer's GVWR.

(b) Tandem or triple rear axle truck chassis with at least two drive axles.

(c) A minimum of forty ton rotating boom rating with a single boom.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) Equipped with a wheel lift system and have a fully extended working load limit of at least twelve thousand pounds.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks rated at eight tons each.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-170, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-170, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. 04-20-021, § 204-91A-170, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 02-07-056, § 204-91A-170, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-170, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-170, filed 6/23/89.]

**WAC 204-91A-180 Additional vehicle towing/operator qualifications, restrictions, and requirements.** In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter must conform to all laws and administrative rules pertaining to the tow industry and must observe the following practices and procedures:

(1) When called by the patrol during normal business hours, the tow truck operator must dispatch a tow truck, from within the assigned zone within five minutes after receiving the call. Tow trucks must be registered to and belong to the particular tow business that is called and assigned only to that tow zone. If an officer at the scene deems it necessary, the officer may authorize additional assistance from a registered tow truck operator outside of the tow zone.

(2) When called by the patrol after normal business hours, the tow truck operator must dispatch a tow truck from within the assigned zone within fifteen minutes after receiving the call.

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

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator must advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit the operator's turn and be placed at the bottom of the rotation list as if the operator had responded.

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

(7) The tow operator must advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions including, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator must advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle that has been involved in a collision, incident, or equipment breakdown on the public roadway. The tow operator also must advise the patrol of all private calls to motor vehicle collisions on private property resulting in bodily injury or death.

(9) The tow operator must notify the patrol before moving any vehicle involved in a collision 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 of intoxicants or drugs, or is otherwise incapacitated.

(10) Other than a service patrol established and funded by the department of transportation, a tow operator must not solicit tow or roadside services by patrolling the public roadways searching for disabled vehicles or vehicles involved in a traffic collision.

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

(12) The tow operator must be available, or will ensure that specific employees are 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 section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section, and the patrol district commander ten days before their effective date.

(13) The operator must post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and capable of being read by the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a

location, exposed to the elements, they must be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets must be posted in such manner as to be clearly and plainly visible and read at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the section, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the section, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol must be consistent with current posted towing rates and must be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator must file a rate sheet that specifies the rates charged for the different types of tows.

(e) Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator must charge fees based on the size of the towed vehicle not the size of the truck used.

(14) Charges made for towing services arising from calls initiated by the patrol must not exceed the maximum rates established by the chief.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles must be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. Such records will be available for inspection by the patrol during normal business hours at the operator's place of business. Records will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) A tow impound record inventory or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

(17) The tow operator will sign the tow impound inventory record made out by the patrol officer at the scene.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators must perform towing tasks competently. The standard of competence will be that quality of work which is accepted as efficient and effective within the towing industry. The tow operator must ensure tow truck drivers responding to calls initiated by the patrol have completed a minimum of one four-hour tow truck driver training course every five years. The operator must keep a file documenting training.

(20) No tow operator, employee, or agent will misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators must use emergency lights to warn other motorists only when at the scene of collisions, dis-

abled vehicles, and/or recoveries. Such lighting must not be used when traveling to or from the scene.

(22) Tow truck operators are required to clean collision/incident scenes of all vehicle glass, debris, and vehicle liquid spills of one gallon or less.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B," "B-2," and "C" trucks must be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies must be used to release the brake tension. Under no circumstances will the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the precollision or incident settings.

(b) Class "B" or "B-2" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the following must apply:

(a) The operator must maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor must be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

(b) At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner must be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee must be charged for towing the vehicle from the overflow lot to the regular storage facility.

(25) All work performed by the operator and/or employee must be in the most professional and expeditious manner. Tow operators and employees must refrain from any unprofessional actions while towing for or conducting towing business at the request of the patrol. The actions include, but are not limited to, any of the following:

(a) Lack of service, selective service, or refusal to provide service which the operator should be capable of performing;

(b) Exhibiting any signs of either alcohol, drug use, or both;

(c) Displaying any objects, logos, slogans, or graphic material within the view of the public that contains any form of pornography, profanity, or prejudice toward any person or group of persons.

(26) Tow operators must, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

(27) When responding to a patrol call, tow truck operators must wear clothing identifying the company and driver's name.

(28) Tow truck operators performing recovery, impounding, or towing must wear work vests of highly visi-

ble materials, or equivalent distinguishing apparel when outside of the towing vehicle as outlined in WAC 296-155-200(5) and Code of Federal Regulations, Title 23 Part 634.3.

(29) Tow truck operators must not display any sign, shield, marking, accessory, or insignia on uniforms or vehicles indicating the equipment or vehicle marking are similar to or belong to any public law enforcement agency. Tow truck operators must not engage in any advertisement indicating an official connection with the patrol or other law enforcement agency.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. 09-09-118, § 204-91A-180, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. 07-02-025A, § 204-91A-180, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005, 46.55-050, and 46.55.115. 02-07-056, § 204-91A-180, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.37.005 and 46.55.050. 94-18-083, § 204-91A-180, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. 89-21-044, § 204-91A-180, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. 89-14-015 (Order 89-04-ESR), § 204-91A-180, filed 6/23/89.]

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

**WAC 204-93-030 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) **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. 09-18-072, § 204-93-030, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-030, filed 8/30/90, effective 9/30/90. 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, 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. 09-18-072, § 204-93-040, filed 8/31/09, effective 10/1/09. Statutory Authority:

RCW 47.52.120. 90-18-049, § 204-93-040, filed 8/30/90, effective 9/30/90. 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 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. 09-18-072, § 204-93-050, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-050, filed 8/30/90, effective 9/30/90. 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.** 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. 09-18-072, § 204-93-060, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-060, filed 8/30/90, effective 9/30/90. Statutory Authority: RCW 47.52.120 and 46.37.005. 85-20-090 (Order 002-85), § 204-93-060, filed 10/1/85.]

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**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. 09-18-072, § 204-93-070, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-070, filed 8/30/90, effective 9/30/90. 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.** (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. 09-18-072, § 204-93-080, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-080, filed 8/30/90, effective 9/30/90. 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 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. 09-18-072, § 204-93-090, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-090, filed 8/30/90, effective 9/30/90. 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 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.

[Statutory Authority: RCW 46.37.005, 46.37.197, and 46.52.120. 09-18-072, § 204-93-100, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-100, filed 8/30/90, effective 9/30/90. 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 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. 09-18-072, § 204-93-110, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-110, filed 8/30/90, effective 9/30/90. 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 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. 09-18-072, § 204-93-120, filed 8/31/09, effective 10/1/09. 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 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. 09-18-072, § 204-93-130, filed 8/31/09, effective 10/1/09. 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.** 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.

(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. 09-18-072, § 204-93-140, filed 8/31/09, effective 10/1/09. 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 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. 09-18-072, § 204-93-150, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120. 90-18-049, § 204-93-150, filed 8/30/90, effective 9/30/90. 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 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. 09-18-072, § 204-93-160, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 47.52.120 and 46.37.005. 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. 09-18-072, § 204-93-170, filed 8/31/09, effective 10/1/09.]