

WSR 23-17-110

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed August 17, 2023, 1:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-14-008.

Hearing Location(s): On September 27, 2023, at 10:00 a.m., at Washington State Patrol (WSP), Helen Somers Building, 106 11th Street S.E., Room 1011, Olympia, WA 98507.

Date of Intended Adoption: September 28, 2023.

Submit Written Comments to: Kimberly Mathis, Agency Rules Coordinator, 106 11th Street S.E., Olympia, WA 98507, email wsprules@wsp.wa.gov, by September 26, 2023.

Assistance for Persons with Disabilities: Contact Kimberly Mathis, agency rules coordinator, phone 360-596-4017, email wsprules@wsp.wa.gov, by September 26, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: A cornering lamp function provided by the original equipment manufacturer (OEM) is typically a function within the headlamp or using an existing lamp (such as a fog lamp). FMVSS 108 requires headlamps to be mounted not less than 22 inches nor more than 54 inches from the ground, measured from the center of the lamp. The cornering lamp mounting height limitation of 30 inches in the current Washington regulation does not accommodate for some SUVs or higher vehicles which have the headlamp mounted above 30 inches, yet still within the FMVSS limit of 54 inches. This prohibits the OEM the ability of offering a cornering lamp function within a headlamp or at the same height as a headlamp on higher vehicles that is compliant with federal rules and allowable in all other states.

Reasons Supporting Proposal: Updates are to ensure consistency and clarity with statutory changes.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Statute Being Implemented: RCW 43.37.320.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSP, governmental.

Name of Agency Personnel Responsible for Drafting: Kimberly Mathis, Olympia, Washington, 360-596-4017; Implementation and Enforcement: WSP, Olympia, Washington, 360-596-4017.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required per RCW 34.05.328 (5) (a) (i)-(ii) and (b) (iii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

August 16, 2023
John R. Batiste
Chief

OTS-4632.1

AMENDATORY SECTION (Amending WSR 08-19-104, filed 9/17/08, effective 10/18/08)

WAC 204-21-120 Cornering lamps. Cornering lamps:

- (1) Must meet SAE Standard (~~(J852a)~~) J852.
- (2) Must be on the front of the vehicle near the side or the side near the front.
- (3) (~~Must be mounted no lower than twelve inches nor higher than thirty inches.~~)
- (~~4~~) Must, if they have means to adjust and aim the lamp, be mounted so the center of the high intensity portion of the beam is within (~~forty to fifty~~) 40 to 50 degrees from the longitudinal axis of the vertical toward the front. The vertical aim must be within the center of the high intensity zone, (~~ten to fourteen~~) 10 to 14 inches below the level of the lamp center.
- (~~5~~) (4) Must, if they don't have aiming mechanisms, be mounted in a fixed position on the vehicle in accordance with the manufacturer's instructions.