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HOUSE BILL 1485

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State of Washington

68th Legislature

2023 Regular Session

By Representatives Orcutt, Wylie, and Donaghy

1 AN ACT Relating to roadside safety measures; amending RCW  
2 46.37.196 and 46.61.212; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
5 Arthur Anderson and Raymond Mitchell tow operators safety act.

6 **Sec. 2.** RCW 46.37.196 and 1977 ex.s. c 355 s 16 are each amended  
7 to read as follows:

8 All emergency tow trucks shall be identified by an intermittent  
9 or revolving red light capable of 360(<sup>o</sup>) degree visibility at a  
10 distance of (~~five hundred~~) 500 feet under normal atmospheric  
11 conditions. (~~(This intermittent or revolving red light shall be used~~  
12 ~~only at the scene of an emergency or accident, and it will be~~  
13 ~~unlawful to use such light while traveling to or from an emergency or~~  
14 ~~accident, or for any other purposes.)~~) The emergency tow trucks may  
15 also operate rear facing blue lights for use only at the scene of an  
16 emergency or accident. The red lights may be used when the tow truck  
17 is reentering the roadway from the scene of an emergency or accident  
18 for a reasonable distance to reach operating speed from the scene,  
19 and the combination of red and blue lights may be used only at the  
20 scene of an emergency or accident. It is unlawful to use the

1 combination of lights when traveling to or from the scene of an  
2 accident or for any other purpose.

3 **Sec. 3.** RCW 46.61.212 and 2022 c 279 s 2 are each amended to  
4 read as follows:

5 (1) An emergency or work zone is defined as the adjacent lanes of  
6 the roadway 200 feet before and after:

7 (a) A stationary authorized emergency vehicle that is making use  
8 of audible and/or visual signals meeting the requirements of RCW  
9 46.37.190;

10 (b) A tow truck that is making use of visual (~~red~~) lights  
11 meeting the requirements of RCW 46.37.196;

12 (c) Other vehicles providing roadside assistance that are making  
13 use of warning lights with 360 degree visibility;

14 (d) A police vehicle properly and lawfully displaying a flashing,  
15 blinking, or alternating emergency light or lights; or

16 (e) A stationary or slow moving highway construction vehicle,  
17 highway maintenance vehicle, solid waste vehicle, or utility service  
18 vehicle making use of flashing lights that meet the requirements of  
19 RCW 46.37.300 or warning lights with 360 degree visibility.

20 (2) The driver of any motor vehicle, upon approaching an  
21 emergency or work zone, shall:

22 (a) On a highway having four or more lanes, at least two of which  
23 are intended for traffic proceeding in the same direction as the  
24 approaching vehicle, proceed with caution, reduce the speed of the  
25 vehicle, and, if the opportunity exists, with due regard for safety  
26 and traffic conditions, yield the right-of-way by making a lane  
27 change or moving away from the lane or shoulder occupied by an  
28 emergency or work zone vehicle identified in subsection (1) of this  
29 section;

30 (b) On a highway having less than four lanes, proceed with  
31 caution, reduce the speed of the vehicle, and, if the opportunity  
32 exists, with due regard for safety and traffic conditions, and under  
33 the rules of this chapter, yield the right-of-way by passing to the  
34 left at a safe distance and simultaneously yield the right-of-way to  
35 all vehicles traveling in the proper direction upon the highway; or

36 (c) If changing lanes or moving away would be unsafe, proceed  
37 with due caution and continue to reduce the speed of the vehicle to  
38 at least 10 miles per hour below the posted speed limit, except for  
39 when the posted speed limit (~~is~~) exceeds 60 miles per hour or more,

1 then reduce the speed of the vehicle to no more than 50 miles per  
2 hour.

3 (3) A person may not drive a vehicle in an emergency or work zone  
4 at a speed greater than the posted speed limit or greater than what  
5 is permitted under subsection (2)(c) of this section.

6 (4) A person found to be in violation of this section, or any  
7 infraction relating to speed restrictions in an emergency or work  
8 zone, must be assessed a monetary penalty equal to twice the penalty  
9 assessed under RCW 46.63.110. This penalty may not be waived,  
10 reduced, or suspended.

11 (5) A person who drives a vehicle in an emergency or work zone in  
12 such a manner as to endanger or be likely to endanger any emergency  
13 or work zone worker or property is guilty of reckless endangerment of  
14 emergency or work zone workers. A violation of this subsection is a  
15 gross misdemeanor punishable under chapter 9A.20 RCW.

16 (6) The department shall suspend for 60 days the driver's  
17 license, permit to drive, or nonresident driving privilege of a  
18 person convicted of reckless endangerment of emergency or work zone  
19 workers.

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