
SUBSTITUTE HOUSE BILL 1709

State of Washington

67th Legislature

2022 Regular Session

By House Transportation (originally sponsored by Representatives Orcutt, Wylie, Springer, Griffey, and Leavitt)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to safety measures for tow truck operators and
2 vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 46.37.196 and 1977 ex.s. c 355 s 16 are each amended
6 to read as follows:

7 (1) All emergency tow trucks shall be identified by an
8 intermittent or revolving red light capable of 360((°)) degree
9 visibility at a distance of five hundred feet under normal
10 atmospheric conditions. ((This intermittent or revolving red light
11 shall be used only at the scene of an emergency or accident, and it
12 will be unlawful to use such light while traveling to or from an
13 emergency or accident, or for any other purposes.)) This intermittent
14 or revolving red light may be used:

15 (a) When the tow truck is en route to the scene of an emergency
16 or accident and encounters a significant slowdown in the speed of
17 traffic to 35 miles per hour or less due to the emergency or accident
18 and uses the traffic lanes or the roadway shoulder;

19 (b) At the scene of the emergency or accident; and

1 (c) When the tow truck is leaving the scene of an emergency or
2 accident, while accelerating until reaching the speed of 10 miles per
3 hour below the posted speed limit.

4 (2) The emergency tow trucks may operate rear-facing blue lights
5 solely when at the scene of the emergency or accident. It is unlawful
6 to use such lights when traveling to or from the scene of an accident
7 or for any other purpose. The combination of red and blue lights
8 shall only be used at the scene of an emergency or accident.

9 **Sec. 2.** RCW 46.61.212 and 2019 c 106 s 1 are each amended to
10 read as follows:

11 (1) An emergency or work zone is defined as the adjacent lanes of
12 the roadway (~~two hundred~~) 200 feet before and after:

13 (a) A stationary authorized emergency vehicle that is making use
14 of audible and/or visual signals meeting the requirements of RCW
15 46.37.190;

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

18 (c) Other vehicles providing roadside assistance that are making
19 use of warning lights with (~~three hundred sixty~~) 360 degree
20 visibility;

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

23 (e) A stationary or slow moving highway construction vehicle,
24 highway maintenance vehicle, solid waste vehicle, or utility service
25 vehicle making use of flashing lights that meet the requirements of
26 RCW 46.37.300 or warning lights with (~~three hundred sixty~~) 360
27 degree visibility.

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

30 (a) On a highway having four or more lanes, at least two of which
31 are intended for traffic proceeding in the same direction as the
32 approaching vehicle, proceed with caution and, if the opportunity
33 exists, with due regard for safety and traffic conditions, yield the
34 right-of-way by making a lane change or moving away from the lane or
35 shoulder occupied by an emergency or work zone vehicle identified in
36 subsection (1) of this section;

37 (b) On a highway having less than four lanes, proceed with
38 caution, reduce the speed of the vehicle, and, if the opportunity
39 exists, with due regard for safety and traffic conditions, and under

1 the rules of this chapter, yield the right-of-way by passing to the
2 left at a safe distance and simultaneously yield the right-of-way to
3 all vehicles traveling in the proper direction upon the highway; or

4 (c) If changing lanes or moving away would be unsafe, proceed
5 with due caution and reduce the speed of the vehicle to at least
6 ~~((ten))~~ 10 miles per hour below the posted speed limit, except for
7 when the posted speed limit exceeds 60 miles per hour or more, then
8 reduce the speed of the vehicle to 50 miles per hour or lower.

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

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

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

22 (6) The department shall suspend for ~~((sixty))~~ 60 days the
23 driver's license, permit to drive, or nonresident driving privilege
24 of a person convicted of reckless endangerment of emergency or work
25 zone workers.

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