

# Chapter 204-36 WAC

## AUTHORIZED EMERGENCY VEHICLE PERMITS

### WAC

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**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. WSR 09-09-091, § 204-36-010, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. WSR 88-15-052 (Order 88-08-ESR), § 204-36-010, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. WSR 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. WSR 09-09-091, § 204-36-020, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. WSR 88-15-052 (Order 88-08-ESR), § 204-36-020, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. WSR 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.

(12/17/09)

(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. WSR 09-09-091, § 204-36-030, filed 4/16/09, effective 5/17/09; WSR 02-07-055, § 204-36-030, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. WSR 90-07-034, § 204-36-030, filed 3/15/90, effective 4/15/90; WSR 88-15-052 (Order 88-08-ESR), § 204-36-030, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. WSR 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:

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(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. WSR 10-01-110, § 204-36-040, filed 12/17/09, effective 1/17/10; WSR 09-09-091, § 204-36-040, filed 4/16/09, effective 5/17/09; WSR 02-07-055, § 204-36-040, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. WSR 90-

07-034, § 204-36-040, filed 3/15/90, effective 4/15/90; WSR 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. WSR 09-09-091, § 204-36-050, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. WSR 90-07-034, § 204-36-050, filed 3/15/90, effective 4/15/90; WSR 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. WSR 09-09-091, § 204-36-060, filed 4/16/09, effective 5/17/09; WSR 02-07-055, § 204-36-060, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 46.37.194. WSR 90-07-034, § 204-36-060, filed 3/15/90, effective 4/15/90; WSR 88-15-052 (Order 88-08-ESR), § 204-36-060, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. WSR 81-04-043 (Order 81-01-01), § 204-36-060, filed 2/3/81; WSR 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. WSR 09-09-091, § 204-36-070, filed 4/16/09, effective 5/17/09. Statutory Authority: RCW 46.37.194. WSR 88-15-052 (Order 88-08-ESR), § 204-36-070, filed 7/18/88. Statutory Authority: RCW 46.37.005 and 46.37.194. WSR 79-02-085 (Order 7501A), § 204-36-070, filed 2/7/79; Order 7301, § 204-36-070, filed 2/5/73.]