

# SENATE BILL REPORT

## SB 5635

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As of January 25, 2022

**Title:** An act relating to safety measures for tow truck operators and vehicles.

**Brief Description:** Addressing safety measures for tow truck operators and vehicles.

**Sponsors:** Senators Wilson, J., Hunt, Lovick and Stanford.

**Brief History:**

**Committee Activity:** Transportation: 1/25/22.

**Brief Summary of Bill**

- Allows tow trucks to operate rear facing blue lights for use only at the scene of an emergency or accident.
- Allows tow trucks to use red lights when reentering the roadway from the scene of an emergency or accident for a reasonable distance to reach operating speed.
- Requires drivers to reduce speed on high- speed highways to 50 miles per hour or less if unable to move over when approaching an emergency or work zone.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, tow trucks must be identified by an intermittent or revolving red light capable of 360 degree visibility at a distance of 500 feet under normal atmospheric conditions. The red light may be used only at the scene of an emergency or accident.

An emergency or work zone is defined as the adjacent lanes of the roadway 200 feet before

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

and after:

- a stationary authorized emergency vehicle using audible or visual signals, or both;
- a tow truck using visual red lights;
- other vehicles providing roadside assistance using warning lights with 360 degree visibility;
- a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights; or
- a stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle using flashing lights or warning lights with 360 degree visibility.

Drivers approaching an emergency or work zone must proceed with caution and, if the opportunity exists, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by an emergency or work zone vehicle. If approaching the emergency or work zone on a highway having less than four lanes, the driver must also reduce the speed of the vehicle. If changing lanes or moving away would be unsafe, the driver must proceed with due caution and reduce the speed of the vehicle to at least 10 miles per hour below the posted speed limit.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Tow trucks may operate rear facing blue lights for use only at the scene of an emergency or accident. Tow trucks may use red lights when reentering the roadway from the scene of an emergency or accident for a reasonable distance to reach operating speed from the scene. The combination of red and blue lights may be used only at the scene of an emergency or accident.

Drivers must reduce their speed to 50 miles per hour or less on a highway with a speed limit exceeding 60 miles per hour if unable to move over when approaching an emergency or work zone.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony On Proposed Substitute:** PRO: This bill is an attempt to respond to multiple deaths and serious accidents occurring when drivers hit tow truck operators responding to incidents along highways. Blue lights, along with red lights, will encourage drivers to slow down when approaching a tow truck operator responding to

an incident. This will help save lives. Motorists respect blue lights. The CDC reports that more fatal injuries occur with tow truck operators than with police and fire personnel. Rear-facing blue lights should also be allowed for fire trucks.

CON: Although it is recognized that tow truck operators are often put at danger when responding to an incident, blue lights have been reserved for law enforcement. Blue lights create an expectation of law enforcement. Using red lights is OK on tow trucks for re-entering a highway after responding to an emergency, but blue lights should only be used for law enforcement. There is no data suggesting that blue lights provide more safety.

**Persons Testifying:** PRO: Senator Jeff Wilson, Prime Sponsor; Cory Wells, TLC Towing; Matthew Porter, 24 Hour Towing and Recovery; Peter Lukevich, TRAW; Bud Sizemore, WSCFF; Pam Lux, Shannon Towing.

CON: Taylor Gardner, WASPC; Chief John Batiste, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** No one.