

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:

(a) Only by the operators named in the permit approved by the patrol.

(b) Only with the equipment described in the permit approved by the patrol.

(c) Only within the geographic area(s) approved by the chief law enforcement officer or fire chief outlined in WAC 204-36-030 and in accordance with any restrictions outlined in the permit approved by the patrol. Each authorized emergency vehicle permit holder must maintain a permanent daily log or record of all uses of emergency vehicles authorized under this chapter for at least two years. The records will be made available to any law enforcement officer or the equipment standards unit of the patrol upon request. The records must include the following items:

(i) Date and time of operation.

(ii) Operator(s) name(s).

(iii) Identification of the vehicle(s) operated by the VIN or license plate number. A vehicle number issued by the agency or company may be used provided that such number is provided to the patrol as part of the application and linked to the VIN or license plate number of the vehicle.

(iv) Location of operation which must include all geographic areas operated in with emergency equipment for that operation.

(v) Reason for operation.

(d) Only for the purposes set forth in the permit approved by the patrol.

(e) If being used for escort services, may be used only for funeral escorts. Funeral escorts must:

(i) Provide notice of each escort to the primary jurisdictions, if required to do so by the jurisdiction under the permit.

(ii) Comply with WAC 308-330-466 regarding funeral processions. To conduct traffic control as provided under WAC 308-330-466 the procession must:

(A) Have all operators involved in traffic control certified as a Washington state certified flagger. A certified flagger card must be carried at all times during the escort and presented to law enforcement if requested. All operators involved in the funeral escort must undergo a training briefing for the event which must include:

(I) Certified flaggers role during the escort;

(II) Flagging safety and requirements for any traffic control conducted to include any sign or vehicle placement during the escort;

(III) Familiarization of the route used for the escort;

(IV) Communications and signals to be used between flaggers during the escort; and

(V) Other hazards specific to the route or escort.

(B) Only use certified flaggers who must:

(I) Be at least twenty-one years of age.

(II) Possess a valid driver's license with the proper endorsements for the vehicle which they intend to operate as an escort vehicle.

(III) Be able to speak and hear well enough to conduct verbal conversation in English with another person.

(IV) Have in his or her possession a flagger certification card and the flagger's picture or a statement that says "valid with photo ID."

(C) Use traffic controls according to the guidelines and recommendations of the *Manual on Uniform Traffic Control Devices* (MUTCD) as currently modified and adopted by the Washington state department of transportation. To view or print a copy of the MUTCD go to <http://wsdot.wa.gov/> and type MUTCD into the search box. If flagger signaling is required it must be conducted according to the currently adopted MUTCD and this chapter.

(D) Wear the following high-visibility safety apparel when performing traffic control:

(I) A safety vest, shirt or jacket labeled as meeting the ANSI/ISEA 107-2004 or 107-2010 standard performance for class 2 or 3 risk exposure. A copy of this standard is available at <https://www.safetyequipment.org>.

(II) The apparel must be orange-red, florescent yellow-green, or a combination of the two as defined in the ANSI standard.

(E) Have the following permit(s):

(I) A letter of acknowledgment or letter of agreement through the Washington state department of transportation (WSDOT) if the route includes state routes or interstates. Applications for conducting escorts using state highways or interstates must be submitted at least three business days in advance using the application for special events on state highways application available on the WSDOT web site www.wsdot.wa.gov.

(II) A permit, letter of acknowledgment or agreement from the necessary local jurisdiction(s), if required, to perform traffic control functions for routes that include city streets or county roads. Funeral escort companies are responsible for checking with the necessary jurisdictions to ensure necessary documentation is acquired prior to operation under the authorized emergency vehicle permit.

(F) Only hold an intersection if the lead vehicle in the escort lawfully entered the intersection and only for a period of time necessary to allow the remaining vehicles to proceed through the intersection. If a procession lasts longer than three minutes at an intersection, the flagger(s) will hold the procession to allow other road users to cross.

(G) A certified flagger will be held liable if an accident occurs due to his or her instructions.

(iii) Employers and/or responsible contractors must make sure that flaggers:

(A) Stand either on the shoulder adjacent to the road user being controlled or in the closed lane prior to stopping road users. A flagger must only stand in the lane being used by moving road users after the road users have been stopped. For the purpose of this section road user means a vehicle operator, bicyclist, or pedestrian within a public roadway, including workers in temporary traffic control zones.

(B) Are positioned so that they are not exposed to traffic approaching them from behind. If this is not possible, then the employer and/or responsible contractor must develop and use a method to ensure that the flagger has adequate visual warning of traffic and equipment approaching from behind.

(C) Do not use devices that may distract the flagger vision, hearing or attention.

(D) Do not work more than three hours without a rest period of at least ten minutes.

(E) Are not assigned other duties while engaged in traffic control activities.

(iv) Have commercial insurance in Washington state or business use exemption from the insuring company to provide escort services with a motor vehicle. Proof of such insurance must be provided to the patrol annually as part of the application as outlined in WAC 204-36-030.

(v) Not park or stand, irrespective of the provisions of chapter 46.61 RCW or violate any traffic laws unless lawfully conducting traffic control as outlined in this chapter.

(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 or her 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 suspension or revocation of the emergency vehicle permit.

(4) A siren may only be used when responding to an emergency call or when reasonably necessary to warn pedestrians and other drivers of the approach of the authorized emergency vehicle in accordance with RCW 46.37.380.

(5) 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."

(6) 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.

(7) Subsections (5) and (6) of this section do not apply:

(a) If the applicant is recognized under Washington state or federal 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.

[Statutory Authority: RCW 46.37.194. WSR 14-24-116, § 204-36-040, filed 12/3/14, effective 1/3/15. 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.]