

Unmarked Vehicles in Washington State Fact Sheet

MYTH: It is legal for law enforcement to use unmarked cars for traffic patrol.

FACT: RCW 46.08.065 Section 1 requires that a city or county police vehicle be clearly marked on both sides with lettering or a logo. Section 2, which applies to State Patrol vehicles, requires a conspicuous sticker in the rear window identifying it as an official State vehicle. State Patrol vehicles are also required under 46.08.066 Section 2 to have an official license plate.

MYTH: An exemption in the law that reads: “This section shall not apply to vehicles of a sheriff’s office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes” permits the use of unmarked cars by local or county police.

FACT: The “undercover or confidential investigative” requirement applies to all the vehicles in that sentence. If that sentence did in fact cover two separate categories of vehicles, they would be noted with an (a) and a (b) as is done in the very next sentence which reads: “This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection”

MYTH: Having visible equipment on a car such as a push bumper and spotlight like a regular patrol car has is pretty much just as good as marking it.

FACT: Visible equipment means nothing. Such cars are sold to the public, where they are popular among police wannabees, as well as police impersonators, such as the one that recently stalked Gonzaga University. A black Crown Victoria with a spotlight was also driven by one Christopher Monfort. The law is clear as to what a marked vehicle is, and anything else does not constitute proof that one is dealing with a real police officer.

MYTH: State Patrol regulations require that a properly marked State Patrol vehicle be only equipped with lights, a siren, and be driven by a uniformed officer.

FACT: State Patrol regulations are not law, and this one is not backed by law. The law requires them to have a conspicuous sticker in the back window and an official plate.

MYTH: If use of unmarked cars for patrol was really illegal, they couldn’t be getting away with it on the scale that they have been.

FACT: The only penalties for violations are provided in RCW 46.08.067, and all that is provided for is disciplinary action imposed by the employing agency. Trouble is, that since the agency commanders are the ones ordering the illegal use of these vehicles, those penalties will never be imposed. The current law has given them a free pass on the issue, and that is what needs to change.

RCW 46.08.065 – Publicly owned vehicles to be marked – Exceptions.

(Section 1: Marked vehicles required for city and county police)

- (1) It is unlawful for any public officer having charge of any vehicle owned or controlled by any **county, city, town, or public body in this state** other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle **in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used.** This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection (4) of this section; nor to (c) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for marking of passenger motor vehicles as prescribed in subsection (2) of this section or for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsection (3) of this section.

(Section 2: State Patrol vehicles required to be marked with official sticker in rear window)

(2) Except as provided by subsections (3) and (4) of this section, passenger motor vehicles owned or controlled by the state of Washington, and purchased after July 1, 1989, **must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of the operating agency or institution or the words "state motor pool," as appropriate, the words "state of Washington -- for official use only," and the seal of the state of Washington or the appropriate agency or institution insignia, approved by the department of general administration.** Markings must be on a transparent adhesive material and conform to the standards established by the department of general administration. For the purposes of this section, "passenger motor vehicles" means sedans, station wagons, vans, light trucks, or other motor vehicles under ten thousand pounds gross vehicle weight.

(3) Subsection (2) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsection (2) of this section at the discretion of the chief of the Washington state patrol. The department of general administration shall adopt general rules permitting other exceptions to the requirements of subsection (2) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in *RCW 46.08.066(3). The exceptions in this subsection, subsection (4) of this section, and those provided for in *RCW 46.08.066(3) shall be the only exceptions permitted to the requirements of subsection (2) of this section.

RCW 46.08.066 – Confidential License Plates (Section 2: Official plates required for State Patrol vehicles)

(2) The use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee of the state is limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.