



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Department of State Police
<b>VAC Chapter Number:</b>	19 VAC 30-165
<b>Regulation Title:</b>	Regulations relating to standards and specifications for purple warning lights used by vehicles leading or escorting funeral processions
<b>Action Title:</b>	Promulgation of regulations to establish standards and specifications for approval of purple warning lights that are consistent with those established by the Society of Automotive Engineers
<b>Date:</b>	July 5, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This proposed regulation was approved as an emergency regulation that became effective January 1, 2000. The 1999 Session of the Virginia General Assembly enacted an amendment to § 46.2-1025 of the Code of Virginia that authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions. The amendment also directs the Superintendent of State Police to develop standards and specifications for the purple lights. This

proposed regulation establishes those standards and specifications that are based on the Society of Automotive Engineers (SAE) sections J578, J1318, J845, and J595.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Virginia Regulation 19 VAC 30-165 was adopted to establish standards and specifications for purple warning lights pursuant to amendments to § 46.2-1025 of the Code of Virginia by the 1999 Virginia General Assembly. This regulation was printed as an emergency in Volume 16, Issue 3, of the Virginia Register, dated October 25, 1999, and is effective from January 1, 2000 until December 31, 2000.

At the present time, the Society of Automotive Engineers (SAE) Lighting Committee is in the process of formally defining the color 'purple' in their established specifications. Captain W. Steven Flaherty, State Police Safety Officer, has consulted experts within that committee and determined the criteria they establish will be based on specifications currently required for the color 'red'. The referenced SAE Standard sections are SAE J578, SAE J1318, SAE J845, and SAE J595. Based on that information, light emission standards have been established in the regulation, which define boundaries of the emission of purple light which will clearly distinguish the purple color from other colors. These boundaries are consistent with the SAE Standards the committee has tentatively approved.

The proposed regulation is intended to:

1. Provide the proper referenced sections of the Society of Automotive Engineers (SAE) Standards J578, J1318, J845, and J595 for warning lights.
2. Make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J578, J1318, J845, and J595 for warning lights.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state laws. Copy of letter from Attorney General is on file.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The statutory responsibility for establishing standards and specifications for purple warning lights mandated by § 46.2-1025 of Code of Virginia rests with the Superintendent of the Department of State Police pursuant to the provisions of § 46.2-1005. To fulfill this responsibility, regulation 19 VAC 30-165 was established. This regulation is based upon the Society of Automotive Engineers (SAE) Standards J578, J1318, J845, and J595.

The referenced portion of § 46.2-1025 of the Code of Virginia reads as follows:

Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple warning lights authorized in this subsection.

The provisions of this act became effective on January 1, 2000. The emergency regulation became effective on the same date and expires on December 31, 2000.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

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This regulation relates to establishing standards and specifications for purple warning lights and is necessary to conform with recent changes to state legislation.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

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This regulation, which establishes approval of purple lighting equipment, is essential to ensure the safety of the motoring public and reduce the risk of death or injury to citizens using our

highways. Only those purple warning lights authorized by § 46.2-1025 of the Code of Virginia, to be used by vehicles escorting funeral processions, and which meet or exceed the standards set forth in Virginia regulation 19 VAC 30-165, are approved for sale and/or use.

### Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

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The proposed regulation will not create any additional burden or greater intrusion into the lives of our citizens, and should be comprehensible to the individuals and entities affected. The sole entity affected by this regulation are the funeral directors and use of the lighting equipment is merely an option made available for their benefit.. Should they choose to utilize the purple warning lights, the only expense incurred will be the cost of the lighting equipment.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

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This is a newly proposed regulation that was developed pursuant to an amendment to § 46.2-1025 of the Code of Virginia by the 1999 Session of the Virginia General Assembly.

### Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

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There are no less burdensome or less intrusive alternatives to achieve the purpose of this regulation. The Superintendent uses the SAE standards for other warning lights requiring his approval.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

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No public comments were received.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The agency has carefully reviewed the regulation and has determined it to be clearly written and easily understandable by law enforcement officials, citizens, and public businesses involved in the sales and inspection of purple warning lights.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

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The regulation will be reviewed and re-evaluated by July 1, 2003 and each three years thereafter to determine if the regulation should be continued, amended, or terminated.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This proposed regulatory action will have no potential impact on the institution of the family and family stability.