WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 807

(By Mr. BURKE)

PASSED MARCH 11, 1971

In Effect NINETY DAYS FROM Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
This date 3-2-71
AN ACT to amend and reenact section five, article two; section five, article nine; and section twenty-six, article fifteen, all of chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to authorized emergency vehicles, operation of vehicles and street cars on approach of authorized emergency vehicles and equipment on authorized emergency vehicles.

Be it enacted by the Legislature of West Virginia:

That section five, article two; section five, article nine; and section twenty-six, article fifteen, all of chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:
ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

§17C-2-5. Authorized emergency vehicles.

1 (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

7 (b) The driver of an authorized emergency vehicle may:

9 (1) Park or stand, irrespective of the provisions of this chapter;

11 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

14 (3) Exceed the speed limits so long as he does not endanger life or property;

16 (4) Disregard regulations governing direction of movement of turning in specified directions.

18 (c) The exemptions herein granted to an authorized
emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by section twenty-six, article fifteen of this chapter which is visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

ARTICLE 9. RIGHT-OF-WAY.

§17C-9-5. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one flashing
lighted lamp of a color authorized by section twenty-six, article fifteen of this chapter, which is visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell:

(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street-car shall immediately step such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE 15. EQUIPMENT.


(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) of this section.

(c) Except as authorized in section nineteen, flashing
15 lights are prohibited on motor vehicles, except on an
16 authorized emergency vehicle, school bus, snow removal
17 equipment, or on any vehicle as a means for indicating
18 right or left turn, on any vehicle as a means of indicat-
19 ing the same is disabled or otherwise stopped for an emer-
20 gency.
21 (d) Notwithstanding any other provisions of this
22 chapter, the following color of flashing warning lights are
23 restricted for the use of the type of vehicle designated:
24 (1) Blue flashing warning lights are restricted to
25 police vehicles, except as authorized by section twenty-
26 seven of this article.
27 (2) Red flashing warning lights are restricted to am-
28 bulances, fire fighting vehicles and school buses, except
29 as authorized by sections nineteen and twenty-seven of
30 this article.
31 (3) All other emergency vehicles authorized by this
32 chapter and by section twenty-seven of this article shall
33 be restricted to amber or yellow flashing warning lights.
34 It shall be unlawful for flashing warning lights of an
35 unauthorized color to be installed or used on a vehicle
other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 1st
day of April, 1971.

[Signature]
Governor