

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. ROCKWELL, IV  
SECRETARY OF STATE

THIS DATE 4-2-71

807

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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,  
2 when responding to an emergency call or when in the  
3 pursuit of an actual or suspected violator of the law or  
4 when responding to but not upon returning from a fire  
5 alarm, may exercise the privileges set forth in this sec-  
6 tion, but subject to the conditions herein stated.

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

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

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

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

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

18 (c) The exemptions herein granted to an authorized

19 emergency vehicle shall apply only when the driver of  
20 any said vehicle while in motion sounds audible signal  
21 by bell, siren, or exhaust whistle as may be reasonably  
22 necessary, and when the vehicle is equipped with at least  
23 one lighted flashing lamp as authorized by section twenty-  
24 six, article fifteen of this chapter which is visible under  
25 normal atmospheric conditions from a distance of five  
26 hundred feet to the front of such vehicle, except that an  
27 authorized emergency vehicle operated as a police vehicle  
28 need not be equipped with or display a warning light  
29 visible from in front of the vehicle.

30 (d) The foregoing provisions shall not relieve the  
31 driver of an authorized emergency vehicle from the duty  
32 to drive with due regard for the safety of all persons, nor  
33 shall such provisions protect the driver from the conse-  
34 quences 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.**

1 (a) Upon the immediate approach of an authorized  
2 emergency vehicle equipped with at least one flashing

3 lighted lamp of a color authorized by section twenty-six,  
4 article fifteen of this chapter, which is visible under  
5 normal atmospheric conditions from a distance of five  
6 hundred feet to the front of such vehicle other than a  
7 police vehicle when operated as an authorized emer-  
8 gency vehicle, and when the driver is giving audible  
9 signal by siren, exhaust whistle, or bell:

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

17 (2) Upon the approach of an authorized emergency  
18 vehicle, as above stated, the motorman of every street-  
19 car shall immediately stop such car clear of any inter-  
20 section and keep it in such position until the authorized  
21 emergency vehicle has passed, except when otherwise  
22 directed by a police officer.

23 (b) This section shall not operate to relieve the  
24 driver of an authorized emergency vehicle from the  
25 duty to drive with due regard for the safety of all persons  
26 using the highway.

**ARTICLE 15. EQUIPMENT.**

**§17C-15-26. Special restrictions on lamps.**

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

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

14 (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

36 other than as specified in this section, except that a  
37 police vehicle may be equipped with either or both  
38 blue or red warning lights.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James A. Beale*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

*Horace M. Myers*  
Clerk of the Senate

*V. A. Blankenship*  
Clerk of the House of Delegates

*E. M. Bond*  
President of the Senate

*Lewis T. McManus*  
Speaker House of Delegates

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

*Arch A. Shaw, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/16/71

Time 1:25 p.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA