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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

HOUSE BILL No. 286H

(By Mr. Delegate J. Martin)

— ● —

Passed March 8, 1991

In Effect 90 days from Passage

ENROLLED
H. B. 2864

(By DELEGATE J. MARTIN)

[Passed March 8, 1991; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section twenty-six, article fifteen of said chapter, all relating to emergency vehicles, authorization for emergency vehicle permits; transferring authority from division of motor vehicles to certain agencies including county sheriffs.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section twenty-six, article fifteen of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-6. Authorized emergency vehicle.

1 “Authorized emergency vehicle” means vehicles of a
2 fire department, duly chartered rescue squad, police,
3 department, ambulance service, state, county or munic-
4 ipal agency and such privately owned ambulances, tow
5 trucks, wreckers, flag car services, vehicles providing
6 road service to disabled vehicles, service vehicles of a
7 public service corporation, postal service vehicles, snow
8 removal equipment, Class A vehicles of firefighters,
9 Class A vehicles of members of ambulance services, and

10 Class A vehicles of members of duly chartered rescue
11 squads, and all other emergency vehicles as are
12 designated by the agency responsible for the operation
13 and control of these persons or organizations. Class A
14 vehicles are as defined by section one, article ten,
15 chapter seventeen-a of this code. Agency authorization
16 and emergency equipment are defined in section twenty-
17 six, article fifteen, chapter seventeen-c of this code.
18 Agencies responsible for issuing authorization for
19 emergency vehicle permits may promulgate such
20 regulations that are necessary for the issuance of
21 permits for emergency vehicles.

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
4 which projects a beam of light of an intensity greater
5 than three hundred candlepower shall be so directed
6 that no part of the beam will strike the level of the
7 roadway on which the vehicle stands at a distance of
8 more than 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, or on any vehicle as a means of
19 indicating the same is disabled or otherwise stopped for
20 an emergency.

21 (d) Notwithstanding any other provisions of this
22 chapter, the following colors of flashing warning lights
23 are restricted for the use of the type of vehicle
24 designated:

25 (1) Blue flashing warning lights are restricted to

26 police vehicles. Authorization for police vehicles shall be
27 designated by the chief administrative official of each
28 police department.

29 (2) Except for standard vehicle equipment authorized
30 by section nineteen of this article, red flashing warning
31 lights are restricted to ambulances, fire-fighting
32 vehicles, school buses, Class A vehicles, as defined by
33 section one, article ten, chapter seventeen-a of this code,
34 of those firefighters who are authorized by their fire
35 chiefs to have such lights and to Class A vehicles of
36 members of ambulance services or duly chartered
37 rescue squads who are authorized by their respective
38 chiefs to have such lights: *Provided*, That red flashing
39 warning lights attached to such Class A vehicles may
40 be operated only when responding to or engaged in
41 handling an emergency requiring the attention of such
42 firefighters or members of such ambulance services or
43 chartered rescue squads.

44 Authorization for all ambulances shall be designated
45 by the department of health and human services and the
46 sheriff of the county of residence.

47 Authorization for all fire-fighting vehicles shall be
48 designated by the fire chief and the state fire marshal's
49 office.

50 Authorization for all rescue squad vehicles shall be
51 designated by the squad chief, the sheriff of the county
52 of residence and the department of health and human
53 services.

54 Authorization for school buses shall be designated by
55 the sheriff of the county of residence.

56 Authorization for firefighters to operate Class A
57 vehicles shall be designated by their fire chiefs and the
58 state fire marshal's office.

59 Authorization for members of ambulance services or
60 any other emergency medical service personnel to
61 operate Class A vehicles shall be designated by their
62 chief official, the department of health and human
63 services and the sheriff of the county of residence.

64 Authorization for members of duly chartered rescue
65 squads to operate Class A vehicles shall be designated
66 by their squad chiefs, the sheriff of the county of
67 residence and the department of health and human
68 services.

69 (3) All other emergency vehicles, including tow trucks
70 and wreckers, authorized by this chapter and by section
71 twenty-seven of this article shall be restricted to amber
72 or yellow flashing warning lights.

73 Authorization for tow trucks, wreckers, flag car
74 services, vehicles providing road service to disabled
75 vehicles, service vehicles of a public service corporation,
76 postal service vehicles and snow removal equipment
77 shall be designated by the sheriff of the county of
78 residence.

79 (e) Notwithstanding the foregoing provisions of this
80 section, any vehicle belonging to a county board of
81 education may be equipped with a white flashing
82 strobotron warning light. This strobe light may be
83 installed on the roof of a school bus not to exceed one-
84 third the body length forward from the rear of the roof
85 edge. The light shall have a single clear lens emitting
86 light three hundred sixty degrees around its vertical
87 axis and may not extend above the roof more than six
88 and one-half inches. A manual switch and a pilot light
89 must be included to indicate the light is in operation.

90 It shall be unlawful for flashing warning lights of an
91 unauthorized color to be installed or used on a vehicle
92 other than as specified in this section, except that a
93 police vehicle may be equipped with either or both blue
94 or red warning lights.

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

Homer Hick
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell E. Brown
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Willard B. Smith
President of the Senate

Robert C. C. C.
Speaker of the House of Delegates

The within *is approved* this the *1st*
day of *April*, 1991.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/91

Time 10:15 am