WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED

HOUSE BILL No. 2861

(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.

"Authorized emergency vehicle" means vehicles of a fire department, duly chartered rescue squad, police, department, ambulance service, state, county or municipal agency and such privately owned ambulances, tow trucks, wreckers, flag car services, vehicles providing road service to disabled vehicles, service vehicles of a public service corporation, postal service vehicles, snow removal equipment, Class A vehicles of firefighters, Class A vehicles of members of ambulance services, and
Class A vehicles of members of duly chartered rescue squads, and all other emergency vehicles as are designated by the agency responsible for the operation and control of these persons or organizations. Class A vehicles are as defined by section one, article ten, chapter seventeen-a of this code. Agency authorization and emergency equipment are defined in section twenty-six, article fifteen, chapter seventeen-c of this code. Agencies responsible for issuing authorization for emergency vehicle permits may promulgate such regulations that are necessary for the issuance of permits for emergency vehicles.

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 lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means for indicating right or left turn, or on any vehicle as a means of indicating the same is disabled or otherwise stopped for an emergency.

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

(1) Blue flashing warning lights are restricted to
police vehicles. Authorization for police vehicles shall be designated by the chief administrative official of each police department.

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

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

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

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

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

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

Authorization for members of ambulance services or any other emergency medical service personnel to operate Class A vehicles shall be designated by their chief official, the department of health and human services and the sheriff of the county of residence.
Authorization for members of duly chartered rescue squads to operate Class A vehicles shall be designated by their squad chiefs, the sheriff of the county of residence and the department of health and human services.

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

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

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

It shall be unlawful for flashing warning lights of an 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.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ___________________ this the __________ day of ___________________ 1991.

Governor