

RECEIVED

1992 MAR 17 PM 5:16

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4070

(By Delegates Mezzatesta and Schoonover)

— ● —

Passed March 3, 1992

In Effect from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 4070**  
(By DELEGATES MEZZATESTA AND SCHOONOVER)

[Passed March 3, 1992; in effect from passage.]

AN ACT to amend and reenact section twenty-six, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to special restrictions on motor vehicle lamps; removing language requiring all firefighting vehicles to be designated by the fire chief and state fire marshal's office; requiring the fire chief and state fire marshal's office to authorize all fire department vehicles; requiring the squad chief, the sheriff and the department of health and human resources to authorize all rescue squad vehicles not operating out of a fire department; removing language requiring county sheriffs to authorize the use of certain lamps on school buses; and requiring the division of highways to authorize the use of certain lamps on snow removal equipment.

*Be it enacted by the Legislature of West Virginia:*

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

**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, firefighting vehi-  
32 cles, school buses, Class A vehicles, as defined by section  
33 one, article ten, chapter seventeen-a of this code, of those  
34 firefighters who are authorized by their fire chiefs to  
35 have such lights and to Class A vehicles of members of  
36 ambulance services or duly chartered rescue squads who  
37 are authorized by their respective chiefs to have such  
38 lights: *Provided*, That red flashing warning lights  
39 attached to such Class A vehicles may be operated only  
40 when responding to or engaged in handling an emer-

41 gency requiring the attention of such firefighters or  
42 members of such ambulance services or chartered  
43 rescue squads.

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

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

50 Authorization for all rescue squad vehicles not  
51 operating out of a fire department shall be designated  
52 by the squad chief, the sheriff of the county of residence  
53 and the department of health and human resources.

54 Authorization for school buses shall be designated as  
55 set out in section twelve, article fourteen, chapter  
56 seventeen-c.

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

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

65 Authorization for members of duly chartered rescue  
66 squads not operating out of a fire department to operate  
67 Class A vehicles shall be designated by their squad  
68 chiefs, the sheriff of the county of residence and the  
69 department of health and human resources.

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

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

79 snow removal equipment shall be designated by the  
80 commissioner of the division of highways.

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

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

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

*Stromer Heck*  
Chairman Senate Committee

*Ernest C Moore*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*David B. Holmes*  
Clerk of the Senate

*Donald J. Kapp*  
Clerk of the House of Delegates

*Scott Brundette*  
President of the Senate

*B. B. Cole*  
Speaker of the House of Delegates

The within *is approved* this the *17<sup>th</sup>*  
day of *March* 1992.

*Yaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/92

Time 3:40 p.m.