

HB 2080

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

Com. Sub. for

HOUSE BILL No. 2080

(By Delegate LOVE)

— ● —

Passed MARCH 11, 1995

In Effect 90 days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2080

(BY DELEGATE LOVE)

[Passed March 11, 1995; in effect ninety days 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 flashing warning lights on vehicles; and allowing flashing lights on hazardous material response vehicles, industrial fire brigade vehicles, Class A vehicles of out-of-state residents who are active members of West Virginia emergency services, and rural newspaper delivery vehicles.

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, auxiliary
- 3 lamps or flashing front-direction signals which projects a
- 4 beam of light of an intensity greater than three hundred
- 5 candlepower shall be so directed that no part of the beam
- 6 will strike the level of the roadway on which the vehicle

7 stands at a distance of more than seventy-five feet from
8 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 visi-
12 ble from directly in front of the center thereof except as
13 authorized by subsection (d) of this section.

14 (c) Except as authorized in subsection (d) and (f) of
15 this section and authorized in section nineteen of this
16 article, flashing lights are prohibited on motor vehicles:
17 *Provided*, That any vehicle as a means for indicating right
18 or left turn, or any vehicle as a means of indicating the
19 same is disabled or otherwise stopped for an emergency
20 may have blinking or flashing lights.

21 (d) Notwithstanding any other provisions of this chap-
22 ter, the following colors 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 police
25 vehicles. Authorization for police vehicles shall be desig-
26 nated by the chief administrative official of each police
27 department.

28 (2) Except for standard vehicle equipment authorized
29 by section nineteen of this article, red flashing warning
30 lights are restricted to ambulances; firefighting vehicles;
31 hazardous material response vehicles; industrial fire bri-
32 gade vehicles; school buses; Class A vehicles, as defined
33 by section one, article ten, chapter seventeen-a of this
34 code, of those firefighters who are authorized by their fire
35 chiefs to have such lights; 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; and Class A vehicles of out-of-state residents who
39 are active members of West Virginia fire departments,
40 ambulance services or duly chartered rescue squads who
41 are authorized by their respective chiefs to have such
42 lights. Red flashing warning lights attached to such Class
43 A vehicles shall be operated only when responding to or
44 engaged in handling an emergency requiring the attention
45 of such firefighters, members of such ambulance services,

46 or chartered rescue squads.

47 (3) The use of red flashing warning lights shall be
48 authorized as follows:

49 (A) Authorization for all ambulances shall be desig-
50 nated by the department of health and human resources
51 and the sheriff of the county of residence.

52 (B) Authorization for all fire department vehicles shall
53 be designated by the fire chief and the state fire marshal's
54 office.

55 (C) Authorization for all hazardous material response
56 vehicles and industrial fire brigades shall be designated by
57 the chief of the fire department and the state fire marshal's
58 office.

59 (D) Authorization for all rescue squad vehicles not
60 operating out of a fire department shall be designated by
61 the squad chief, the sheriff of the county of residence and
62 the department of health and human resources.

63 (E) Authorization for school buses shall be designated
64 as set out in section twelve, article fourteen, chapter
65 seventeen-c.

66 (F) Authorization for firefighters to operate Class A
67 vehicles shall be designated by their fire chiefs and the
68 state fire marshal's office.

69 (G) Authorization for members of ambulance services
70 or any other emergency medical service personnel to
71 operate Class A vehicles shall be designated by their chief
72 official, the department of health and human resources
73 and the sheriff of the county of residence.

74 (H) Authorization for members of duly chartered
75 rescue squads not operating out of a fire department to
76 operate Class A vehicles shall be designated by their squad
77 chiefs, the sheriff of the county of residence and the de-
78 partment of health and human resources.

79 (I) Authorization for out-of-state residents operating
80 Class A vehicles who are active members of a West Virgin-
81 ia fire department, ambulance services or duly chartered

82 rescue squads shall be designated by their respective
83 chiefs.

84 (4) Yellow flashing warning lights are restricted to the
85 following:

86 (A) All other emergency vehicles, including tow trucks
87 and wreckers, authorized by this chapter and by section
88 twenty-seven of this article;

89 (B) Postal service vehicles and rural mail carriers, as
90 authorized in section nineteen of this article;

91 (C) Rural newspaper delivery vehicles;

92 (D) Flag car services;

93 (E) Vehicles providing road service to disabled vehi-
94 cles;

95 (F) Service vehicles of a public service corporation;

96 (G) Snow removal equipment; and

97 (H) School buses.

98 (5) The use of yellow flashing warning lights shall be
99 authorized as follows:

100 (A) Authorization for tow trucks, wreckers, rural news-
101 paper delivery vehicles, flag car services, vehicles provid-
102 ing road service to disabled vehicles, service vehicles of a
103 public service corporation and postal service vehicles shall
104 be designated by the sheriff of the county of residence.

105 (B) Authorization for snow removal equipment shall
106 be designated by the commissioner of the division of
107 highways.

108 (C) Authorization for school buses shall be designated
109 as set out in section twelve, article fourteen, chapter
110 seventeen-c.

111 (e) Notwithstanding the foregoing provisions of this
112 section, any vehicle belonging to a county board of edu-
113 cation may be equipped with a white flashing strobotron
114 warning light. This strobe light may be installed on the
115 roof of a school bus not to exceed one-third the body

116 length forward from the rear of the roof edge. The light
117 shall have a single clear lens emitting light three hundred
118 sixty degrees around its vertical axis and may not extend
119 above the roof more than six and one-half inches. A
120 manual switch and a pilot light must be included to indi-
121 cate the light is in operation.

122 (f) It shall be unlawful for flashing warning lights of
123 an unauthorized color to be installed or used on a vehicle
124 other than as specified in this section, except that a police
125 vehicle may be equipped with either or both blue or red
126 warning lights.

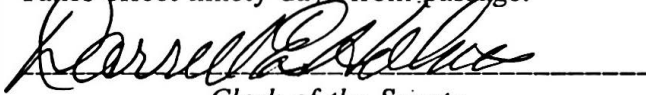
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

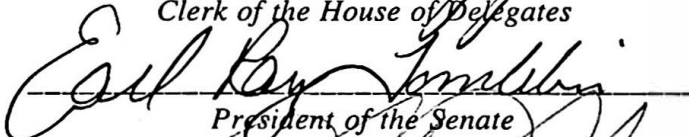

Chairman House Committee


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 _____, 1995.

Governor



PRESENTED TO THE

GOVERNOR

Date 3/31/95

Time 2:50 