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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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# ENROLLED

HOUSE BILL No. 4151

(By Delegates Williams, Mezzatesta,  
Ryan and Collins)

— • —

Passed March 9, 1996

In Effect Ninety Days From Passage

**ENROLLED**  
**H. B. 4151**

(BY DELEGATES WILLIAMS, MEZZATESTA, RYAN AND COLLINS)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections nineteen and twenty-nine, article fifteen of said chapter, all relating to school bus lighting equipment; rules adopted by the board of education with the advice of the commissioner of motor vehicles; authority of division of highways with reference to lighting devices; and requiring that school buses have two back-up lights with fifty candle-power intensity.

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

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

**ARTICLE 14. MISCELLANEOUS RULES.**

**§17C-14-12. School bus rules.**

- 1       (a) The West Virginia board of education by and with
- 2       the advice of the motor vehicle commissioner shall adopt
- 3       and enforce rules consistent with this chapter, including
- 4       the provisions of subsection (c), section nineteen, article

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5 fifteen of this chapter, to govern the design and operation  
6 of all school buses used for the transportation of school  
7 children when owned and operated by any county board  
8 of education or privately owned and operated under con-  
9 tract with any county board of education in this state and  
10 these rules shall by reference be made a part of any such  
11 contract with a county board of education. Every county  
12 board of education, its officers and employees, and every  
13 person employed under contract by a county board of  
14 education shall be subject to these rules.

15 (b) Any officer or employee of any county board of  
16 education who violates any of said rules or who fails to  
17 include the obligation to comply with said rules in any  
18 contract executed by him or her on behalf of a county  
19 board of education is guilty of misconduct and subject to  
20 removal from office or employment. Any person operat-  
21 ing a school bus under contract with a county board of  
22 education who fails to comply with any of said rules is  
23 guilty of breach of contract and such the contract shall be  
24 canceled after notice and hearing by the responsible offi-  
25 cers of the county board of education.

#### **ARTICLE 15. EQUIPMENT.**

##### **§17C-15-19. Additional lighting equipment.**

1 (a) Any motor vehicle may be equipped with not more  
2 than two side cowl or fender lamps which shall emit an  
3 amber or white light without glare.

4 (b) Any motor vehicle may be equipped with not  
5 more than one runningboard courtesy lamp on each side  
6 thereof which shall emit a white or amber light without  
7 glare.

8 (c) Except for school buses as provided in this subsec-  
9 tion, any motor vehicle may be equipped with not more  
10 than two back-up lamps either separately or in combina-  
11 tion with other lamps, but any such back-up lamp shall not  
12 be lighted when the motor vehicle is in forward motion.  
13 School buses used for the transportation of school chil-  
14 dren in this state, whether owned and operated by a county

15 board of education or privately owned and operated under  
16 contract with a county board of education, shall be  
17 equipped with two back-up lamps, one on each side of the  
18 rear door, with white lens or reflectors, capable of lighting  
19 the roadway and objects to the rear of the bus for safe  
20 backing during darkness, and which, at the option of the  
21 county board of education, may each provide fifty candle-  
22 power in illumination intensity instead of thirty-two can-  
23 dlepower.

24 (d) Any vehicle may be equipped with lamps which  
25 may be used for the purpose of warning the operators of  
26 other vehicles of the presence of a vehicular traffic hazard  
27 requiring the exercise of unusual care in approaching,  
28 overtaking or passing, and when so equipped may display  
29 such warning in addition to any other warning signals  
30 required by this article. The lamps used to display such  
31 warning to the front shall be mounted at the same level  
32 and as widely spaced laterally as practicable and shall  
33 display simultaneously flashing white or amber lights, or  
34 any shade of color between white and amber. The lamps  
35 used to display such warning to the rear shall be mounted  
36 at the same level and as widely spaced laterally as practica-  
37 ble, and shall show simultaneously flashing amber or red  
38 lights, or any shade of color between amber and red.

39 (e) Vehicles used by "rural mail carriers" in carrying  
40 or delivering mail in rural areas may be equipped with  
41 amber flashing lights. Such lights shall be on the front  
42 and rear of the vehicle and may be activated when the  
43 vehicle is stopped or decreasing speed in order to stop in  
44 the course of carrying, delivering or picking up mail  
45 along the route.

**§17C-15-29. Authority of division of highways with reference  
to lighting devices.**

1 (a) The division of highways is hereby authorized to  
2 approve or disapprove lighting devices and to issue and  
3 enforce rules establishing standards and specifications for  
4 the approval of such lighting devices, their installation,

5 adjustment and aiming, and adjustment when in use on  
6 motor vehicles. Such rules shall correlate with and, so far  
7 as practicable, conform to or exceed the then current stan-  
8 dards and specifications of the society of automotive engi-  
9 neers applicable to such equipment.

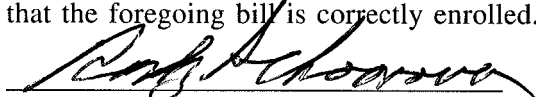
10 (b) The division of highways is hereby required to  
11 approve or disapprove any lighting device, of a type on  
12 which approval is specifically required in this chapter,  
13 within a reasonable time after such device has been sub-  
14 mitted.

15 (c) The division of highways is further authorized to  
16 set up the procedure which shall be followed when any  
17 device is submitted for approval.

18 (d) The division of highways, upon approving any  
19 such lamp or device, shall issue to the applicant a certifi-  
20 cate of approval together with any instructions determined  
21 by him or her.

22 (e) The division of highways shall publish lists of all  
23 lamps and devices by name and type which have been  
24 approved by him or her.

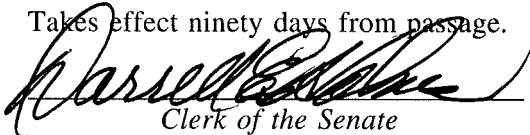
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

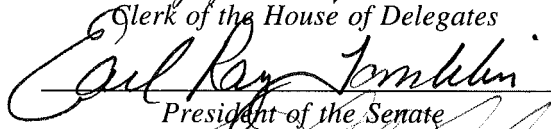
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

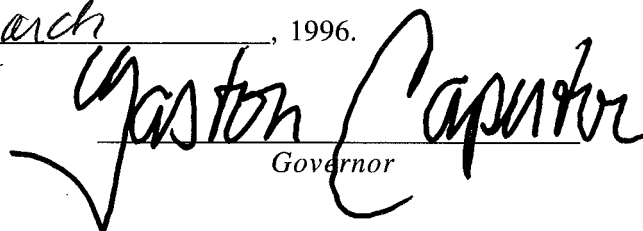
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 21st day of March, 1996.

  
Governor

PRESENTED TO THE )

GOVERNOR

Date 3/19/96

Time 3:45 p