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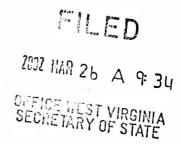
CAFICE WEST VIRGINIA SECRETARY OF STATE

### WEST VIRGINIA LEGISLATURE REGULAR SESSION, 2002

## ENROLLED

| SENATE BILL NO. 278     |     |
|-------------------------|-----|
| (By Senator Love, ET AL | . ) |
|                         |     |
| PASSED                  | _   |

In Effect NINETY Days From Passage



#### ENROLLED

#### Senate Bill No. 278

(By Senators Love, Ross, Helmick, Wooton, Bailey, Hunter, Minard and Rowe)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine-a, relating to authorized emergency vehicles generally; requiring motor vehicle drivers take certain precautions when approaching a stationary authorized emergency vehicle displaying emergency signals; and providing penalties for violations.

Be it enacted by the Legislature of West Virginia:

That article fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nine-a, to read as follows:

ARTICLE 14. MISCELLANEOUS RULES.

# §17C-14-9a. Approaching authorized emergency vehicles; penal-

- 1 (a) The driver of any vehicle approaching a stationary
  - 2 authorized emergency vehicle, when the authorized
  - 3 emergency vehicle is giving a signal by displaying alter-
  - 4 nately flashing red, red and white, blue, or red and blue
  - 5 lights or amber or yellow warning lights, shall:
  - (1) Proceed with due caution, yield the right-of-way by 6
  - making a lane change not adjacent to that of the autho-
  - rized emergency vehicle, if possible with regard to safety
  - and traffic conditions, if on a highway having at least four
  - lanes with not less than two lanes proceeding in the same 10
  - direction as the approaching vehicle and reduce speed to 11
  - a safe level for road conditions; or 12
  - (2) Proceed with due caution, reduce the speed of the 13
  - vehicle, maintaining a safe speed not to exceed fifteen
    - miles per hour on any nondivided highway or street and
  - 16 twenty-five miles per hour on any divided highway
  - 17 depending on road conditions, if changing lanes would be
  - 18 impossible or unsafe;
  - 19 (b) (l) Any person who violates any subsection of this
  - 20 section is guilty of a misdemeanor and, upon conviction
  - 21 thereof, shall be fined not more than five hundred dollars
  - 22 or confined in the county or regional jail not more than
  - 23 sixty days, or both fined and imprisoned.
  - (2) If violation of this section results in property damage 24
  - in addition to any other penalty imposed, driving privi-25
  - leges of the persons causing the property damage shall be 26
  - 27 suspended for ninety days.
  - 28 (3) If violation of this section results in injury to another
  - person in addition to any other penalty imposed, the 29
  - driving privileges of the person causing the injury shall be 30
  - suspended for six months. 31

- (4) If violation of this section results in the death of
  another person in addition to any other penalty imposed,
  the driving privileges of the person causing the death shall
  be suspended for two years.
- 36 (5) Any person who violates any provision of this section and while doing so also violates section two, article five of 37 38 this chapter is guilty of a misdemeanor and, upon convic-39 tion thereof, shall, in addition to the penalties set out in section two of said article and this section, be fined not 40 less than one thousand dollars nor more than five thou-41 sand dollars, or confined in the county or regional jail for 42 a period not more than six months, or both fined and 43 imprisoned. 44

| The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.  Chairman Senate Committee  Chairman House Committee |
|--|
| Originated in the Senate.  |
| In effect ninety days from passage.  Clerk of the Senate   |
| Clerk of the House of Delegates  President of the Senate  Speaker House of Delegates   |
| The within (D) Approved this the 25  |
|  |

PREGENTED TO THE

GOVERNOR

Pata 3/19/02

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