

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 378**

(SENATOR COOKMAN, *ORIGINAL SPONSOR*)

[PASSED MARCH 5, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB378

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 28 A 10:23

FILED

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**2014 MAR 28 A 10: 23**

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**Senate Bill No. 378**

**(SENATOR COOKMAN, *original sponsor*)**

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**[Passed March 5, 2014; in effect ninety days from passage.]**

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**AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-11; and to amend and reenact §17C-15-26 of said code, all relating to special speed limitations as to waste service vehicles; directing that no person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour under certain circumstances; defining “waste service vehicle”; setting forth situations in which the special speed limit applies; providing criminal penalties; and permitting waste service vehicles to be equipped with special lights.**

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

**That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17C-6-11; and that §17C-15-26 of said code be amended and reenacted, all to read as follows:**

**ARTICLE 6. SPEED RESTRICTIONS.**

**§17C-6-11. Special speed limitations when meeting or overtaking waste service vehicles; penalty.**

SECRETARY OF STATE

- 1 (a) No person shall drive a motor vehicle and meet or
- 2 overtake from either direction a stopped waste service vehicle
- 3 at a speed in excess of fifteen miles per hour.
  
- 4 (b) For purposes of this section, "waste service vehicle"
- 5 means any garbage collection vehicle, including a vehicle
- 6 collecting recyclables or yard waste, which is used for
- 7 curbside collection, makes frequent stops and is not fully
- 8 automated.
  
- 9 (c) The speed limitation set forth in subsection (a) of this
- 10 section applies only under the following circumstances:
  - 11 (1) The waste service vehicle is identifiable as a waste
  - 12 service vehicle based on the vehicle configuration or
  - 13 markings on the vehicle;
  
  - 14 (2) The waste service vehicle operator is giving a visual
  - 15 signal by means of a stationary sign to warn of the presence
  - 16 of workers or must use flashing lights as permitted in this
  - 17 code to caution other drivers; and
  
  - 18 (3) The waste service vehicle is not located on a private
  - 19 driveway, controlled access highway, interstate highway,
  - 20 turnpike or road or highway with a center line and more than
  - 21 two lanes.
  
- 22 (d) Any person who violates the provisions of subsection
- 23 (a) of this section is guilty of a misdemeanor and, upon
- 24 conviction thereof, shall be fined not less than \$100 nor more
- 25 than \$300. If the person convicted of violating subsection (a)
- 26 exceeded the speed limit by fifteen miles per hour or more or

27 caused serious injury or death to a service vehicle worker,  
28 then the person shall be fined not less than \$300 nor more  
29 than \$1,000 or confined in jail for not more than one year, or  
30 both confined and fined.

## ARTICLE 15. EQUIPMENT.

### §17C-15-26. Special restrictions on lamps.

1 (a) Any lighted lamp or illuminating device upon a motor  
2 vehicle other than head lamps, spot lamps, auxiliary lamps or  
3 flashing front-direction signals which projects a beam of light  
4 of an intensity greater than three hundred candlepower shall  
5 be so directed that no part of the beam will strike the level of  
6 the roadway on which the vehicle stands at a distance of more  
7 than seventy-five feet from the vehicle.

8 (b) No person may drive or move any vehicle or  
9 equipment upon any highway with any lamp or device on the  
10 vehicle displaying other than a white or amber light visible  
11 from directly in front of the center of the vehicle except as  
12 authorized by subsection (d) of this section.

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

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

23 (1) Blue flashing warning lights are restricted to police  
24 vehicles. Authorization for police vehicles shall be

25 designated by the chief administrative official of each police  
26 department.

27 (2) Except for standard vehicle equipment authorized by  
28 section nineteen of this article, red flashing warning lights are  
29 restricted to the following:

30 (A) Ambulances;

31 (B) Firefighting vehicles;

32 (C) Hazardous material response vehicles;

33 (D) Industrial fire brigade vehicles;

34 (E) Rescue squad vehicles not operating out of a fire  
35 department;

36 (F) School buses;

37 (G) Class A vehicles, as defined by section one, article  
38 ten, chapter seventeen-a of this code, of those firefighters  
39 who are authorized by their fire chiefs to have the lights;

40 (H) Class A vehicles of members of duly chartered rescue  
41 squads not operating out of a fire department;

42 (I) Class A vehicles of members of ambulance services or  
43 duly chartered rescue squads who are authorized by their  
44 respective chiefs to have the lights;

45 (J) Class A vehicles of out-of-state residents who are  
46 active members of West Virginia fire departments, ambulance  
47 services or duly chartered rescue squads who are authorized  
48 by their respective chiefs to have the lights;

49 (K) West Virginia Department of Agriculture emergency  
50 response vehicles;

51 (L) Vehicles designated by the Secretary of the  
52 Department of Military Affairs and Public Safety for  
53 emergency response or emergency management by the  
54 Division of Corrections, Regional Jail and Correctional  
55 Facility Authority, Division of Juvenile Services and  
56 Division of Homeland Security and Emergency Management;  
57 and

58 (M) Class A vehicles of emergency response or  
59 emergency management personnel as designated by the  
60 Secretary of the Department of Military Affairs and Public  
61 Safety and the county commission of the county of residence.

62 Red flashing warning lights attached to a Class A vehicle  
63 may be operated only when responding to or engaged in  
64 handling an emergency requiring the attention of the  
65 firefighters, members of the ambulance services or chartered  
66 rescue squads.

67 (3) The use of red flashing warning lights is authorized as  
68 follows:

69 (A) Authorization for all ambulances shall be designated  
70 by the Department of Health and Human Resources and the  
71 sheriff of the county of residence.

72 (B) Authorization for all fire department vehicles shall be  
73 designated by the fire chief and the State Fire Marshal's  
74 Office.

75 (C) Authorization for all hazardous material response  
76 vehicles and industrial fire brigades shall be designated by  
77 the chief of the fire department and the State Fire Marshal's  
78 Office.

79 (D) Authorization for all rescue squad vehicles not  
80 operating out of a fire department shall be designated by the  
81 squad chief, the sheriff of the county of residence and the  
82 Department of Health and Human Resources.

83 (E) Authorization for school buses shall be designated as  
84 set out in section twelve, article fourteen of this chapter.

85 (F) Authorization for firefighters to operate Class A  
86 vehicles shall be designated by their fire chiefs and the state  
87 Fire Marshal's office.

88 (G) Authorization for members of ambulance services or  
89 any other emergency medical service personnel to operate  
90 Class A vehicles shall be designated by their chief official,  
91 the Department of Health and Human Resources and the  
92 sheriff of the county of residence.

93 (H) Authorization for members of duly chartered rescue  
94 squads not operating out of a fire department to operate Class  
95 A vehicles shall be designated by their squad chiefs, the  
96 sheriff of the county of residence and the Department of  
97 Health and Human Resources.

98 (I) Authorization for out-of-state residents operating  
99 Class A vehicles who are active members of a West Virginia  
100 fire department, ambulance services or duly chartered rescue  
101 squads shall be designated by their respective chiefs.

102 (J) Authorization for West Virginia Department of  
103 Agriculture emergency response vehicles shall be designated  
104 by the Commissioner of the Department of Agriculture.

105 (K) Authorization for vehicles for emergency response or  
106 emergency management by the Division of Corrections,  
107 Regional Jail and Correctional Facility Authority, Division of  
108 Juvenile Services and Division of Homeland Security and

109 Emergency Management shall be designated by the Secretary  
110 of the Department of Military Affairs and Public Safety.

111 (L) Authorization for Class A vehicles of emergency  
112 response or emergency management personnel as designated  
113 by the Secretary of the Department of Military Affairs and  
114 Public Safety and the county commission of the county of  
115 residence.

116 (4) Yellow or amber flashing warning lights are restricted  
117 to the following:

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

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

123 (C) Rural newspaper delivery vehicles;

124 (D) Flag car services;

125 (E) Vehicles providing road service to disabled vehicles;

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

127 (G) Snow removal equipment;

128 (H) School buses; and

129 (I) Automotive fire apparatus owned by a municipality or  
130 other political subdivision, by a volunteer or part-volunteer  
131 fire company or department or by an industrial fire brigade.

132 (5) The use of yellow or amber flashing warning lights  
133 shall be authorized as follows:



134       (A) Authorization for tow trucks, wreckers, rural  
135 newspaper delivery vehicles, flag car services, vehicles  
136 providing road service to disabled vehicles, service vehicles  
137 of a public service corporation and postal service vehicles  
138 shall be designated by the sheriff of the county of residence.

139       (B) Authorization for snow removal equipment shall be  
140 designated by the Commissioner of the Division of  
141 Highways.

142       (C) Authorization for school buses shall be designated as  
143 set out in section twelve, article fourteen of this chapter.

144       (D) Authorization for automotive fire apparatus shall be  
145 designated by the fire chief in conformity with the NFPA  
146 1901 Standard for Automotive Fire Apparatus as published  
147 by the National Fire Protection Association (NFPA) on July  
148 18, 2003, and adopted by the state Fire Commission by  
149 legislative rule (87 CSR 1, *et seq.*), except as follows:

150       (i) With the approval of the State Fire Marshal, used  
151 automotive fire apparatus may be conformed to the NFPA  
152 standard in effect on the date of its manufacture or conformed  
153 to a later NFPA standard; and

154       (ii) Automotive fire apparatus may be equipped with  
155 blinking or flashing headlamps.

156       (e) Notwithstanding the foregoing provisions of this  
157 section, any vehicle belonging to a county board of  
158 education, an organization receiving funding from the state  
159 or Federal Transit Administration for the purpose of  
160 providing general public transportation or hauling solid waste  
161 may be equipped with a white flashing strobotron warning  
162 light. This strobe light may be installed on the roof of a  
163 school bus, a public transportation vehicle or a vehicle  
164 hauling solid waste not to exceed one-third the body length

165 forward from the rear of the roof edge. The light shall have  
166 a single clear lens emitting light three hundred sixty degrees  
167 around its vertical axis and may not extend above the roof  
168 more than six and one-half inches. A manual switch and a  
169 pilot light must be included to indicate the light is in  
170 operation.

171 (f) Notwithstanding the foregoing provisions of this  
172 section, any waste service vehicle as defined in section  
173 eleven, article six of this chapter may be equipped with  
174 yellow or amber flashing warning lights.

175 (g) It is unlawful for flashing warning lights of an  
176 unauthorized color to be installed or used on a vehicle other  
177 than as specified in this section, except that a police vehicle  
178 may be equipped with either or both blue or red warning  
179 lights.

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

*[Signature]*  
.....  
Member — Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 28 A 10:23

FILED

The within *is approved* ..... this  
the *28<sup>th</sup>* Day of *March* ....., 2014.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2014

Time 3:00 pm