

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2765

BY DELEGATES CAPITO AND QUEEN

[Passed April 6, 2021; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 21 P 5:00

FILED

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1 AN ACT to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §17C-15-26 of said code, all relating to emergency management
3 and operations vehicles operated by airports; allowing such vehicles to be equipped with
4 and use red flashing warning lights; authorizing airport director and Secretary of the
5 Department of Homeland Security to designate emergency management and operations
6 vehicles operated by airports; and specifying that such designated vehicles are authorized
7 emergency vehicles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-6. Authorized emergency vehicle.

1 “Authorized emergency vehicle” means vehicles of a fire department, duly chartered
2 rescue squad, police department, ambulance service, hospital police department, state, county,
3 or municipal agency, and such privately owned ambulances, tow trucks, wreckers, flag car
4 services, vehicles providing road service to disabled vehicles, service vehicles of a public service
5 corporation, postal service vehicles, snow removal equipment, Class A vehicles of firefighters,
6 Class A vehicles of members of ambulance services, Class A vehicles of members of duly
7 chartered rescue squads, emergency management and operations vehicles operated by airports
8 and designated pursuant to §17C-15-26 of this code, and all other emergency vehicles as are
9 designated by the agency responsible for the operation and control of these persons or
10 organizations. Class A vehicles are as defined by §17A-10-1 of this code. Agency authorization
11 and emergency equipment are provided in §17C-15-26 of this code. Agencies responsible for
12 issuing authorization for emergency vehicle permits may promulgate such regulations that are
13 necessary for the issuance of permits for emergency vehicles.

ARTICLE 15. EQUIPMENT.

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

1 (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps,
2 spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an
3 intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the
4 level of the roadway on which the vehicle stands at a distance of more than 75 feet from the
5 vehicle.

6 (b) No person may drive or move any vehicle or equipment upon any highway with any
7 lamp or device on the vehicle displaying other than a white or amber light visible from directly in
8 front of the center of the vehicle except as authorized by §17C-15-26(d) of this code.

9 (c) Except as authorized in §17C-15-26(d) and 17C-15-26(g) of this code and authorized
10 in §17C-15-19 of this code, flashing lights are prohibited on motor vehicles: *Provided*, That any
11 vehicle as a means for indicating right or left turn or any vehicle as a means of indicating the same
12 is disabled or otherwise stopped for an emergency may have blinking or flashing lights.

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

15 (1) Blue flashing warning lights are restricted to police vehicles. Authorization for police
16 vehicles shall be designated by the chief administrative official of each police department.

17 (2) Except for standard vehicle equipment authorized by §17C-15-19 of this code, red
18 flashing warning lights are restricted to the following:

19 (A) Ambulances;

20 (B) Fire-fighting vehicles;

21 (C) Hazardous material response vehicles;

22 (D) Industrial fire brigade vehicles;

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

24 (F) School buses;

25 (G) Class A vehicles, as defined by §17A-10-1 *et seq.* of this code, of those firefighters
26 who are authorized by their fire chiefs to have the lights;

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

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

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

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

35 (L) Vehicles designated by the Secretary of the Department of Homeland Security for
36 emergency response or emergency management by the Division of Corrections, Regional Jail
37 and Correctional Facility Authority, Division of Juvenile Services, and Division of Homeland
38 Security and Emergency Management;

39 (M) Class A vehicles of emergency response or emergency management personnel as
40 designated by the Secretary of the Department of Homeland Security and the county commission
41 of the county of residence; and

42 (N) Emergency management and operations vehicles operated by airports.

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

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

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

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

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

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

56 (E) Authorization for school buses shall be designated as set out in §17C-14-12 of this
57 code.

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

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

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

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

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

71 (K) Authorization for vehicles for emergency response or emergency management by the
72 Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile
73 Services, and Division of Homeland Security and Emergency Management shall be designated
74 by the Secretary of the Department of Homeland Security.

75 (L) Authorization for Class A vehicles of emergency response or emergency management
76 personnel as designated by the Secretary of the Department of Homeland Security and the county
77 commission of the county of residence.

78 (M) Authorization for emergency management and operations vehicles operated by
79 airports shall be designated by the airport director and the Secretary of the Department of
80 Homeland Security.

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

82 (A) All other emergency vehicles, including tow trucks and wreckers, authorized by this
83 chapter and by §17C-15-27 of this code;

84 (B) Postal service vehicles and rural mail carriers, as authorized in §17C-15-19 of this
85 code;

86 (C) Rural newspaper delivery vehicles;

87 (D) Flag car services;

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

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

90 (G) Snow removal equipment;

91 (H) School buses; and

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

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

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

99 (B) Authorization for snow removal equipment shall be designated by the Commissioner
100 of the Division of Highways.

101 (C) Authorization for school buses shall be designated as set out in §17C-14-12 of this
102 code.

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

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

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

111 (e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a
112 county board of education, an organization receiving funding from the state or Federal Transit
113 Administration for the purpose of providing general public transportation or hauling solid waste
114 may be equipped with a white flashing strobotron warning light. This strobe light may be installed
115 on the roof of a school bus, a public transportation vehicle, or a vehicle hauling solid waste not to
116 exceed one-third the body length forward from the rear of the roof edge. The light shall have a
117 single clear lens emitting light 360 degrees around its vertical axis and may not extend above the
118 roof more than six and one-half inches. A manual switch and a pilot light must be included to
119 indicate the light is in operation.

120 (f) Notwithstanding the foregoing provisions of this section, any waste service vehicle as
121 defined in §17C-6-11 of this code may be equipped with yellow or amber flashing warning lights.

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

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

Dean J. Pappas
.....
Chairman, House Committee

Mark W. Raymond
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Jae Linn
.....
Clerk of the Senate

Ken Harlow
.....
Speaker of the House of Delegates

C.P. Bates
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 21 P 5:00

FILED

The within *is approved* this the *21st*
day of *April* 2021.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

APR 16 2021

Time 12:39pm