

1 **H. B. 2494**

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3 (By Delegates Longstreth, Manchin, Caputo and Cann)  
4 [Introduced January 14, 2011; referred to the  
5 Committee on the Judiciary.]  
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10 A BILL to amend and reenact §17C-15-26 of the Code of West  
11 Virginia, 1931, as amended, relating to allowing vehicles  
12 designated by the Secretary of the Department of Military  
13 Affairs and Public Safety for emergency response by West  
14 Virginia police reserves to use red flashing lights.

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

16 That §17C-15-26 of the Code of West Virginia, 1931, as  
17 amended, be amended and reenacted to read as follows:

18 **ARTICLE 15. EQUIPMENT.**

19 **§17C-15-26. Special restrictions on lamps.**

20 (a) Any lighted lamp or illuminating device upon a motor  
21 vehicle other than head lamps, spot lamps, auxiliary lamps or  
22 flashing front-direction signals which projects a beam of light of  
23 an intensity greater than three hundred candlepower shall be so

1 directed that no part of the beam will strike the level of the  
2 roadway on which the vehicle stands at a distance of more than  
3 seventy-five feet from the vehicle.

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

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

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

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

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

24 (A) Ambulances;

- 1 (B) Fire fighting vehicles;
- 2 (C) Hazardous material response vehicles;
- 3 (D) Industrial fire brigade vehicles;
- 4 (E) Rescue squad vehicles not operating out of a fire  
5 department;
- 6 (F) School buses;
- 7 (G) Class A vehicles, as defined by section one, article ten,  
8 chapter seventeen-a of this code, of those firefighters who are  
9 authorized by their fire chiefs to have the lights;
- 10 (H) Class A vehicles of members of duly chartered rescue  
11 squads not operating out of a fire department;
- 12 (I) Class A vehicles of members of ambulance services or duly  
13 chartered rescue squads who are authorized by their respective  
14 chiefs to have the lights;
- 15 (J) Class A vehicles of out-of-state residents who are active  
16 members of West Virginia fire departments, ambulance services or  
17 duly chartered rescue squads who are authorized by their respective  
18 chiefs to have the lights;
- 19 (K) West Virginia Department of Agriculture emergency response  
20 vehicles;
- 21 (L) Vehicles designated by the Secretary of the Department of  
22 Military Affairs and Public Safety for emergency response or  
23 emergency management by the Division of Corrections, Regional Jail  
24 and Correctional Facility Authority, Division of Juvenile Services

1 and Division of Homeland Security and Emergency Management; and

2 (M) Class A vehicles of emergency response, ~~or~~ emergency  
3 management personnel or police reserves as designated by the  
4 Secretary of the Department of Military Affairs and Public Safety  
5 and the county commission of the county of residence.

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

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

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

15 (B) Authorization for all fire department vehicles shall be  
16 designated by the fire chief and the State Fire Marshal's office.

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

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

24 (E) Authorization for school buses shall be designated as set

1 out in section twelve, article fourteen of this chapter.

2 (F) Authorization for firefighters to operate Class A vehicles  
3 shall be designated by their fire chiefs and the State Fire  
4 Marshal's office.

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

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

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

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

22 (K) Authorization for vehicles for emergency response or  
23 emergency management by the Division of Corrections, Regional Jail  
24 and Correctional Facility Authority, Division of Juvenile Services

1 and Division of Homeland Security and Emergency Management shall be  
2 designated by the Secretary of the Department of Military Affairs  
3 and Public Safety.

4 (L) Authorization for Class A vehicles of emergency response,  
5 ~~or~~ emergency management personnel or police reserves as designated  
6 by the Secretary of the Department of Military Affairs and Public  
7 Safety and the county commission of the county of residence.

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

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

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

15 (C) Rural newspaper delivery vehicles;

16 (D) Flag car services;

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

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

19 (G) Snow removal equipment;

20 (H) School buses; and

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

24 (5) The use of yellow or amber flashing warning lights shall

1 be authorized as follows:

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

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

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

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

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

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

23 (e) Notwithstanding the foregoing provisions of this section,  
24 any vehicle belonging to a county board of education, an

1 organization receiving funding from the state or Federal Transit  
2 Administration for the purpose of providing general public  
3 transportation or hauling solid waste may be equipped with a white  
4 flashing strobotron warning light. This strobe light may be  
5 installed on the roof of a school bus, a public transportation  
6 vehicle or a vehicle hauling solid waste not to exceed one-third  
7 the body length forward from the rear of the roof edge. The light  
8 shall have a single clear lens emitting light three hundred sixty  
9 degrees around its vertical axis and may not extend above the roof  
10 more than six and one-half inches. A manual switch and a pilot  
11 light must be included to indicate the light is in operation.

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

NOTE: The purpose of this bill is to allow vehicles designated  
by the Secretary of the Department of Military Affairs and Public  
Safety for emergency response by West Virginia police reserves to  
use red flashing lights.

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.