

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 115

FISCAL
NOTE

BY SENATORS BALDWIN, IHLENFELD, AND LINDSAY

[Introduced February 10, 2021; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17-16A-31, relating to exempting emergency vehicles and private
 3 ambulances from paying tolls or other charges.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
 TOURISM AUTHORITY.**

**§17-16A-31. Exemption from requirement to pay toll or other charge by emergency vehicles
 and private ambulances.**

1 (a) An authorized emergency vehicle or a private ambulance is exempt from any
 2 requirement to pay a toll or other charge, if all of the following conditions are satisfied, as
 3 applicable to an authorized emergency vehicle or a private ambulance:

4 (1) (A) The authorized emergency vehicle is properly displaying an exempt West Virginia
 5 license plate, and is properly identified or marked as an authorized emergency vehicle, including,
 6 but not limited to, displaying an external surface-mounted red warning light, blue warning light, or
 7 both, and displaying public agency identification, including, but not limited to, “Fire Department,”
 8 “Sheriff,” or “Police”.

9 (B) The private ambulance is properly displaying a valid West Virginia license plate and
 10 identification as the operator of a private ambulance.

11 (2) (A) The authorized emergency vehicle or private ambulance is being driven while
 12 responding to or returning from an urgent or emergency call, engaged in an urgent or emergency
 13 response, or engaging in a fire station coverage assignment directly related to an emergency
 14 response.

15 (B) For purposes of this paragraph, an “urgent” response or call means an incident or
 16 circumstance that requires an immediate response to a public safety-related incident but does not
 17 warrant the use of emergency warning lights. “Urgent” does not include any personal use,

18 commuting, training, or administrative uses.

19 (C) Notwithstanding paragraph 2 (A) of this section, an authorized emergency vehicle or
20 private ambulance, when returning from an urgent or emergency call, from being engaged in an
21 urgent or emergency response, or from engaging in a fire station coverage assignment directly
22 related to an emergency response, is not exempt from any requirement to pay a toll or other
23 charge.

24 (3) The driver of the authorized emergency vehicle or private ambulance determines that
25 the use of the parkway project shall likely improve the availability or response and arrival time of
26 the authorized emergency vehicle or private ambulance and its delivery of essential public safety
27 services.

28 (b) If the parkways authority elects to send a bill, notice, or invoice to the public agency
29 for the use of the parkways project by an authorized emergency vehicle or to the private
30 ambulance operator for the use of the parkways project by a private ambulance exempt pursuant
31 to subsection (a), the fire chief, police chief, county sheriff, head of the public agency, the
32 designee of the foregoing, or the private ambulance operator is authorized to certify in writing that
33 the authorized emergency vehicle or private ambulance was responding to or returning from an
34 emergency call or response and is exempt from the payment of the toll or other charge in
35 accordance with this section. The letter shall be accepted by the parkways authority in lieu of
36 payment and shall be a public document.

37 (c) An authorized emergency vehicle or a private ambulance that does not comply with
38 this section is not exempt from the requirement to pay a toll or other charge for use of the parkways
39 project. Upon information and belief of the parkways authority that an authorized emergency
40 vehicle or private ambulance is not in compliance with this section, the fire chief, police chief,
41 county sheriff, head of the public agency, the designee of the foregoing, or the private ambulance
42 operator, upon the request of the parkways authority, shall provide or otherwise make accessible
43 to the parkways authority the dispatch records or logbooks relevant to the time period when the

44 authorized emergency vehicle or private ambulance was in use at the toll facility.

45 (d) This section does not prohibit or amend an agreement entered into between the
46 parkways authority and a local emergency service provider or private ambulance operator that
47 establishes mutually agreed upon terms for the use of the parkways project by the emergency
48 service provider or private ambulance operator. This section does not prohibit the parkways
49 authority from having a policy that meets or exceeds this section. If at any time an emergency
50 service provider or private ambulance operator, or the parkways authority opts to terminate an
51 agreement regarding the payment and processing of tolls or other charges, this section shall apply
52 to the emergency service provider or private ambulance operator and the parkways project. An
53 agreement between an emergency service provider or private ambulance operator and the
54 parkways authority of the parkways project does not exempt other emergency service providers
55 or private ambulance operators not named in the original agreement and the parkways project
56 from the requirements of this section when those other emergency service providers or private
57 ambulance operators use the parkways project.

58 (e) For purposes of this section:

59 “Private ambulance operator” shall mean a privately owned emergency medical services
60 agency licensed pursuant to §16-4C-1 et seq. of this code.

61 “Authorized emergency vehicle” means vehicles of a fire department, duly chartered
62 rescue squad, police department, ambulance service, state, county, or municipal agency.

NOTE: The purpose of this bill is to exempt an authorized emergency vehicle or a private ambulance from any requirement to pay a toll or other charge if all of the listed conditions are satisfied.

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