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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002



ENROLLED

SENATE BILL NO. 278

(By Senator LOVE, ET AL)



PASSED MARCH 9, 2002

In Effect NINETY DAYS FROM Passage

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SECRETARY OF STATE

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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; penalties.

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:

6 (1) Proceed with due caution, yield the right-of-way by
7 making a lane change not adjacent to that of the autho-
8 rized emergency vehicle, if possible with regard to safety
9 and traffic conditions, if on a highway having at least four
10 lanes with not less than two lanes proceeding in the same
11 direction as the approaching vehicle and reduce speed to
12 a safe level for road conditions; or

13 (2) Proceed with due caution, reduce the speed of the
14 vehicle, maintaining a safe speed not to exceed fifteen
15 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) (1) 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.

24 (2) If violation of this section results in property damage
25 in addition to any other penalty imposed, driving privi-
26 leges of the persons causing the property damage shall be
27 suspended for ninety days.

28 (3) If violation of this section results in injury to another
29 person in addition to any other penalty imposed, the
30 driving privileges of the person causing the injury shall be
31 suspended for six months.

32 (4) If violation of this section results in the death of
33 another person in addition to any other penalty imposed,
34 the driving privileges of the person causing the death shall
35 be suspended for two years.

36 (5) Any person who violates any provision of this section
37 and while doing so also violates section two, article five of
38 this chapter is guilty of a misdemeanor and, upon conviction
39 thereof, shall, in addition to the penalties set out in
40 section two of said article and this section, be fined not
41 less than one thousand dollars nor more than five thousand
42 dollars, or confined in the county or regional jail for
43 a period not more than six months, or both fined and
44 imprisoned.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

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

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

[Handwritten Signature]
.....
Speaker House of Delegates

The within... *(b) approved* this the *25th*
Day of *March*, 2002.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 9:00 a.m.