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2007 MAR 13 PM 4:25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 96

(SENATORS UNGER, HUNTER AND JENKINS,
original sponsors)

[Passed February 26, 2007; in effect ninety days from passage.]

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 96

(SENATORS UNGER, HUNTER AND JENKINS, *original sponsors*)

[Passed February 26, 2007; in effect ninety days form passage.]

AN ACT to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to authorizing fire department-owned apparatus to use yellow or amber flashing lights for safety.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15. EQUIPMENT.

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

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

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

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

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

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

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

32 (A) Ambulances;

33 (B) Fire-fighting vehicles;

34 (C) Hazardous material response vehicles;

35 (D) Industrial fire brigade vehicles;

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

38 (F) School buses;

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

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

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

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

53 (K) West Virginia Department of Agriculture

54 emergency response vehicles.

55 Red flashing warning lights attached to a Class A
56 vehicle shall be operated only when responding to or
57 engaged in handling an emergency requiring the
58 attention of the firefighters, members of the ambulance
59 services or chartered rescue squads.

60 (3) The use of red flashing warning lights shall be
61 authorized as follows:

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

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

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

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

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

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

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

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

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

97 (J) Authorization for West Virginia Department of
98 Agriculture emergency response vehicles shall be
99 designated by the Commissioner of the Department of
100 Agriculture.

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

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

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

108 (C) Rural newspaper delivery vehicles;

109 (D) Flag car services;

110 (E) Vehicles providing road service to disabled
111 vehicles;

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

113 (G) Snow removal equipment;

114 (H) School buses; and

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

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

121 (A) Authorization for tow trucks, wreckers, rural
122 newspaper delivery vehicles, flag car services, vehicles
123 providing road service to disabled vehicles, service
124 vehicles of a public service corporation and postal
125 service vehicles shall be designated by the sheriff of the
126 county of residence.

127 (B) Authorization for snow removal equipment shall
128 be designated by the Commissioner of the Division of
129 Highways.

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

133 (D) Authorization for automotive fire apparatus shall
134 be designated by the fire chief in conformity with the
135 NFPA 1901 standard for automotive fire apparatus as
136 published by the National Fire Protection Association

137 (NFPA) on the eighteenth day of July, two thousand
138 three, and adopted by the State Fire Commission by
139 legislative rule (87 CSR 1, *et seq.*), except as follows:

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

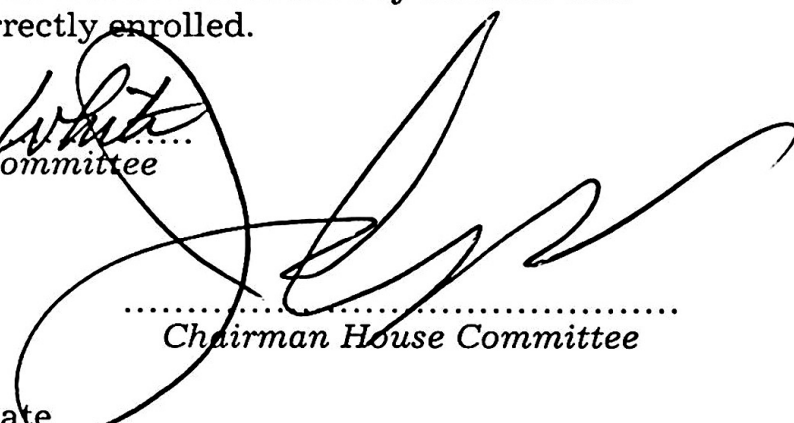
144 (ii) Automotive fire apparatus may be equipped with
145 blinking or flashing headlamps.

146 (e) Notwithstanding the foregoing provisions of this
147 section, any vehicle belonging to a county board of
148 education, an organization receiving funding from the
149 state or Federal Transit Administration for the purpose
150 of providing general public transportation or hauling
151 solid waste may be equipped with a white flashing
152 strobotron warning light. This strobe light may be
153 installed on the roof of a school bus, a public
154 transportation vehicle or a vehicle hauling solid waste
155 not to exceed one-third the body length forward from
156 the rear of the roof edge. The light shall have a single
157 clear lens emitting light three hundred sixty degrees
158 around its vertical axis and may not extend above the
159 roof more than six and one-half inches. A manual
160 switch and a pilot light must be included to indicate the
161 light is in operation.

162 (f) It shall be unlawful for flashing warning lights of
163 an unauthorized color to be installed or used on a
164 vehicle other than as specified in this section, except
165 that a police vehicle may be equipped with either or
166 both blue or red warning lights.

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


.....
Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


.....
Clerk of the House of Delegates


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President of the Senate


.....
Speaker House of Delegates

The within is approved this
the 13th Day of May, 2007.


.....
Governor

PRESENTED TO THE
GOV

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