

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 700

SENATORS TAKUBO, BLAIR, AND STOLLINGS, *original*

sponsors

[Originating in the Committee on the Judiciary;

reported on February 21, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be
3 exempt from specified traffic laws in emergency situations when responding to an
4 emergency call and displaying emblem; providing that physicians must still exercise due
5 care for safety; and providing for rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

§17C-2-10. Physician exempt from specified traffic laws when responding to emergency.

1 (a) An allopathic or osteopathic physician traveling in response to an emergency call is
2 exempt from the provisions of §17C-6-1, §17C-6-2, and §17C-6-3 of this code if the vehicle used
3 by him or her displays an emblem approved by the West Virginia Board of Medicine or the West
4 Virginia Board of Osteopathic Medicine indicating that the vehicle is owned by the licensed
5 physician who is responding to an emergency call.

6 (b) The provisions of this section do not relieve the physician from the duty to drive with
7 due regard for the safety of all persons using the highway, nor do these provisions protect the
8 physician from the consequences of acting in reckless disregard for the safety of others.

9 (c) The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine
10 shall propose separate rules for legislative approval in accordance with §29A-3-1 et seq. of this
11 code. Rules proposed pursuant to this section shall set forth criteria to request an emblem from
12 the respective boards, grounds to use the emblem, safe operation of the physician's vehicle under
13 the circumstances described in this section, and an administrative penalty if the emblem is used
14 in inappropriate circumstances.

NOTE: The purpose of this bill is to permit physicians to be exempt from specified traffic laws when responding to an emergency call. This proposed bill provides that the physician must continue to exercise due care and provides for rulemaking.

Strike-throughs indicate language that would be stricken from a heading or the present law

CS for SB 700

and underscoring indicates new language that would be added.