

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2765**

BY DELEGATE CAPITO

[Introduced February 25, 2021; Referred to the  
Committee on the Judiciary]



1 A BILL to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended,  
2 relating to allowing emergency management and operations' vehicles operated by airports  
3 to use red flashing warning lights.

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

**ARTICLE 15. EQUIPMENT.**

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

1 (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps,  
2 spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an  
3 intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the  
4 level of the roadway on which the vehicle stands at a distance of more than 75 feet from the  
5 vehicle.

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

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

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

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

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

19 (A) Ambulances;

20 (B) Fire-fighting vehicles;

21 (C) Hazardous material response vehicles;

22 (D) Industrial fire brigade vehicles;

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

24 (F) School buses;

25 (G) Class A vehicles, as defined by §17A-10-1 *et seq.* of this code, of those firefighters  
26 who are authorized by their fire chiefs to have the lights;

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

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

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

34 (K) West Virginia Department of Agriculture emergency response vehicles;

35 (L) Vehicles designated by the Secretary of the ~~Department of Military Affairs and Public~~  
36 ~~Safety~~ Department of Homeland Security for emergency response or emergency management  
37 by the Division of Corrections, Regional Jail and Correctional Facility Authority, Division of  
38 Juvenile Services and Division of Homeland Security and Emergency Management; ~~and~~

39 (M) Class A vehicles of emergency response or emergency management personnel as  
40 designated by the Secretary of the ~~Department of Military Affairs and Public Safety~~ Department  
41 of Homeland Security and the county commission of the county of residence; and

42 (N) Emergency management and operations vehicles operated by airports.

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

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

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

49 (B) Authorization for all fire department vehicles shall be designated by the fire chief and  
50 the State Fire Marshal's Office.

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

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

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

58 (F) Authorization for firefighters to operate Class A vehicles shall be designated by their  
59 fire chiefs and the state Fire Marshal's office.

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

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

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

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

71 (K) Authorization for vehicles for emergency response or emergency management by the  
72 Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile

73 Services and Division of Homeland Security and Emergency Management shall be designated  
74 by the Secretary of the ~~Department of Military Affairs and Public Safety~~ Department of Homeland  
75 Security.

76 (L) Authorization for Class A vehicles of emergency response or emergency management  
77 personnel as designated by the Secretary of the ~~Department of Military Affairs and Public Safety~~  
78 Department of Homeland Security and the county commission of the county of residence.

79 (M) Authorization for emergency management and operations vehicles operated by  
80 airports shall be designated by the airport director and the Secretary of the Department of  
81 Homeland Security.

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

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

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

87 (C) Rural newspaper delivery vehicles;

88 (D) Flag car services;

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

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

91 (G) Snow removal equipment;

92 (H) School buses; and

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

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

96 (A) Authorization for tow trucks, wreckers, rural newspaper delivery vehicles, flag car  
97 services, vehicles providing road service to disabled vehicles, service vehicles of a public service

98 corporation and postal service vehicles shall be designated by the sheriff of the county of  
99 residence.

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

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

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

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

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

112 (e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a  
113 county board of education, an organization receiving funding from the state or Federal Transit  
114 Administration for the purpose of providing general public transportation or hauling solid waste  
115 may be equipped with a white flashing strobotron warning light. This strobe light may be installed  
116 on the roof of a school bus, a public transportation vehicle or a vehicle hauling solid waste not to  
117 exceed one-third the body length forward from the rear of the roof edge. The light shall have a  
118 single clear lens emitting light 360 degrees around its vertical axis and may not extend above the  
119 roof more than six and one-half inches. A manual switch and a pilot light must be included to  
120 indicate the light is in operation.

121 (f) Notwithstanding the foregoing provisions of this section, any waste service vehicle as  
122 defined in section eleven, article six of this chapter may be equipped with yellow or amber flashing  
123 warning lights.

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

NOTE: The purpose of this bill is to allow emergency management and operations vehicles operated by airports to use red flashing warning lights.

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