

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 86

By Senators Takubo and Phillips

[Introduced January 11, 2023; referred
to the Committee on Transportation and
Infrastructure]

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; providing those physicians must still exercise due care for safety; and
 5 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 shall
 2 be exempt from the provisions of §17C-6-1, §17C-6-2, and §17C-6-3 of this code if the vehicle
 3 used by him or her displays an emblem approved by the West Virginia Board of Medicine and the
 4 West Virginia Osteopathic Board indicating that the vehicle is owned by the licensed physician and
 5 responding to an emergency call.

6 (b) The provisions of this section do not relieve the physician from the duty to drive with due
 7 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 Osteopathic Board shall
 10 propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code. Rules
 11 proposed pursuant to this section shall set forth criteria to request an emblem from the respective
 12 boards, grounds to use the emblem, and an administrative penalty if the emblem is used in
 13 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, and underscoring indicates new language that would be added.