

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 117

BY SENATOR TAKUBO

[Reported March 4, 2025, from the Committee on
Transportation and Infrastructure]

1 A BILL to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended; and
2 to amend the code by adding two new sections, designated §30-3-21 and §30-14-18,
3 relating to authorizing physicians to operate Class A vehicles as authorized emergency
4 vehicles; authorizing the West Virginia Board of Medicine and Board of Osteopathic
5 Medicine to designate Class A vehicles of licensed medical providers as authorized
6 emergency vehicles; establishing Physician's Authorized Emergency Vehicle Programs;
7 requiring West Virginia Board of Medicine and Board of Osteopathic Medicine to propose
8 rules for legislative approval with content requirements; and authorizing use of audible
9 signal and red flashing warning lights, administrative penalties, and fees.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

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 §17C-15-26(d) of this code.

9 (c) Except as authorized in §17C-15-26(d) and §17C-15-26(g) of this code and authorized
10 in §17C-15-19 of this code, flashing lights are prohibited on motor vehicles: *Provided*, That any
11 vehicle as a means for indicating right or left turn or any vehicle as a means of indicating the same
12 is 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 §17C-15-19 of this code, red
18 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 Homeland Security for
36 emergency response or emergency management by the Division of Corrections, Regional Jail
37 and Correctional Facility Authority, Division of Juvenile Services, and Division of Homeland
38 Security and Emergency Management;

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

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

43 (O) Class A vehicles of physicians who are authorized by the West Virginia Board of
44 Medicine or the West Virginia Board of Osteopathic Medicine and are responding to a medical
45 emergency.

46 Red flashing warning lights attached to a Class A vehicle may be operated only when
47 responding to or engaged in handling an emergency requiring the attention of the firefighters,
48 members of the ambulance services, ~~or~~ chartered rescue squads, or authorized physicians.

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

50 (A) Authorization for all ambulances shall be designated by the Department of Health and
51 the sheriff of the county of residence.

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

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

56 (D) Authorization for all rescue squad vehicles not operating out of a fire department shall
57 be designated by the squad chief, the sheriff of the county of residence and the Department of
58 Health.

59 (E) Authorization for school buses shall be designated as set out in §17C-14-12 of this
60 code.

61 (F) Authorization for firefighters to operate Class A vehicles shall be designated by their
62 fire chiefs and the State Fire Marshal's Office.

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

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

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

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

74 (K) Authorization for vehicles for emergency response or emergency management by the
75 Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile
76 Services, and Division of Homeland Security and Emergency Management shall be designated
77 by the Secretary of the Department of Homeland Security.

78 (L) Authorization for Class A vehicles of emergency response or emergency management
79 personnel as designated by the Secretary of the Department of Homeland Security and the county
80 commission of the county of residence.

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

84 (N) Authorization for physicians to operate Class A vehicles shall be designated by the
85 West Virginia Board of Medicine or the West Virginia Board of Osteopathic Medicine.

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

87 (A) All other emergency vehicles, including tow trucks and wreckers, authorized by this
88 chapter and by §17C-15-27 of this code;

89 (B) Postal service vehicles and rural mail carriers, as authorized in §17C-15-19 of this
90 code;

91 (C) Rural newspaper delivery vehicles;

92 (D) Flag car services;

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

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

95 (G) Snow removal equipment;

96 (H) School buses; and

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

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

100 (A) Authorization for tow trucks, wreckers, rural newspaper delivery vehicles, flag car
101 services, vehicles providing road service to disabled vehicles, service vehicles of a public service
102 corporation, and postal service vehicles shall be designated by the sheriff of the county of
103 residence.

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

106 (C) Authorization for school buses shall be designated as set out in §17C-14-12 of this
107 code.

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

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

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

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

125 (f) Notwithstanding the foregoing provisions of this section, any waste service vehicle as
126 defined in §17C-6-11 of this code may be equipped with yellow or amber flashing warning lights.

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

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-21. Physician's Authorized Emergency Vehicle Program; rulemaking; penalties and fees.

1 (a) The Physician's Authorized Emergency Vehicle Program is hereby established. The
2 West Virginia Board of Medicine shall propose rules for legislative approval in accordance with
3 the provisions of §29A-3-1 et seq. of this code to regulate the use of Class A vehicles that are
4 owned or operated by physicians as authorized emergency vehicles.

5 (b) For purposes of this section:

6 (1) "Authorization" means an identification card or letter of authorization issued by the
7 board to a physician that entitles the physician to operate a Class A vehicle as an authorized
8 emergency vehicle under the program;

9 (2) "Authorized emergency vehicle" means a vehicle as defined in §17C-1-6 of this code
10 that enjoys special privileges as set forth in §17C-2-4 and §17C-15-26 of this code;

11 (3) "Class A vehicle" means a vehicle as defined in §17A-10-1 of this code;

12 (4) "Physician" means a medical professional licensed by the board; and

13 (5) "Program" means the Physician's Authorized Emergency Vehicle Program authorized
14 in this section.

15 (c) Any rules proposed under this section shall include the following:

16 (1) Eligibility requirements for physicians that may operate a Class A vehicle as an
17 authorized emergency vehicle under the program;

18 (2) Program application and renewal forms and procedures: *Provided*, That such forms
19 shall inform the physician that the operation of an authorized emergency vehicle does not relieve
20 the driver from the duty to drive with due regard for the safety of all persons, and that the law does
21 not protect the driver from the consequences of his or her reckless disregard for the safety of
22 others;

23 (3) Specifications for the form and content of the authorization, which shall be dated and
24 may not be valid more than five years from the date of issuance;

25 (4) A requirement that the physician present the authorization upon request in connection
26 with his or her use of the authorized emergency vehicle;

27 (5) Minimum specification requirements for the Class A vehicle's bell, siren, or exhaust
28 whistle and red flashing warning light equipment: *Provided*, That the board may not mandate such
29 equipment be permanently mounted;

30 (6) Usage rules for the audible signal and red light, including a requirement that the audible
31 signal and red light may only be used when the physician is responding to, but not upon returning
32 from, an unexpected emergency;

33 (7) Any other rule the board deems necessary and reasonable for the protection of its
34 physicians, patients, and the public; and

35 (8) Administrative penalties for the violation of any such rules.

36 (d) The board may impose program application and renewal fees designed to cover the
37 cost of administering the program.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-18. Physician's Authorized Emergency Vehicle Program; rule-making; penalties and fees.

1 (a) The Physician's Authorized Emergency Vehicle Program is hereby established. The
2 West Virginia Board of Osteopathic Medicine shall propose rules for legislative approval in
3 accordance with the provisions of §29A-3-1 et seq. of this code to regulate the use of Class A
4 vehicles that are owned or operated by physicians as authorized emergency vehicles.

5 (b) For purposes of this section:

6 (1) "Authorization" means an identification card or letter of authorization issued by the
7 board to a physician that entitles the physician to operate a Class A vehicle as an authorized
8 emergency vehicle under the program;

9 (2) "Authorized emergency vehicle" means a vehicle as defined in §17C-1-6 of this code
10 that enjoys special privileges as set forth in §17C-2-4 and §17C-15-26 of this code;

11 (3) "Class A vehicle" means a vehicle as defined in §17A-10-1 of this code;

12 (4) "Physician" means a medical professional licensed by the board; and

13 (5) "Program" means the Physician's Authorized Emergency Vehicle Program authorized
14 in this section.

15 (c) Any rules proposed under this section shall include the following:

16 (1) Eligibility requirements for physicians that may operate a Class A vehicle as an
17 authorized emergency vehicle under the program;

18 (2) Program application and renewal forms and procedures: *Provided*, That such forms
19 shall inform the physician that the operation of an authorized emergency vehicle does not relieve
20 the driver from the duty to drive with due regard for the safety of all persons, and that the law does
21 not protect the driver from the consequences of his or her reckless disregard for the safety of
22 others;

23 (3) Specifications for the form and content of the authorization, which shall be dated and
24 may not be valid more than five years from the date of issuance;

25 (4) A requirement that the physician present the authorization upon request in connection
26 with his or her use of the authorized emergency vehicle;

27 (5) Minimum specification requirements for the Class A vehicle's bell, siren, or exhaust
28 whistle and red flashing warning light equipment: *Provided*, That the board may not mandate such
29 equipment be permanently mounted;

30 (6) Usage rules for the audible signal and red light, including a requirement that the audible
31 signal and red light may only be used when the physician is responding to, but not upon returning
32 from, an unexpected emergency;

33 (7) Any other rule the board deems necessary and reasonable for the protection of its
34 physicians, patients, and the public; and

35 (8) Administrative penalties for the violation of any such rules.

36 (d) The board may impose program application and renewal fees designed to cover the
37 cost of administering the program.