

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5535**

By Delegates Funkhouser, Ridenour, Flanigan, and

Ellington

[Introduced February 16, 2026; referred to the

Committee on Energy and Public Works]

1 A BILL to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended,  
 2 relating to permitting the usage of one or more flashing or revolving blue lights by tow  
 3 trucks or wreckers in addition to the already allowed flashing or revolving yellow lights  
 4 authorized.

*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 §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 *Provided*, That, notwithstanding any provision of this code or article, tow trucks, or wreckers may  
 18 have one or more flashing or revolving blue lights in addition to the already allowed flashing or  
 19 revolving yellow lights authorized by this chapter and by §17C-15-27 of this code. The blue light

20 shall only be equipped on the rear of the vehicle and a tow truck may only operate with blue lights  
21 while the tow truck is stationary on the side of the road or highway while responding to a disabled  
22 vehicle. A tow truck may not operate with blue lights at any time while in motion.

23 ( ) Except for standard vehicle equipment authorized by §17C-15-19 of this code, red  
24 flashing warning lights are restricted to the following:

25 (A) Ambulances;

26 (B) Fire-fighting vehicles;

27 (C) Hazardous material response vehicles;

28 (D) Industrial fire brigade vehicles;

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

30 (F) School buses;

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

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

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

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

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

41 (L) Vehicles designated by the Secretary of the Department of Homeland Security for  
42 emergency response or emergency management by the Division of Corrections, Regional Jail and  
43 Correctional Facility Authority, Division of Juvenile Services, and Division of Homeland Security  
44 and Emergency Management;

45 (M) Class A vehicles of emergency response or emergency management personnel as

46 designated by the Secretary of the Department of Homeland Security and the county commission  
47 of the county of residence; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 (C) Rural newspaper delivery vehicles;

93 (D) Flag car services;

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

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

96 (G) Snow removal equipment;

97 (H) School buses; and

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

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

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

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

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

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

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

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

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

124 roof more than six and one-half inches. A manual switch and a pilot light must be included to  
125 indicate the light is in operation.

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

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

NOTE: The purpose of this bill is to permit tow trucks, or wreckers to have one or more flashing or revolving blue lights in addition to the already allowed flashing or revolving yellow lights authorized by this chapter and by §17C-15-27 of this code. The bill provides that the blue light shall only be equipped on the rear of the vehicle and a tow truck may only operate with blue lights while the tow truck is stationary on the side of the road or highway while responding to a disabled vehicle, nor may a tow truck may not operate with blue lights at any time while in motion.

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