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HB

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2006 APR -5 P 6: 23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4437

(By Delegate Swartzmiller)



Passed March 8, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4437

(BY DELEGATE SWARTZMILLER)

[Passed March 8, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to authorizing West Virginia Department of Agriculture emergency response vehicles to utilize red flashing warning lights.

Be it enacted by the Legislature of West Virginia:

That §17C-15-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

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

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

8 (b) No person shall drive or move any vehicle or equipment
9 upon any highway with any lamp or device thereon displaying
10 other than a white or amber light visible from directly in front
11 of the center thereof except as authorized by subsection (d) of
12 this section.

13 (c) Except as authorized in subsections (d) and (f) of this
14 section and authorized in section nineteen of this article,
15 flashing lights are prohibited on motor vehicles: *Provided*, That
16 any vehicle as a means for indicating right or left turn, or any
17 vehicle as a means of indicating the same is disabled or
18 otherwise stopped for an emergency may have blinking or
19 flashing lights.

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

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

26 (2) Except for standard vehicle equipment authorized by
27 section nineteen of this article, red flashing warning lights are
28 restricted to ambulances; firefighting vehicles; hazardous
29 material response vehicles; industrial fire brigade vehicles;
30 school buses; West Virginia Department of Agriculture
31 emergency response vehicles; Class A vehicles, as defined by
32 section one, article ten, chapter seventeen-a of this code, of
33 those firefighters who are authorized by their fire chiefs to have
34 the lights; Class A vehicles of members of ambulance services
35 or duly chartered rescue squads who are authorized by their
36 respective chiefs to have the lights; and Class A vehicles of out-
37 of-state residents who are active members of West Virginia fire
38 departments, ambulance services or duly chartered rescue
39 squads who are authorized by their respective chiefs to have the

40 lights. Red flashing warning lights attached to the Class A
41 vehicles shall be operated only when responding to or engaged
42 in handling an emergency requiring the attention of the
43 firefighters, members of the ambulance services, or chartered
44 rescue squads.

45 (3) The use of red flashing warning lights shall be autho-
46 rized as follows:

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

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

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

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

59 (E) Authorization for school buses shall be designated as
60 set out in section twelve, article fourteen, chapter seventeen-c.

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

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

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

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

78 (J) Authorization for West Virginia Department of Agricul-
79 ture emergency response vehicles shall be designated by the
80 Commissioner of the Department of Agriculture.

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

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

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

88 (C) Rural newspaper delivery vehicles;

89 (D) Flag car services;

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

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

92 (G) Snow removal equipment; and

93 (H) School buses.

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

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

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

103 (C) Authorization for school buses shall be designated as
104 set out in section twelve, article fourteen, chapter seventeen-c.

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

119 (f) It shall be unlawful for flashing warning lights of an
120 unauthorized color to be installed or used on a vehicle other
121 than as specified in this section, except that a police vehicle
122 may be equipped with either or both blue or red warning lights.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

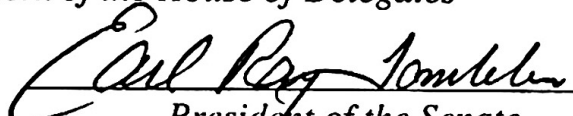
In effect ninety days from passage.



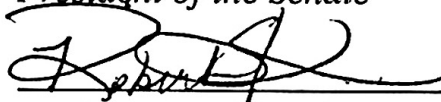
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:20 