

H. B. 3002

(By Delegates Ellem and D. Poling)
[Introduced February 3, 2011; referred to the
Committee on Roads and Transportation then the
Judiciary.]

A BILL to amend and reenact §17C-15-26 of the Code of West
Virginia, 1931, as amended, relating to requiring the sheriff
of a county to issue, upon request, a blue flashing warning
light to the prosecuting attorney of that county for use on
his or her motor vehicle.

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.**

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

(b) No person may drive or move any vehicle or equipment upon

1 any highway with any lamp or device on the vehicle displaying other
2 than a white or amber light visible from directly in front of the
3 center of the vehicle except as authorized by subsection (d) of
4 this section.

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

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

14 (1) Blue flashing warning lights are restricted to police
15 vehicles. Authorization for police vehicles shall be designated by
16 the chief administrative official of each police department: __
17 Provided, That upon request the sheriff of each county shall issue
18 a blue flashing warning light to the prosecuting attorney of the
19 county.

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

23 (A) Ambulances;

24 (B) Fire-fighting vehicles;

25 (C) Hazardous material response vehicles;

26 (D) Industrial fire brigade vehicles;

27 (E) Rescue squad vehicles not operating out of a fire

1 department;

2 (F) School buses;

3 (G) Class A vehicles, as defined by section one, article ten,
4 chapter seventeen-a of this code, of those firefighters who are
5 authorized by their fire chiefs to have the lights;

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

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

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

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

17 (L) Vehicles designated by the Secretary of the Department of
18 Military Affairs and Public Safety for emergency response or
19 emergency management by the Division of Corrections, Regional Jail
20 and Correctional Facility Authority, Division of Juvenile Services
21 and Division of Homeland Security and Emergency Management; and

22 (M) Class A vehicles of emergency response or emergency
23 management personnel as designated by the Secretary of the
24 Department of Military Affairs and Public Safety and the county
25 commission of the county of residence.

26 Red flashing warning lights attached to a Class A vehicle may
27 be operated only when responding to or engaged in handling an

1 emergency requiring the attention of the firefighters, members of
2 the ambulance services or chartered rescue squads.

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

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

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

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

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

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

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

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

27 (H) Authorization for members of duly chartered rescue squads

1 not operating out of a fire department to operate Class A vehicles
2 shall be designated by their squad chiefs, the sheriff of the
3 county of residence and the Department of Health and Human
4 Resources.

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

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

12 (K) Authorization for vehicles for emergency response or
13 emergency management by the Division of Corrections, Regional Jail
14 and Correctional Facility Authority, Division of Juvenile Services
15 and Division of Homeland Security and Emergency Management shall be
16 designated by the Secretary of the Department of Military Affairs
17 and Public Safety.

18 (L) Authorization for Class A vehicles of emergency response
19 or emergency management personnel as designated by the Secretary of
20 the Department of Military Affairs and Public Safety and the county
21 commission of the county of residence.

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

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

27 (B) Postal service vehicles and rural mail carriers, as

1 authorized in section nineteen of this article;

2 (C) Rural newspaper delivery vehicles;

3 (D) Flag car services;

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

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

6 (G) Snow removal equipment;

7 (H) School buses; and

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

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

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

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

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

22 (D) Authorization for automotive fire apparatus shall be
23 designated by the fire chief in conformity with the NFPA 1901
24 Standard for Automotive Fire Apparatus as published by the National
25 Fire Protection Association (NFPA) on July 18, 2003, and adopted by
26 the State Fire Commission by legislative rule (87 CSR 1, et seq.),
27 except as follows:

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

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

7 (e) Notwithstanding the foregoing provisions of this section,
8 any vehicle belonging to a county board of education, an
9 organization receiving funding from the state or Federal Transit
10 Administration for the purpose of providing general public
11 transportation or hauling solid waste may be equipped with a white
12 flashing strobotron warning light. This strobe light may be
13 installed on the roof of a school bus, a public transportation
14 vehicle or a vehicle hauling solid waste not to exceed one-third
15 the body length forward from the rear of the roof edge. The light
16 shall have a single clear lens emitting light three hundred sixty
17 degrees around its vertical axis and may not extend above the roof
18 more than six and one-half inches. A manual switch and a pilot
19 light must be included to indicate the light is in operation.

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

NOTE: The purpose of this bill is to require the sheriff of a county to issue a blue flashing warning light to the prosecuting attorney of that county for use on his or her motor vehicle if that attorney requests it.

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