

1 **§17C-6-11. Special speed limitations when meeting or overtaking**
2 **waste service vehicles; penalty.**

3 (a) No person shall drive a motor vehicle and meet or overtake
4 from either direction a stopped waste service vehicle at a speed in
5 excess of fifteen miles per hour.

6 (b) For purposes of this section, "waste service vehicle"
7 means any garbage collection vehicle, including a vehicle
8 collecting recyclables or yard waste, which is used for curbside
9 collection, makes frequent stops and is not fully automated.

10 (c) The speed limitation set forth in subsection (a) of this
11 section applies only under the following circumstances:

12 (1) The waste service vehicle is identifiable as a waste
13 service vehicle based on the vehicle configuration or markings on
14 the vehicle;

15 (2) The waste service vehicle operator is giving a visual
16 signal by means of a stationary sign to warn of the presence of
17 workers or must use flashing lights as permitted in this code to
18 caution other drivers; and

19 (3) The waste service vehicle is not located on a private
20 driveway, controlled access highway, interstate highway, turnpike
21 or road or highway with a center line and more than two lanes.

22 (d) Any person who violates the provisions of subsection (a)
23 of this section is guilty of a misdemeanor and, upon conviction
24 thereof, shall be fined not less than \$100 nor more than \$300:
25 *Provided*, That if the conviction is based upon a violation of the
26 provisions of subsection (a) of this section where the offender
27 exceeded the speed limit by fifteen miles per hour or more or
28 caused serious injury or death to a service vehicle worker, then

1 upon conviction, such person shall be fined not less than \$300 nor
2 more than \$1,000 or confined in the regional or county jail for not
3 more than one year, or both.

4 **ARTICLE 15. EQUIPMENT.**

5 **17C-15-26. Special restrictions on lamps.**

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

13 (b) No person may drive or move any vehicle or equipment upon
14 any highway with any lamp or device on the vehicle displaying other
15 than a white or amber light visible from directly in front of the
16 center of the vehicle except as authorized by subsection (d) of
17 this section.

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

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

27 (1) Blue flashing warning lights are restricted to police
28 vehicles. Authorization for police vehicles shall be designated by

1 the chief administrative official of each police department.

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

5 (A) Ambulances;

6 (B) Firefighting vehicles;

7 (C) Hazardous material response vehicles;

8 (D) Industrial fire brigade vehicles;

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

11 (F) School buses;

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

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

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

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

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

26 (L) Vehicles designated by the Secretary of the Department of
27 Military Affairs and Public Safety for emergency response or
28 emergency management by the Division of Corrections, Regional Jail

1 and Correctional Facility Authority, Division of Juvenile Services
2 and Division of Homeland Security and Emergency Management; and

3 (M) Class A vehicles of emergency response or emergency
4 management personnel as designated by the Secretary of the
5 Department of Military Affairs and Public Safety and the county
6 commission of the county of residence.

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

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

13 (A) Authorization for all ambulances shall be designated by
14 the Department of Health and Human Resources and the sheriff of the
15 county of residence.

16 (B) Authorization for all fire department vehicles shall be
17 designated by the fire chief and the state Fire Marshal's office.

18 (C) Authorization for all hazardous material response vehicles
19 and industrial fire brigades shall be designated by the chief of
20 the fire department and the state Fire Marshal's office.

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

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

27 (F) Authorization for firefighters to operate Class A vehicles
28 shall be designated by their fire chiefs and the state Fire

1 Marshal's office.

2 (G) Authorization for members of ambulance services or any
3 other emergency medical service personnel to operate Class A
4 vehicles shall be designated by their chief official, the
5 Department of Health and Human Resources and the sheriff of the
6 county of residence.

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

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

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

19 (K) Authorization for vehicles for emergency response or
20 emergency management by the Division of Corrections, Regional Jail
21 and Correctional Facility Authority, Division of Juvenile Services
22 and Division of Homeland Security and Emergency Management shall be
23 designated by the Secretary of the Department of Military Affairs
24 and Public Safety.

25 (L) Authorization for Class A vehicles of emergency response
26 or emergency management personnel as designated by the Secretary of
27 the Department of Military Affairs and Public Safety and the county
28 commission of the county of residence.

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

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

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

8 (C) Rural newspaper delivery vehicles;

9 (D) Flag car services;

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

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

12 (G) Snow removal equipment;

13 (H) School buses; and

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

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

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

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

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

28 (D) Authorization for automotive fire apparatus shall be

1 designated by the fire chief in conformity with the NFPA 1901
2 Standard for Automotive Fire Apparatus as published by the National
3 Fire Protection Association (NFPA) on July 18, 2003, and adopted by
4 the state Fire Commission by legislative rule (87 CSR 1, et seq.),
5 except as follows:

6 (i) With the approval of the state Fire Marshal, used
7 automotive fire apparatus may be conformed to the NFPA standard in
8 effect on the date of its manufacture or conformed to a later NFPA
9 standard; and

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

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

25 (f) Notwithstanding the foregoing provisions of this section,
26 any waste service vehicle as defined in section eleven, article six
27 of this chapter may be equipped with yellow or amber flashing
28 warning lights.

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

NOTE: The purpose of this bill is to protect waste service workers by prohibiting persons from driving a motor vehicle and meeting or overtaking from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour.

§17C-6-11 is new; therefore, strike-throughs and underscoring have been omitted.

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