

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 378**

6 (By Senator Cookman)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported February 20, 2014.]
10 _____

11
12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new section, designated §17C-6-11; and to
14 amend and reenact §17C-15-26 of said code, all relating to
15 special speed limitations as to waste service vehicles;
16 directing that no person shall drive a motor vehicle and meet
17 or overtake from either direction a stopped waste service
18 vehicle at a speed in excess of fifteen miles per hour under
19 certain circumstances; defining "waste service vehicle";
20 setting forth situations in which the special speed limit
21 applies; providing criminal penalties; and permitting waste
22 service vehicles to be equipped with special lights.

23 *Be it enacted by the Legislature of West Virginia:*

24 That the Code of West Virginia, 1931, as amended, be amended
25 by adding thereto a new section, designated §17C-6-11; and that
26 §17C-15-26 of said code be amended and reenacted, all to read as
27 follows:

28 **ARTICLE 6. SPEED RESTRICTIONS.**

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. If
25 the person convicted of violating subsection (a) exceeded the speed
26 limit by fifteen miles per hour or more or caused serious injury or
27 death to a service vehicle worker, then the person shall be fined
28 not less than \$300 nor more than \$1,000 or confined in jail for not

1 more than one year, or both confined and fined.

2 **ARTICLE 15. EQUIPMENT.**

3 **§17C-15-26. Special restrictions on lamps.**

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

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

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

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

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

28 (2) Except for standard vehicle equipment authorized by

1 section nineteen of this article, red flashing warning lights are
2 restricted to the following:

3 (A) Ambulances;

4 (B) Firefighting vehicles;

5 (C) Hazardous material response vehicles;

6 (D) Industrial fire brigade vehicles;

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

9 (F) School buses;

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

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

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

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

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

24 (L) Vehicles designated by the Secretary of the Department of
25 Military Affairs and Public Safety for emergency response or
26 emergency management by the Division of Corrections, Regional Jail
27 and Correctional Facility Authority, Division of Juvenile Services
28 and Division of Homeland Security and Emergency Management; and

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

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

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

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

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

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

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

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

25 (F) Authorization for firefighters to operate Class A vehicles
26 shall be designated by their fire chiefs and the state Fire
27 Marshal's office.

28 (G) Authorization for members of ambulance services or any

1 other emergency medical service personnel to operate Class A
2 vehicles shall be designated by their chief official, the
3 Department of Health and Human Resources and the sheriff of the
4 county of residence.

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

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

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

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

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

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

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

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

6 (C) Rural newspaper delivery vehicles;

7 (D) Flag car services;

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

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

10 (G) Snow removal equipment;

11 (H) School buses; and

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

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

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

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

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

26 (D) Authorization for automotive fire apparatus shall be
27 designated by the fire chief in conformity with the NFPA 1901
28 Standard for Automotive Fire Apparatus as published by the National

1 Fire Protection Association (NFPA) on July 18, 2003, and adopted by
2 the state Fire Commission by legislative rule (87 CSR 1, et seq.),
3 except as follows:

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

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

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

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

27 ~~(f)~~ (g) It is unlawful for flashing warning lights of an
28 unauthorized color to be installed or used on a vehicle other than

1 as specified in this section, except that a police vehicle may be
2 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.)