

COMMITTEE SUBSTITUTE
FOR
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FOR

Senate Bill No. 378

(By Senator Cookman)

[Originating in the Committee on the Judiciary;
reported February 20, 2014.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. SPEED RESTRICTIONS.

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

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

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

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

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

3

[Com. Sub. for Com. Sub. for S. B. No. 378

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

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

22 (d) Any person who violates the provisions of subsection
23 (a) of this section is guilty of a misdemeanor and, upon
24 conviction thereof, shall be fined not less than \$100 nor more
25 than \$300. If the person convicted of violating subsection (a)
26 exceeded the speed limit by fifteen miles per hour or more or
27 caused serious injury or death to a service vehicle worker,
28 then the person shall be fined not less than \$300 nor more
29 than \$1,000 or confined in jail for not more than one year, or
30 both confined and fined.

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
5 be so directed that no part of the beam will strike the level of
6 the roadway on which the vehicle stands at a distance of
7 more than seventy-five feet from the vehicle.

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

13 (c) Except as authorized in subsections (d) and ~~(f)~~ (g) of
14 this section and authorized in section nineteen of this article,
15 flashing lights are prohibited on motor vehicles: *Provided,*
16 That any vehicle as a means for indicating right or left turn or
17 any 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
22 for 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
25 designated by the chief administrative official of each police
26 department.

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

30 (A) Ambulances;

31 (B) Firefighting vehicles;

32 (C) Hazardous material response vehicles;

33 (D) Industrial fire brigade vehicles;

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

36 (F) School buses;

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

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

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

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

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

51 (L) Vehicles designated by the Secretary of the
52 Department of Military Affairs and Public Safety for
53 emergency response or emergency management by the
54 Division of Corrections, Regional Jail and Correctional
55 Facility Authority, Division of Juvenile Services and
56 Division of Homeland Security and Emergency Management;
57 and

58 (M) Class A vehicles of emergency response or
59 emergency management personnel as designated by the
60 Secretary of the Department of Military Affairs and Public
61 Safety and the county commission of the county of residence.

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

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

69 (A) Authorization for all ambulances shall be designated
70 by the Department of Health and Human Resources and the
71 sheriff of the county of residence.

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

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

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

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

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

88 (G) Authorization for members of ambulance services or
89 any other emergency medical service personnel to operate
90 Class A vehicles shall be designated by their chief official,
91 the Department of Health and Human Resources and the
92 sheriff of the county of residence.

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

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

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

105 (K) Authorization for vehicles for emergency response or
106 emergency management by the Division of Corrections,
107 Regional Jail and Correctional Facility Authority, Division
108 of Juvenile Services and Division of Homeland Security and
109 Emergency Management shall be designated by the Secretary
110 of the Department of Military Affairs and Public Safety.

111 (L) Authorization for Class A vehicles of emergency
112 response or emergency management personnel as designated
113 by the Secretary of the Department of Military Affairs and
114 Public Safety and the county commission of the county of
115 residence.

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

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

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

123 (C) Rural newspaper delivery vehicles;

124 (D) Flag car services;

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

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

127 (G) Snow removal equipment;

128 (H) School buses; and

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

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

134 (A) Authorization for tow trucks, wreckers, rural
135 newspaper delivery vehicles, flag car services, vehicles
136 providing road service to disabled vehicles, service vehicles

137 of a public service corporation and postal service vehicles
138 shall be designated by the sheriff of the county of residence.

139 (B) Authorization for snow removal equipment shall be
140 designated by the Commissioner of the Division of
141 Highways.

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

144 (D) Authorization for automotive fire apparatus shall be
145 designated by the fire chief in conformity with the NFPA
146 1901 Standard for Automotive Fire Apparatus as published
147 by the National Fire Protection Association (NFPA) on July
148 18, 2003, and adopted by the state Fire Commission by
149 legislative rule (87 CSR 1, *et seq.*), except as follows:

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

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

156 (e) Notwithstanding the foregoing provisions of this
157 section, any vehicle belonging to a county board of
158 education, an organization receiving funding from the state

11

[Com. Sub. for Com. Sub. for S. B. No. 378

159 or Federal Transit Administration for the purpose of
160 providing general public transportation or hauling solid waste
161 may be equipped with a white flashing strobotron warning
162 light. This strobe light may be installed on the roof of a
163 school bus, a public transportation vehicle or a vehicle
164 hauling solid waste not to exceed one-third the body length
165 forward from the rear of the roof edge. The light shall have
166 a single clear lens emitting light three hundred sixty degrees
167 around its vertical axis and may not extend above the roof
168 more than six and one-half inches. A manual switch and a
169 pilot light must be included to indicate the light is in
170 operation.

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

175 (f) (g) It is unlawful for flashing warning lights of an
176 unauthorized color to be installed or used on a vehicle other
177 than as specified in this section, except that a police vehicle
178 may be equipped with either or both blue or red warning
179 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.)