

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 89

BY SENATOR BEACH

[Introduced January 9, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended,
 2 relating to safety of tow trucks, wreckers, and tilt-bed vehicles; authorizing red flashing
 3 warning lights on said vehicles under certain circumstances; and titling this bill in honor of
 4 Jeff Clovis.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. EQUIPMENT.

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

1 (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps,
 2 spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an
 3 intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the
 4 level of the roadway on which the vehicle stands at a distance of more than 75 feet from the
 5 vehicle.

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

9 (c) Except as authorized in subsections (d) and (g) of this section and authorized in §17C-
 10 15-19 of this code, flashing lights are prohibited on motor vehicles: *Provided*, That any vehicle as
 11 a means for indicating right or left turn or any vehicle as a means of indicating the same is disabled
 12 or otherwise stopped for an emergency may have blinking or flashing lights.

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

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

17 (2) Except for standard vehicle equipment authorized by §17C-15-19 of this code, red
 18 flashing warning lights are restricted to the following:

19 (A) Ambulances;

20 (B) Firefighting vehicles;

21 (C) Hazardous material response vehicles;

22 (D) Industrial fire brigade vehicles;

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

24 (F) School buses;

25 (G) Tow trucks, wreckers and tilt-bed vehicles;

26 ~~(G)~~ (H) Class A vehicles, as defined by §17A-10-1 of this code, of those firefighters who
27 are authorized by their fire chiefs to have the lights;

28 ~~(H)~~ (I) Class A vehicles of members of duly chartered rescue squads not operating out of
29 a fire department;

30 ~~(I)~~ (J) Class A vehicles of members of ambulance services or duly chartered rescue
31 squads who are authorized by their respective chiefs to have the lights;

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

35 ~~(K)~~ (L) West Virginia Department of Agriculture emergency response vehicles;

36 ~~(L)~~ (M) Vehicles designated by the Secretary of the Department of Military Affairs and
37 Public Safety for emergency response or emergency management by the Division of Corrections,
38 Regional Jail and Correctional Facility Authority, Division of Juvenile Services and Division of
39 Homeland Security and Emergency Management; and

40 ~~(M)~~ (N) Class A vehicles of emergency response or emergency management personnel
41 as designated by the Secretary of the Department of Military Affairs and Public Safety and the
42 county commission of the county of residence.

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

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

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

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

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

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

56 (E) Authorization for school buses shall be designated as set out in §17C-14-12 of this
57 code.

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

60 (G) Authorization for emergency tow trucks, wreckers and tilt-beds while stationary on a
61 highway, providing road service to a disabled vehicle, as set forth in §17C-6-1 of this code.

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

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

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

71 ~~(J)~~ (K) Authorization for West Virginia Department of Agriculture emergency response

72 vehicles shall be designated by the Commissioner of the Department of Agriculture.

73 ~~(K)~~ (L) Authorization for vehicles for emergency response or emergency management by
74 the Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile
75 Services and Division of Homeland Security and Emergency Management shall be designated
76 by the Secretary of the Department of Military Affairs and Public Safety.

77 ~~(L)~~ (M) Authorization for Class A vehicles of emergency response or emergency
78 management personnel as designated by the Secretary of the Department of Military Affairs and
79 Public Safety and the county commission of the county of residence.

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

81 (A) All other emergency vehicles, including tow trucks and wreckers, authorized by this
82 chapter and by §17C-15-27 of this code;

83 (B) Postal service vehicles and rural mail carriers, as authorized in §17C-15-19 of this
84 code;

85 (C) Rural newspaper delivery vehicles;

86 (D) Flag car services;

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

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

89 (G) Snow removal equipment;

90 (H) School buses; and

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

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

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

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

100 (C) Authorization for school buses shall be designated as set out in §17C-14-12 of this
101 code.

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

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

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

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

119 (f) Notwithstanding the foregoing provisions of this section, any waste service vehicle as
120 defined in §17C-6-11 of this code may be equipped with yellow or amber flashing warning lights.

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

NOTE: The purpose of this bill is to create the Jeff Clovis bill to ensure tow trucks, wreckers and tilt-bed vehicles can use red flashing warning lights in certain circumstances.

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