

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 237

FISCAL
NOTE

BY SENATORS BALDWIN, BEACH, LINDSAY, STOLLINGS,

ROMANO, AND FACEMIRE

[Introduced January 9, 2020; referred

to the Committee on Transportation and

Infrastructure; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17-16A-31, relating to exempting emergency vehicles and private
 3 ambulances from paying tolls or other charges.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
 TOURISM AUTHORITY.**

**§17-16A-31. Exemption from requirement to pay toll or other charge by emergency vehicles
 and private ambulances.**

1 (a) An authorized emergency vehicle or a private ambulance is exempt from any
 2 requirement to pay a toll or other charge, if all of the following conditions are satisfied, as
 3 applicable to an authorized emergency vehicle or a private ambulance:

4 (1) (A) The authorized emergency vehicle is properly displaying an exempt West Virginia
 5 license plate, and is properly identified or marked as an authorized emergency vehicle, including,
 6 but not limited to, displaying an external surface-mounted red warning light, blue warning light, or
 7 both, and displaying public agency identification, including, but not limited to, “Fire Department,”
 8 “Sheriff,” or “Police”.

9 (B) The private ambulance is properly displaying a valid West Virginia license plate and
 10 identification as the operator of a private ambulance.

11 (2) (A) The authorized emergency vehicle or private ambulance is being driven while
 12 responding to or returning from an urgent or emergency call, engaged in an urgent or emergency
 13 response, or engaging in a fire station coverage assignment directly related to an emergency
 14 response.

15 (B) For purposes of this paragraph, an “urgent” response or call means an incident or
 16 circumstance that requires an immediate response to a public safety-related incident but does not
 17 warrant the use of emergency warning lights. “Urgent” does not include any personal use,

18 commuting, training, or administrative uses.

19 (C) Notwithstanding paragraph (A), an authorized emergency vehicle or private
20 ambulance, when returning from an urgent or emergency call, from being engaged in an urgent
21 or emergency response, or from engaging in a fire station coverage assignment directly related
22 to an emergency response, is not exempt from any requirement to pay a toll or other charge.

23 (3) The driver of the authorized emergency vehicle or private ambulance determines that
24 the use of the parkway project shall likely improve the availability or response and arrival time of
25 the authorized emergency vehicle or private ambulance and its delivery of essential public safety
26 services.

27 (b) If the parkways authority elects to send a bill, notice, or invoice to the public agency
28 for the use of the parkways project by an authorized emergency vehicle or to the private
29 ambulance operator for the use of the parkways project by a private ambulance exempt pursuant
30 to subsection (a), the fire chief, police chief, county sheriff, head of the public agency, the
31 designee of the foregoing, or the private ambulance operator is authorized to certify in writing that
32 the authorized emergency vehicle or private ambulance was responding to or returning from an
33 emergency call or response and is exempt from the payment of the toll or other charge in
34 accordance with this section. The letter shall be accepted by the parkways authority in lieu of
35 payment and shall be a public document.

36 (c) An authorized emergency vehicle or a private ambulance that does not comply with
37 this section is not exempt from the requirement to pay a toll or other charge for use of the parkways
38 project. Upon information and belief of the parkways authority that an authorized emergency
39 vehicle or private ambulance is not in compliance with this section, the fire chief, police chief,
40 county sheriff, head of the public agency, the designee of the foregoing, or the private ambulance
41 operator, upon the request of the parkways authority, shall provide or otherwise make accessible
42 to the parkways authority the dispatch records or log books relevant to the time period when the
43 authorized emergency vehicle or private ambulance was in use at the toll facility.

44 (d) This section does not prohibit or amend an agreement entered into between the
45 parkways authority and a local emergency service provider or private ambulance operator that
46 establishes mutually agreed upon terms for the use of the parkways project by the emergency
47 service provider or private ambulance operator. This section does not prohibit the parkways
48 authority from having a policy that meets or exceeds this section. If at any time an emergency
49 service provider or private ambulance operator, or the parkways authority opts to terminate an
50 agreement regarding the payment and processing of tolls or other charges, this section shall apply
51 to the emergency service provider or private ambulance operator and the parkways project. An
52 agreement between an emergency service provider or private ambulance operator and the
53 parkways authority of the parkways project does not exempt other emergency service providers
54 or private ambulance operators not named in the original agreement and the parkways project
55 from the requirements of this section when those other emergency service providers or private
56 ambulance operators use the parkways project.

57 (e) For purposes of this section:

58 (1) "Private ambulance operator" shall mean a privately owned emergency medical
59 services agency licensed pursuant to §16-4C-1 et seq. of this code.

60 (2) "Authorized emergency vehicle" means vehicles of a fire department, duly chartered
61 rescue squad, police department, ambulance service, state, county or municipal agency.

NOTE: The purpose of this bill is to exempt an authorized emergency vehicle or a private ambulance from any requirement to pay a toll or other charge, if all of the listed conditions are satisfied.

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