

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4932**

By Delegate Summers

[Introduced January 19, 2024; Referred to the  
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended,  
2 relating to authorizing certain individuals to have flashing lights.

*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 §17C-15-26(d) of this code.

9 (c) Except as authorized in §17C-15-26(d) and 17C-15-26(g) of this code and authorized in  
10 §17C-15-19 of this code, flashing lights are prohibited on motor vehicles: *Provided*, That any  
11 vehicle as a means for indicating right or left turn or any vehicle as a means of indicating the same  
12 is disabled 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) Fire-fighting 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) Class A vehicles, as defined by §17A-10-1 *et seq.* of this code, of those firefighters who  
26 are authorized by their fire chiefs to have the lights;
- 27 (H) Class A vehicles of members of duly chartered rescue squads not operating out of a  
28 fire department;
- 29 (I) Class A vehicles of members of ambulance services or duly chartered rescue squads  
30 who are authorized by their respective chiefs to have the lights;
- 31 (J) Class A vehicles of out-of-state residents who are active members of West Virginia fire  
32 departments, ambulance services, or duly chartered rescue squads who are authorized by their  
33 respective chiefs to have the lights;
- 34 (K) West Virginia Department of Agriculture emergency response vehicles;
- 35 (L) Vehicles designated by the Secretary of the Department of Homeland Security for  
36 emergency response or emergency management by the Division of Corrections, Regional Jail and  
37 Correctional Facility Authority, Division of Juvenile Services, and Division of Homeland Security  
38 and Emergency Management;
- 39 (M) Class A vehicles of emergency response or emergency management personnel as  
40 designated by the Secretary of the Department of Homeland Security and the county commission  
41 of the county of residence; ~~and~~
- 42 (N) Emergency management and operations vehicles operated by airports; and
- 43 (O) Class A vehicles of the prosecuting attorney; and those assistant prosecuting  
44 attorneys, who are authorized by their prosecuting attorney.
- 45 Red flashing warning lights attached to a Class A vehicle may be operated only when  
46 responding to or engaged in handling an emergency requiring the attention of the firefighters,  
47 members of the ambulance services, or chartered rescue squads.

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

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

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

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

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

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

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

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

68 (I) 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) Authorization for West Virginia Department of Agriculture emergency response  
72 vehicles shall be designated by the Commissioner of the Department of Agriculture.

73 (K) Authorization for vehicles for emergency response or emergency management by the

74 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 by  
76 the Secretary of the Department of Homeland Security.

77 (L) Authorization for Class A vehicles of emergency response or emergency management  
78 personnel as designated by the Secretary of the Department of Homeland Security and the county  
79 commission of the county of residence.

80 (M) Authorization for emergency management and operations vehicles operated by  
81 airports shall be designated by the airport director and the Secretary of the Department of  
82 Homeland Security.

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

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

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

88 (C) Rural newspaper delivery vehicles;

89 (D) Flag car services;

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

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

92 (G) Snow removal equipment;

93 (H) School buses; and

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

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

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

100 residence.

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

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

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

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

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

113 (e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a  
114 county board of education, an organization receiving funding from the state or Federal Transit  
115 Administration for the purpose of providing general public transportation or hauling solid waste  
116 may be equipped with a white flashing strobotron warning light. This strobe light may be installed  
117 on the roof of a school bus, a public transportation vehicle, or a vehicle hauling solid waste not to  
118 exceed one-third the body length forward from the rear of the roof edge. The light shall have a  
119 single clear lens emitting light 360 degrees around its vertical axis and may not extend above the  
120 roof more than six and one-half inches. A manual switch and a pilot light must be included to  
121 indicate the light is in operation.

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

124 (g) It is unlawful for flashing warning lights of an unauthorized color to be installed or used  
125 on a vehicle other than as specified in this section, except that a police vehicle may be equipped

126 with either or both blue or red warning lights.

NOTE: The purpose of this bill is to permit the prosecuting attorney's car to have a red warning light.

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