

TITLE 91
LEGISLATIVE RULES
DEPARTMENT OF MOTOR VEHICLES
SERIES 7
SPECIAL PERMITS

§91-7-1. General.

1.1 Scope. -- These legislative rules establish procedures for persons applying for special vehicle permits.

1.2 Authority. -- W. Va. Code §17A-2-9

1.3 Filing Date -- September 24, 1971

1.4 Effective Date - October 24, 1971

§91-7-2. Application and enforcement.

2.1. Application. -- These legislative rules apply to persons applying for special vehicle permits.

2.2. Enforcement. -- Enforcement of these legislative rules is vested with the Commissioner of Motor Vehicles or lawful designee.

§91-7-3. Special parking permit for disabled persons.

3.1. The provisions of Chapter Seventeen C, Article Thirteen, Section Six of the Motor Vehicle Code are such that it requires administrative regulations outlining the procedures and requirements necessary to implement the provisions of the Code.

3.2. The Code defines a disabled person as "Any person who has sustained a permanent disability rendering it difficult and burdensome for such person to walk, or any person similiary disabled for a temporary period of time."

3.3. Any person desiring to secure a disabled person's parking permit shall file an application with the Department of Motor Vehicles on form DMV-34-TR, Application for Special Parking Permit for a Disabled Person, which is the form prescribed by the Commissioner. This form will be made available to the public upon request.

3.4. The upper section of the application must be completed in every detail, dated and signed by the applicant. The lower section of the application designated as medical certificate must be executed in every detail, dated and signed by the applicant's physician. Such physician must be licensed to practice in the State of West Virginia. The completed application should be submitted to the Department of Motor Vehicles with a one dollar (\$1.00) fee. The provisions of section six are outlined in its entirety on the reverse side of the application.

3.5. If the application is properly executed and approved by the department, the permit will be issued. If the medical certificate indicates the disability of the applicant to be permanent, the permit issued by the department will indicate that it is a permanent permit. The permanent type permit shall be printed on white decal paper with blue ink and assigned Department of Motor Vehicles Form Number DMV-37-TR.

3.6. If the medical certificate indicates the disability of the applicant to be temporary, the permit issued by the department shall begin from the date of issuance and will indicate the date the permit expires, which shall be the period of time recommended by the applicant's physician. The temporary type permit shall be printed on white decal paper with red ink and assigned Department of Motor Vehicles Form Number DMV-35-TR.

3.7. Each permit, regardless of type, shall bear a four digit number which shall be the department's control and record of decals issued. The decal should be affixed to the windshield of the applicant's vehicle or the vehicle of another person so designated on the applicant's application.

3.8. No temporary permit should be issued for less than ninety days. The Commissioner may authorize the issuance of a permit for less than ninety days if there are circumstances that may require such a permit, and the applicant's physician so recommends to

the Commissioner in writing the reasons the permit should be a lesser period than ninety days.

3.9. In addition to the required decal permit the department shall issue, to each approved applicant, an identification card certifying the name and address of the disabled person for which the permit was issued, the permit number and the date it expires, if temporary. If the permit issued is permanent, the word permanent will be inserted in the "expires date" section of the identification card. Such identification card would properly identify the disabled person when parking in a vehicle other than the vehicle for which the decal permit was issued. The identification card will be printed on white card stock with blue ink and assigned Department of Motor Vehicles Form Number DMV-41-TR.

3.10. The Code authorizes a disabled person who has been issued a permit to park only in places designated as "Reserved for Disabled Persons." Such places shall be in close proximity to all state, county and municipal buildings or other public facilities and shall be reserved solely for physically disabled persons during the hours such buildings are open for business.

3.11. The code does not exempt the disabled person from the payment of any required parking fee on a daily basis. Such decision is entirely that of the governmental agency having jurisdiction of the parking facilities.

§91-7-4. House trailer one trip special permits or stickers.

4.1. Chapter Seventeen-A, Article Seven, Section Three of the Motor Vehicle Code, as amended by the 1969 session of the Legislature, provides that one trip house trailer special permits or stickers may be issued to any person who is authorized by the West Virginia Public Service Commission to engage in the business of moving house trailers for hire subject to the provisions and procedures outlined herein.

4.2. Any person having such authority may make application to the Department of Motor Vehicles for such house trailer one trip special permits or stickers. No more than twenty-five (25) special permits or stickers shall be issued on any one application. A fee of two dollars (\$2.00) for each permit or sticker must

accompany the application.

4.3. Department Form Number MV-126-TR-IA, transporters application for house trailer one trip permit, is the only form of application the Department will accept for such permits or stickers. The application must be completed in every detail, signed by person having the authority to engage in the business of moving houses for hire, and acknowledged by a Notary Public.

4.4. Such house trailer one trip special permit or sticker shall be valid for the movement of a house trailer one time only over the streets and highways of this state, and no more than one such permit or sticker shall be issued for the same house trailer while owned by the same person.

4.5. No house trailer one trip special permit or sticker shall be issued or used by a house trailer or trailer dealer.

4.6. Before moving any such house trailer, the transporter or person having Public Service Commission authority to engage in the business of moving a house trailer shall issue such a house trailer one trip special permit or sticker to the owner of the house trailer that is to be moved. It shall be the responsibility of the transporter to see that the permit or sticker is properly executed and that all the information requested on the permit or sticker is inserted clearly and legibly therein.

4.7. It shall also be the responsibility of the transporter to make certain that the permit or sticker is properly affixed to the house trailer, in accordance with the instructions outlined on the permit or sticker, prior to any movement of the house trailer on the highways.

4.8. No refund or credit of fees paid by the transporter for such House trailer one trip special permits or stickers shall be allowed for any reason whatsoever.

4.9. Any fraudulent or misleading statements or improper use of said house trailer special permits or stickers or failure to comply with the regulations contained herein would be considered cause for the immediate revocation of such house trailer special permits or stickers and all the privileges granted a trans-

porter engaged in the business of moving house trailers for hire.

§91-7-5. Authorization of emergency vehicle permits.

5.1. Upon review of the system currently used by the Department of Motor Vehicles in issuing authorization for emergency vehicles, it appears: That an emergency permit card the approximate size of a vehicle registration card be issued for each vehicle authorized to operate as an emergency vehicle. The issuance of such emergency vehicle permit card is designed to serve the convenience of the applicant by furnishing a card that is durable enough and of a size that can be displayed or carried in the cab of the vehicle. The card would facilitate the duties of law enforcement officers when necessary to check an emergency vehicle and would enable the department to classify the various types of vehicles issued the permits and keep and maintain more accurate records of the permits issued. Effective with the license renewal period for the fiscal year beginning July 1, 1964, when application for an emergency vehicle permit is approved a card 2 3/4" x 3 1/2" will be issued on which will be inscribed the information outlined below.

5.2. Each application for an emergency permit for any fiscal year will be numbered consecutively beginning with the numeral one (1) in the order they are received and approved.

5.3. The Department will code each emergency permit issued as to the government agency, corporation, organization, or individual using the vehicle and the services performed that qualify it as an emergency vehicle. The following codes will be used for this purpose and will be shown on the emergency permit card in the space designated "Class of Permit."

Class A. -- Vehicles operated by state, county, city and volunteer fire departments.

Class B. -- Vehicles operated by law enforcement officers.

Class C. -- Vehicles designated as ambulances.

Class D. -- Vehicles operated by members of a state, county or city civil defense organization.

Class E. -- Emergency road service vehicles, including wreckers.

Class F. -- Industrial plant emergency vehicles.

Class G. -- Safety patrol vehicles.

Class H. -- Miscellaneous, including approved safety vehicles.

Class I. -- United States mail carriers.

5.4. A complete description of the vehicle for which the permit is issued shall be shown on the face of the card including the manufacturer's make, year model, serial number, title number, name and address of the registered owner and current license number assigned the vehicle.

5.5. Applications for an emergency vehicle permit can only be made in the name of the registered owner and the application must be signed by the registered owner. Such applications must be approved by an authorized representative of the state, county, city, volunteer fire department or other organization using the vehicle in case of emergency, including members of the Department of Public Safety.

5.6. All emergency vehicle permits expire with the expiration of the current license plate and should be renewed when the vehicle is registered for the next fiscal year. In the event that a duplicate plate is required on an emergency vehicle, or a current license plate is transferred to another vehicle, the owner should return the emergency permit card to the Department for correction of vehicle or license number, as the case may be, provided the new vehicle is to be operated as an emergency vehicle.

§91-7-6. Eligibility and requirements necessary to issue an authorized emergency vehicle permit.

6.1. Chapter Seventeen-C, Article One, Section Six of the West Virginia Motor Vehicle Code defines an authorized emergency vehicle as follows:

"Authorized emergency vehicle means vehicles of a fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Commissioner or the chief of police of an incorporated city and such privately owned ambulances and emergency vehicles as are designated by the Commissioner."

6.2. Upon mature consideration by the Commis-

sioner, it is determined that authorized emergency vehicles, as defined in the Motor Vehicle Code, requires administrative regulations in order to properly administer the provisions of the Code and to serve the best interest of the public. No emergency vehicle permit will be issued unless there is compliance with the provisions of the administrative regulation outlined herein.

6.3. Vehicles classified and used as fire fighting equipment would be eligible for an emergency vehicle permit if the vehicles are registered and operated by any of the departments, corporations, companies or individuals outlined herein.

a. Vehicles classified and used as fire fighting equipment owned and operated by a state, county or municipal fire department.

b. Vehicles classified and used as fire fighting equipment owned and operated by a volunteer fire department organized and incorporated under the laws of the State of West Virginia for protection of life and property.

c. Vehicles classified and used as fire fighting equipment owned and operated by a state, county or municipal civil defense organization.

d. Vehicles classified and used as fire fighting equipment owned and operated by a public service corporation.

e. Vehicles classified as fire fighting equipment owned and operated by a manufacturer engaged in a type of business that requires fire fighting equipment to protect the safety of their plant and its employees.

6.4. Emergency equipment required on fire fighting vehicles.

a. Vehicles issued a permit under this section shall be equipped with an audible signal, a bell, siren or exhaust whistle as may be reasonably necessary.

b. Also, vehicles issued a permit under this section shall be equipped with at least one lighted, revolving or flashing red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle.

c. The audible signal and red light can only be used when the driver is responding to, but not upon

returning from, a fire alarm.

6.5. Approval of applications for fire fighting vehicle permit.

a. Applications for emergency vehicle permits issued to the agencies outlined in this section must be approved by an official of such agencies as outlined below.

1. State, county and municipal fire departments. -- Applications must be approved by the fire chief in the space designated as approved by local official title inserted therein.

2. Incorporated volunteer fire departments. -- Application must be approved by the fire chief in the space designated as approved by local official and his official title inserted therein.

3. State, county and municipal civil defense organizations. -- Applications must be approved by the state director of civil defense in the space designated as approved by local official and his official title inserted therein.

4. Public service corporations. -- Applications must be approved by a member of the Department of Public Safety or the sheriff of the county in which the corporation is located. Such official must sign the application in the space designated as approved by local official and his title inserted therein.

5. Manufacturers. -- Applications must be approved by a member of the Department of Public Safety, the sheriff in the county in which the plant is located, or the chief of the fire department of the municipality in which the plant is located. Such official must sign the application in the space designated as approved by local official and his official title or rank inserted therein.

6.6. Police vehicles classified and used as police vehicles would be eligible for an emergency vehicle permit if the vehicles are registered and operated by any of the law enforcement agencies outlined herein.

a. Only those vehicles that are properly registered in the name of an enforcement agency and being operated by a law enforcement officer assigned to the vehicle by any state, county or municipal law enforcement agency would be eligible for an emergency vehicle permit.

6.7. Emergency equipment required on police vehicles.

a. Vehicles issued a permit under this section shall be equipped with an audible signal, a bell, siren or exhaust whistle as may be reasonably necessary.

b. Such vehicles shall also be equipped with at least one lighted, revolving or flashing blue or red light, or both, visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle.

c. The audible signal and light can only be used when the driver is responding to, but not on returning from, an emergency police call or while participating in any official function or enforcement activity requiring use of such audible signal and blue or red light.

d. An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a blue or red light visible from the front of the vehicle, at the discretion of the enforcement agency or officer.

6.8. Approval of applications for police vehicle permits state, county and municipal law enforcement agencies. -- Applications must be approved by the chief of the police department or the executive officer of the law enforcement agency.

6.9. Ambulances - Vehicles classified and used as ambulances would be eligible for an emergency vehicle permit if the vehicles are registered and operated by any of the departments, corporations, companies or individuals outlined herein; other than privately owned vehicles designated as ambulances. See Section 6.12 for privately owned vehicles designated as ambulances.

a. Vehicles classified and used as ambulances and vehicles used by an emergency rescue squad that are owned and operated by a state, county or municipal fire or police department.

b. Vehicles classified and used as ambulances and vehicles used by an emergency rescue squad that are owned and operated by a volunteer fire department organized and incorporated under the laws of the State of West Virginia for the protection of life and property.

c. Vehicles classified and used as ambulances and vehicles used by an emergency rescue squad that are owned and operated by a state, county or municipal civil defense organization.

d. Vehicles classified and used as ambulances owned and operated by a public service corporation to transport injured employees to a hospital for treatment.

e. Vehicles classified and used as ambulances owned and operated by a manufacturer to transport injured employees to a hospital for treatment.

6.10. Emergency equipment required on ambulances.

a. Vehicles issued a permit under this section shall be equipped with an audible signal, a bell, siren or exhaust whistle as may be reasonably necessary.

b. Such vehicles shall also be equipped with at least one lighted, revolving or flashing red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle.

c. The audible signal and red light can only be used when the driver is responding to, but not upon returning from, an emergency ambulance call.

6.11. Approval of applications for ambulances - applications for emergency vehicle permits issued to the agencies outlined in this section must be approved by the same officials that are authorized to approve applications in section one of the regulation.

6.12. Privately owned vehicles - certain privately owned vehicles would be eligible for an emergency vehicle permit if the vehicle is properly registered, but only for such vehicles that are used for the purpose outlined herein and no other.

a. Vehicles classified as ambulances owned and operated by a funeral home and used in the transportation of sick or injured persons to a hospital for treatment.

b. Privately owned vehicles of a passenger type that are properly registered to members of a volunteer fire department and used to respond to an emergency fire alarm.

c. Privately owned vehicles of a passenger type

that are properly registered to duly elected or appointed county sheriffs, deputy sheriffs and constables, when such vehicles are used in law enforcement activities.

d. Privately owned vehicles classified as wreckers that are properly registered and authorized to remove wrecked or disabled vehicles from the highways.

e. Privately owned vehicles classified as ambulances owned and operated by a business firm that is properly licensed and authorized to furnish ambulance service to the public.

f. Privately owned vehicles classified as trucks that are properly registered to a public service corporation when such vehicles are used in maintenance or emergency repairs to their facilities.

g. Service vehicles operating on the highways of this state and furnishing emergency service to disabled motor vehicles or service vehicles used in towing wide loads over the highways would qualify and be required to have an emergency vehicle permit as provided in §17C-15-26(3).

h. The Commissioner of the Department of Motor Vehicles, at his discretion, may authorize the issuance of emergency vehicle permits for vehicles owned by organizations engaged in emergency rescue and communications activities that may be necessary in all types of emergencies. Only those vehicles owned by such organizations would qualify for such permits. Vehicles owned and registered to individual members of such organizations would not be eligible for a permit.

6.13. Emergency equipment required on privately owned vehicles.

a. Vehicles issued a permit as provided in subsections (a), (b), (c) and (e) of Section 6.12 shall be equipped with an audible signal, a bell, siren or exhaust whistle as may be reasonably necessary.

b. Vehicles issued a permit as provided in subsection (a) and (e) of Section 6.12 shall be equipped with at least one lighted, revolving or flashing red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle. Such audible signal and red flashing light can be used when the driver is responding to, but not

upon returning from, an emergency call.

c. Vehicles issued a permit as provided in subsection (c) of Section 6.12 shall be equipped with at least one lighted revolving or flashing blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle. Such vehicles need not be equipped with or display a blue flashing light from the front of the vehicle, at the discretion of the enforcement agency or officer.

d. Vehicles issued a permit as provided in subsection (b) of Section 6.12 shall be equipped with at least one lighted revolving or flashing amber or yellow light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle. Such audible signal and amber or yellow light can only be used when the driver is responding to, but not upon returning from, an emergency call.

e. Vehicles issued a permit as provided in subsections (d), (f), (g) or (h) shall be equipped with at least one lighted, revolving or flashing amber or yellow light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle. Such flashing amber or yellow light can only be used when responding to or servicing a disabled vehicle but not upon returning from an emergency call. No audible signal, bell, siren or exhaust whistle is authorized under the permits issued for vehicles in these sections.

6.14. Approval of applications for privately owned vehicles.

a. Privately owned ambulances owned and operated by a funeral home. -- Applications must be approved by a member of the Department of Public Safety or the sheriff in the county in which the funeral home is located. Such official must sign the application in the space designated as approved by local official and his title inserted therein.

b. Privately owned vehicles owned and operated by members of an incorporated volunteer fire department. -- Applications must be approved by the fire chief in the space designated as approved by local official and his official title inserted therein.

c. Privately owned vehicles owned and operated by a county sheriff deputy sheriff or constable. -- Applications must be approved by the sheriff of the

county in which the applicant resides. Such public official must sign the application in the space designated as approved by local official and his official title inserted therein.

d. Privately owned vehicles owned and operated as wreckers. -- Applications must be approved by a member of the Department of Public Safety or the sheriff of the county in which the applicant resides. Such official must sign the application in the space designated as approved by local official and his title inserted therein.

e. Privately owned vehicles owned and operated as ambulances in a business. -- Must be approved by a member of the Department of Public Safety or the sheriff of the county in which the business is located.

f. Privately owned trucks owned and operated by a public service corporation. -- Applications must be approved by a member of the Department of Public Safety or the sheriff of the county in which the corporation is located. Such official must sign the application in the space designated as approved by local official and his title inserted therein.

g. Service vehicles furnishing emergency service to disabled motor vehicles and towing wide-load vehicles. -- Applications must be approved by the sheriff of the county in which the applicant resides or by a member of the Department of Public Safety.

h. Vehicles engaged in emergency rescue and communications activities. -- Applications must be approved by the sheriff of the county in which the applicant resides or by a member of the Department of Public Safety.

6.15. Authorized emergency vehicle operating privileges.

a. Chapter Seventeen-C, Article Two, Section Five (§17C-2-5) of the Motor Vehicle Code grants certain privileges to persons operating a vehicle with an authorized emergency vehicle permit. Such privileges are outlined below.

b. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions

herein stated.

c. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement of turning in specified directions.

d. The exemptions herein granted to an authorized vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a blue, red, amber or yellow light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a blue light visible from the front of the vehicle.

e. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

6.16. When renewal or authorized emergency vehicle permit is required.

a. State, county and municipal agencies operating vehicles with an authorized emergency vehicle permit that are properly titled and licensed with the Department of Motor Vehicles, and such vehicles are registered and displaying a permanent type license plate as is required by §17-A-3- 23 of the code, shall not be required to renew their permit each fiscal year as long as the license plate remains with the vehicle for which it was issued.

b. All motor vehicles operating with a Class A license plate issued for five (5) year period would not

be required to renew their emergency vehicle permit after the license is renewed each year. All other motor vehicles operating with an emergency vehicle permit with a license plate other than Class A would be required to renew their emergency vehicle permit after each license renewal period.

c. However, if at any time during the five (5) year or fiscal period a license plate is properly transferred to another vehicle, the permit issued for the vehicle that the license plate is being transferred from should be returned to the department for cancellation and a new application made for a permit for the vehicle the license plate was transferred to.

d. If at any time during the fiscal year a license plate is lost, stolen or damaged to the extent that a duplicate plate is issued for the vehicle that is being operated with an authorized emergency vehicle permit, a new application for such permit must be made in order to show the correct license number on the permit and to cancel the old permit showing the license number that has been cancelled.

6.17. Miscellaneous provisions.

a. It shall be unlawful for flashing warning lights of an unauthorized color to be installed or used

on a vehicle other than as specified on the permit issued by the Department of Motor Vehicles.

b. Any vehicle operating with an authorized emergency permit that has been altered or defaced or that is not in compliance with the provisions outlined herein or any applicant who makes a false statement on the application for an authorized emergency vehicle permit or any driver who is in violation of any of the privileges granted to the driver of an authorized emergency vehicle would be sufficient reason for the Department of Motor Vehicles to revoke the permit and all the privileges granted thereunder.

c. In the event a vehicle is no longer operating as an emergency vehicle, the individual or agency responsible for the issuance of the permit shall return such permit to the Department of Motor Vehicles for cancellation.

d. Emergency vehicle permits shall be issued only for motor vehicles properly registered in this state. Full reciprocity will be granted to vehicles operating on the highways of this state with an authorized permit issued by any other state, provided such vehicles are operated in accordance with the Motor Vehicle Code of the State of West Virginia.