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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007

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ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2051**

(By Delegates Webster, Proudfoot and Ellem)

—●—
Passed March 10, 2007

In Effect Ninety Days from Passage

FILED

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COMMITTEE SUBSTITUTE OFFICE WEST VIRGINIA
SECRETARY OF STATE

FOR

H. B. 2051

(BY DELEGATES WEBSTER, PROUDFOOT AND ELLEM)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-6-7 and §17C-6-7a of the Code of West Virginia, 1931, as amended, relating to including lasers as a method of proving the speed of vehicles.

Be it enacted by the Legislature of West Virginia:

That §17C-6-7 and §17C-6-7a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-7. Prima facie evidence of speed by devices employing microwaves or reflected light; placing of signs relative to radar or laser.

1 The speed of a motor vehicle may be proved by evidence
2 obtained by use of any device designed to measure and
3 indicate or record the speed of a moving object by means of
4 microwaves or reflected light, when such evidence is

5 obtained by members of the department of public safety, by
6 police officers of incorporated municipalities in classes one,
7 two and three, as defined in chapter eight-a of this code, and
8 by the sheriff and his deputies of the several counties of the
9 State. The evidence so obtained shall be accepted as prima
10 facie evidence of the speed of such vehicle.

11 In order to inform and educate the public generally that
12 speed of motor vehicles operating within the State is being
13 tested by radar or laser mechanisms, the division of highways
14 shall locate and place suitable and informative stationary and
15 movable signs at strategic points on and along highways in
16 each county of the State giving notice to the public that such
17 radar or laser mechanisms are in use.

**§17C-6-7a. Prohibition of the use of traffic law
photo-monitoring devices to detect or prove
traffic law violations.**

1 (a) As used in this section "traffic law photo-monitoring
2 device" means an electronic system consisting of a
3 photographic, video, or electronic camera and a means of
4 sensing the presence of a motor vehicle that automatically
5 produces photographs, videotape, or digital images of the
6 vehicle, its operator, or its license plate.

7 (b) No police officer may utilize a traffic law
8 photo-monitoring device to determine compliance with, or to
9 detect a violation of, a municipal or county ordinance or any
10 provision of this code that governs or regulates the operation
11 of motor vehicles.

12 (c) A violation of a municipal or county ordinance or any
13 provision of this code that governs or regulates the operation
14 of motor vehicles may not be proved by evidence obtained by
15 the use of a traffic law photo-monitoring device.
16

17 (d) The provisions of this section do not prohibit the use
18 of any device designed to measure and indicate the speed of
19 a moving object by means of microwaves or reflected light to

20 obtain evidence to prove the speed of a motor vehicle
21 pursuant to section seven of this article.

22 (e) The provisions of this section do not prohibit use of
23 a traffic law photo-monitoring device for any other lawful
24 purposes other than to obtain evidence to prove violations of
25 municipal or county ordinances or any provision of this code
26 governing or regulating the operation of motor vehicles.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



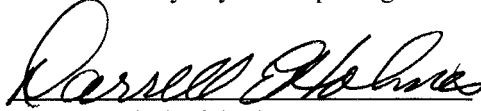
Chairman Senate Committee



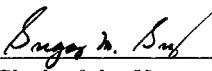
Chairman House Committee

Originating in the House.

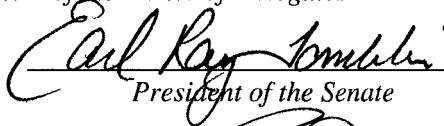
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 22nd
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2007

Time 2:01 pm