

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 60

(By Mr. Shupbach)



PASSED March, 1, 1947

In Effect July, 1, 1947 Passage



60

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[Passed March 1, 1947; in effect July 1, 1947.]

AN ACT to amend and reenact section eighteen, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter fifty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-one, relating to general provisions as to speed and driving upon the highways of this state.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted as follows:

Section 18. *General Provisions as to Speed and Driving; When Local Authorities May Increase Speed Limit; Penalties.*—(a) No person shall drive a vehicle upon

4 a highway at a speed greater than is reasonable and pru-
5 dent, having due regard to the traffic, surface and width
6 of the highway and the hazard at intersections and any
7 other conditions then existing.

8 Nor shall any person drive at a speed which is greater
9 than will permit the driver to exercise proper control of
10 the vehicle and to decrease speed or to stop as may be
11 necessary to avoid colliding with any person, vehicle or
12 other conveyance upon or entering the highway in com-
13 pliance with legal requirements and with the duty of
14 drivers and other persons using the highway to exercise
15 due care: *Provided*, That this provision shall not be con-
16 strued to relieve the plaintiff in any civil action from
17 the burden of proving negligence upon the part of the
18 defendant as the proximate cause of an accident.

19 (b) No person shall drive a vehicle upon a highway
20 at a speed in excess of that indicated as follows for the
21 particular districts or locations:

22 (1) Fifteen miles per hour; (a) When passing a school
23 building or the grounds thereof during a school recess or
24 while children are going to or leaving school during

25 opening or closing hours; or (b) When approaching
26 within one hundred feet of a grade crossing of a steam,
27 electric or street railway where the driver's view of such
28 crossing or of any traffic on such railway within a dis-
29 tance of four hundred feet in either direction is ob-
30 structed.

31 (2) Twenty miles per hour; (a) In any business dis-
32 trict, herein defined to be the territory contiguous to a
33 highway when fifty per cent or more of the frontage
34 thereon for a distance of three hundred feet or more is
35 occupied by buildings in use for business; or (b) Upon
36 approaching within fifty feet and in traversing an inter-
37 section of highways where the driver's view in either
38 direction along any intersecting highway within a dis-
39 tance of two hundred feet is obstructed, except that when
40 traveling upon a through street or at traffic-controlled
41 intersections the district speed shall apply.

42 (3) Twenty-five miles per hour; (a) On suburban
43 streets; or, (b) At any railway grade crossing where the
44 view is not obstructed; or (c) In public parks within

45 cities, unless a different speed is indicated by local au-
46 thorities and duly posted.

47 (4) Fifty miles per hour; On open country highway,
48 except as otherwise limited by this law.

49 (c) In every charge of violation of this section the
50 complaint, also the summons or notice to appear, shall
51 specify the speed at which the defendant is alleged to
52 have driven, also the speed indicated in this section for
53 the district or location and in the event charge shall
54 also be made of violation of any other provision of this
55 act, the complaint and the summons or notice to appear
56 shall also specify such other offense alleged to have been
57 committed.

58 (d) Local authorities in their respective jurisdictions
59 are hereby authorized in their discretion to indicate by
60 order or ordinance higher speeds than those indicated
61 in subdivision (b) of this section upon through highways
62 or upon open highways or portions thereof where there
63 are no intersections or between widely spaced inter-
64 sections if signs are erected giving notice of the indi-
65 cated speed, but local authorities shall not have author-

66 ity to modify or alter the basic rule set forth in sub-
67 division (a) of this section, or in any event to indicate
68 by order or ordinance a speed in excess of fifty miles
69 per hour.

70 (e) It shall be unlawful for any person unnecessarily
71 to drive at such a slow speed as to impede or block the
72 normal and reasonable movement of traffic except when
73 reduced speed is necessary for safe operation or because
74 upon a grade or when the vehicle is a truck or truck and
75 trailer necessarily or in compliance with law proceeding
76 at reduced speed.

77 Traffic and police officers are hereby authorized to en-
78 force this provision by directions to drivers and in the
79 event of apparent wilful disobedience to this provision
80 and refusal to comply with direction of an officer in ac-
81 cordance herewith the continued slow operation by a
82 driver shall be unlawful and constitute a misdemeanor.

83 (f) No person shall drive a vehicle upon a highway
84 at a speed in excess of that indicated as follows for the
85 particular class of vehicles and the particular districts
86 or location:

	On open country highway	On suburban street	On urban street
87 Maximum weight, in-			
88 cluding gross weight of	Miles	Miles	Miles
89 vehicle and load:	per hour	per hour	per hour
90 Vehicles not designed			
91 for carrying passengers			
92 equipped with pneu-			
93 matic tires	35	25	15
94 Vehicles equipped with			
95 solid tires less than 4000			
96 pounds	25	15	10
97 Over 4000 pounds	15	10	10
98 Steel-tired vehicles over			
99 2000 pounds	5	5	5

100 (g) It shall be unlawful to drive any vehicle upon
 101 any public bridge, causeway or viaduct at a speed which
 102 is greater than the maximum speed which can with
 103 safety to such structure be maintained thereon, when
 104 such structure is signposted as provided in this section.
 105 The state road commission upon request from any

106 local authorities shall, or upon its own initiative may,
107 conduct an investigation of any public bridge, causeway
108 or viaduct, and if it shall thereupon find that such struc-
109 ture cannot with safety to itself withstand vehicles trav-
110 eling at the speed otherwise permissible under this act,
111 the commission shall determine and declare the max-
112 imum speed of vehicles which such structure can with-
113 stand, and shall cause or permit suitable signs stating
114 such maximum speed to be erected and maintained at
115 a distance of one hundred feet before each end of such
116 structure. The findings and determination of the com-
117 mission shall be conclusive evidence of the maximum
118 speed which can with safety to any structure be main-
119 tained thereon.

120 (h) The speed limits set forth in this act shall not
121 apply to authorized emergency vehicles when operated
122 in emergencies and the drivers thereof sound audible
123 signals by bell, siren or exhaust whistle. This provision
124 shall not relieve the driver of an authorized emergency
125 vehicle from the duty to drive with due regard for the
126 safety of all persons using the street, nor shall it protect

127 the driver of any such vehicle from the consequence of
128 a reckless disregard of the safety of others.

129 (i) Any person who drives any vehicle upon a high-
130 way carelessly and heedlessly in wilful or wanton dis-
131 regard of the rights or safety of others, or without due
132 caution and circumspection and at a speed or in a man-
133 ner so as to endanger or be likely to endanger any per-
134 son or property, shall be guilty of reckless driving.

135 (j) Any person violating the provisions of subdivi-
136 sion (a) of this section shall be guilty of a misdemeanor,
137 and upon conviction shall for a first conviction thereof
138 be punished by a fine of not more than one hundred dol-
139 lars or by imprisonment in the county or municipal jail
140 for not more than ten days; for a second such conviction
141 within one year thereafter such person shall be pun-
142 ished by a fine of not more than two hundred dollars or
143 by imprisonment in the county or municipal jail for not
144 more than twenty days or by both such fine and impris-
145 onment; upon a third or subsequent conviction within
146 one year after the first conviction such person shall be
147 punished by a fine of not more than five hundred dollars

148 or by imprisonment in the county or municipal jail for
149 not more than six months or by both such fine and im-
150 prisonment.

151 Every person who drives a vehicle upon a highway
152 at a speed in excess of that indicated in subdivisions
153 (b), (d), (f) and (g) of this section, and who, while so
154 driving violates the basic rule set forth in subdivision
155 (a), or any person who violates subdivision (i) of this
156 section, shall be guilty of a misdemeanor, and upon con-
157 viction shall be punished by imprisonment in the county
158 or municipal jail for a period of not less than five days
159 nor more than ninety days or by fine of not less than
160 twenty-five dollars nor more than five hundred dollars,
161 or by both such fine and imprisonment, and on a second
162 or subsequent conviction shall be punished by imprison-
163 ment for not less than ten days nor more than six months,
164 or by a fine of not less than fifty dollars nor more than
165 one thousand dollars, or by both such fine and imprison-
166 ment.

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

Forest L. McKeir
Chairman Senate Committee

R. P. Bratcher
Chairman House Committee

Originated in the House of Delegates

Takes effect July, 1, 1947 passage.

Howard Myers
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Arnold M. Dickers
President of the Senate

John B. Amos
Speaker House of Delegates

The within Approved this the 5th
day of March, 1947.

Blair Lee Meadows
Governor.



Filed in the Office of the Secretary of State
of West Virginia

MAR 5 1947
Wm. S. C. [Signature]
SECRETARY OF STATE