

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-79

Time 12:15 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979



ENROLLED

Committee Substitute for
HOUSE BILL No. 721

(By Mr. Harman)



Passed March 10, 1979

In Effect Ninety Days From Passage



No. 721

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 721

(By MR. HARMAN)

[Passed March 10, 1979; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article two, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections one and three, article five of said chapter; and to amend article one of said chapter by adding thereto three new sections, designated sections sixty, sixty-one and sixty-two, relating to definitions; broadening the jurisdiction of department of public safety as to traffic regulations and laws of the road; making negligent homicide an offense anywhere it occurs in the state; making reckless driving an offense in certain designated areas of the state; and penalties.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections one and three, article five of said chapter be amended and reenacted; and that article one of said chapter be amended by adding thereto three new sections, designated sections sixty, sixty-one and sixty-two, all to read as follows:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-60. Parking area.

- 1 "Parking area" means lots, areas or other accommodations
- 2 for the parking of vehicles off the street or highway and open
- 3 to public use with or without charge.

§17C-1-61. Institution of higher education.

- 1 The term "institution of higher education" shall mean "state
- 2 colleges," "state college," "state universities" and "univer-
- 3 sities," "state university," and "university," and "community
- 4 college" as defined in subsections (b), (c), (d), (e) and (f),
- 5 section two, article twenty-six, chapter eighteen of this code
- 6 and any other institution as defined by sections 401 (f), (g),
- 7 (h) of the Federal Higher Education Facilities Act of 1963,
- 8 as amended.

§17C-1-62. Residential street.

- 1 "Residential street" means the entire width between the
- 2 boundary lines of every way, whether publicly or privately
- 3 maintained, located within any subdivision, development or
- 4 other similar area used primarily for residential purposes
- 5 when any part thereof is open to the common use of those
- 6 living in said area for the purpose of vehicular travel.

ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

§17C-2-3. Enforcement of chapter; designation and bond of special officers; failure to obey police officer.

- 1 (a) It shall be the duty of the department of public safety
- 2 and its members to enforce the provisions of this chapter and
- 3 other laws of this state governing the operation of vehicles
- 4 upon the streets and highways of this state as defined in sec-
- 5 tion one, article two, chapter seventeen-b of this code or in
- 6 other designated places specifically referred to in a given
- 7 section in this chapter; and it shall be the duty of sheriffs and
- 8 their deputies and of the police of cities and towns to render
- 9 to the department of public safety such assistance in the per-
- 10 formance of said duties as the superintendent of the department
- 11 of public safety may require of them.

12 (b) The West Virginia commissioner of highways is autho-
13 rized to designate employees of the West Virginia department
14 of highways as special officers to enforce the provisions of
15 this chapter only when such special officers are directing
16 traffic upon bridges and the approaches to bridges which are
17 a part of the state road system when any such bridge needs
18 special traffic direction and the superintendent of the depart-
19 ment of public safety has informed the West Virginia commis-
20 sioner of highways that he is unable to furnish personnel for
21 such traffic direction. The West Virginia commissioner of
22 highways shall provide a blanket bond in the amount of five
23 thousand dollars for any such employee so designated, and
24 for all employees designated as members of official West
25 Virginia department of highways weighing crews.

26 (c) No person shall willfully fail or refuse to comply with
27 any lawful order or direction of any police officer invested by
28 law with authority to direct, control or regulate traffic.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent homicide.

1 (a) When the death of any person ensues within one year
2 as a proximate result of injury received by the driving of
3 any vehicle anywhere in this state in reckless disregard of
4 the safety of others, the person so operating such vehicle
5 shall be guilty of negligent homicide.

6 (b) Any person convicted of negligent homicide shall be
7 punished by imprisonment for not more than one year or by
8 fine of not less than one hundred dollars nor more than one
9 thousand dollars, or by both such fine and imprisonment.

10 (c) The commissioner shall revoke the license or permit
11 to drive and any nonresident operating privilege of any
12 person convicted of negligent homicide.

§17C-5-3. Reckless driving.

1 (a) Any person who drives any vehicle upon any street
2 or highway, or upon any residential street, or in any parking
3 area, or upon the ways of any institution of higher education,
4 whether public or private, or upon the ways of any state

5 institution, or upon the property of any county boards of
6 education, or upon any property within the state park and
7 public recreation system established by the director of the
8 department of natural resources pursuant to section three,
9 article four, chapter twenty of this code in willful or wanton
10 disregard for the safety of persons or property is guilty of
11 reckless driving.

12 (b) The provisions of subsection (a) of this section
13 shall not apply to those areas which have been temporarily
14 closed for racing sport events or which may be set aside by
15 the director of the department of natural resources within the
16 state park and recreation system for exclusive use by motor-
17 cycles or other recreational vehicles.

18 (c) Every person convicted of reckless driving may be
19 punished upon a first conviction by imprisonment for a
20 period of not less than five days nor more than ninety days,
21 or by a fine of not less than twenty-five dollars nor more
22 than five hundred dollars, or by both such fine and imprison-
23 ment, and on a second or subsequent conviction may be pun-
24 ished by imprisonment for not less than ten days nor more than
25 six months, or by a fine of not less than fifty dollars nor more
26 than one thousand dollars, or by both such fine and imprison-
27 ment.

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

James L. Davis
Chairman Senate Committee

Lawrence C. Chastance Jr
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. O'Keefe
Clerk of the Senate

Blankenship
Clerk of the House of Delegates

H. B. ...
President of the Senate

John M. Lee, Jr
Speaker House of Delegates

The within is approved this the 24
day of March, 1979.

John D. Raley
Governor

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OFFICE OF THE GOVERNOR

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