

No: 1450

RECEIVED
1985 MAY - 3 PM 4:42
OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

HOUSE BILL No. 1450

(By Mr. Del. McCormick)



Passed April 13, 1985

In Effect 90 Days From Passage

ENROLLED
H. B. 1450
(By DELEGATE McCORMICK)

[Passed April 13, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article nineteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to parties subject to penalties for certain traffic violations; creating a violation of driving less than ten miles per hour over the stated speed limit on certain highways; penalty; violations not subject to report to department of motor vehicles.

Be it enacted by the Legislature of West Virginia:

That section two, article nineteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. PARTIES, PROCEDURE UPON ARREST AND REPORTS
IN CRIMINAL CASES.**

**§17C-19-2. Offenses by persons owning or controlling vehicles;
owner present in vehicle to be arrested rather than
driver for certain traffic violations.**

1 It is unlawful for the owner, or any other person, employing
2 or otherwise directing the driver of any vehicle to require or
3 knowingly to permit the operation of such vehicle upon a
4 highway in any manner contrary to law.

5 If the owner of a motor vehicle is present in the vehicle at
6 a time when another driver is operating the vehicle upon the
7 highways of this state (1) with defective or improper equipment
8 in violation of the provisions of article fifteen of this chapter,

9 (2) in violation of the weight, height, length or width
10 provisions of article seventeen of this chapter, (3) with
11 improper registration in violation of the provisions of article
12 three, chapter seventeen-a of this code or (4) with an expired
13 vehicle inspection decal or certificate in violation of the
14 provisions of article sixteen of this chapter, the owner rather
15 than the driver shall be arrested for any violation enumerated
16 herein in lieu of an arrest of the driver. If the owner of the
17 vehicle is not present therein, then the driver shall be arrested
18 for any violation enumerated in this section.

19 If an owner or driver is arrested under the provisions of this
20 section for the offense of driving above the speed limit on a
21 controlled access highway or interstate highway, and if the
22 evidence shall show that the motor vehicle was being operated
23 at less than ten miles per hour above said speed limit, then
24 upon conviction thereof, such person shall be fined not more
25 than five dollars, plus court costs.

26 If an owner or driver is convicted under the provisions of
27 this section for the offense of driving above the speed limit
28 on a controlled access highway or interstate highway, and if
29 the evidence shall show that the motor vehicle was being
30 operated at less than ten miles per hour above said speed limit,
31 then notwithstanding the provisions of section four, article
32 three, chapter seventeen-b of this code, a certified abstract of
33 the judgment on such conviction shall not be transmitted to
34 the department of motor vehicles.

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

Warren E. Akhuc

Chairman Senate Committee

Floyd Fuller

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jedd C. Willis

Clerk of the Senate

Donald S. Kapp

Clerk of the House of Delegates

Dan Tantaquil

President of the Senate

Joseph P. Allright

Speaker of the House of Delegates

The within *approved* this the *2nd*
May
day of _____, 1985.

Arch A. Pharr

Governor



PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 8:27 p.m.