WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED
SENATE BILL NO. 143

(By Senators Moore & Love)

PASSED March 9, 1996
In Effect NINETY DAYS FROM PASSAGE
ENROLLED

Senate Bill No. 143

(BY SENATORS MILLER AND LOVE)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to speed limitations generally; penalties for violation of speed limits; exemption from driver record point assessment for speeding on out-of-state controlled access highways and interstate highways; and exempting commercial driver license holders from point assessment exemptions while operating a commercial vehicle.

Be it enacted by the Legislature of West Virginia:

That section one, article six, 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 6. SPEED RESTRICTIONS.
§17C-6-1. Speed limitations generally; penalties for violation of speed limits in school zones.
(a) No person may drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized is lawful, but any speed in excess of the limits specified below in this subsection or established as hereinafter authorized is unlawful.

(1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property including school grounds and any street or highway abutting such school grounds and extending one hundred twenty-five feet along such street or highway from the school grounds. The speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the state road commissioner;

(2) Twenty-five miles per hour in any business or residence district;

(3) Fifty-five miles per hour on open country highways, except as otherwise provided by this chapter.

The speeds set forth in this section may be altered as authorized in sections two and three of this article.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approach-
(a) Speeding shall be a violation of the provisions of this section when the owner or driver is operating a vehicle at a greater rate of speed than is reasonable or prudent under the conditions or influences existing at the time. A speed is not unreasonable if it is not greater than the speed limit and is not greater than that which is reasonably safe under the conditions or influences existing at the time.

(b) The maximum speed limit shall be:

(1) Fifty-five miles per hour on all controlled-access highways and interstate highways that are not designated as limited-access highways.

(2) Forty-five miles per hour on all other highways.

(3) Thirty miles per hour in a commercial district.

(4) Twenty-five miles per hour in a residential district.

(5) Ten miles per hour in a school zone.

(6) Any other maximum speed limit set forth in this section.

(7) Any maximum speed limit set forth in any local law.

(d) The speed limit on controlled-access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than fifty-five miles per hour and the speed limits specified in subsection (b) of this section do not apply.

(e) Any person who violates the provisions of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars: Provided, That any person who violates the provisions of this section after having been previously convicted under the provisions of this section for a prior offense which occurred within the preceding one-year period, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred dollars: Provided, however, That any person who violates the provisions of this section after having been previously convicted under the provisions of this section for two or more prior offenses which occurred within the preceding two-year period, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in jail for not more than six months, or both: Provided further, That any person who violates subdivision (1), subsection (b) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be fined not less than one hundred dollars nor more than five hundred dollars and confined in jail for not more than six months, or both, for a violation of said subdivision after having been previously convicted for one or more violations of said subdivision which occurred within the preceding two-year period.

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

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

(g) If an owner or driver is convicted in another state for the offense of driving above the maximum speed limit on a controlled access highway or interstate highway, and if the maximum speed limit in such other state is less than the maximum speed limit for a comparable controlled access highway or interstate highway in this state, and if the evidence shall show that the motor vehicle was being operated at less than ten miles per hour above what would be the maximum speed limit for a comparable highway in this state, then notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a certified abstract of the judgment on such conviction shall not be transmitted to the department of motor vehicles, or, if transmitted, shall not be recorded by the department, unless within a reasonable time after conviction, the person convicted has failed to pay all fines and costs imposed by the other state: Provided, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of this code, if the offense was committed while operating a commercial vehicle.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of March, 1996.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/27/96
Time 3:05 PM