SENATE BILL NO. 472

(By Senator Wooten et al.)

PASSED March 10, 1998

In Effect Ninety days from Passage
AN ACT to amend and reenact section three, article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to when municipalities may lower the twenty-five mile per hour speed limit in residential areas.

Be it enacted by the Legislature of West Virginia:

That section three, 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-6-3. When local authorities may alter speed limits.

(a) At intersection. — Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed permitted under this chapter at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to subsection (e) of this section shall determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

(b) Authority to increase twenty-five mile limit. — Local authorities in their respective jurisdictions may in their discretion, but subject to subsection (e) of this section, authorize by ordinance higher speeds than those stated in section one of this article upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, which higher speed shall be effective at all times or during hours of daylight or at such other times as may be determined when signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in subsection (a), section one of this article or in any event to authorize by ordinance a speed in excess of fifty-five miles per hour.

(c) Authority to decrease fifty-five mile limit. — Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed under this chapter upon open country highway outside a business or residence district is greater than is reasonable or safe under the conditions found to exist upon such street or highway, the local authority may determine and declare a reasonable and
safe limit thereon but in no event less than thirty-five
miles per hour and subject to subsection (e) of this section,
which reduced limit shall be effective at all times or
during hours of darkness or at other times as may be
determined when appropriate signs giving notice thereof
are erected upon such street or highway.

(d) Authority to decrease twenty-five mile limit. — A
municipality may in its discretion, but subject to subsec-
tion (e) of this section, authorize by ordinance lower
speeds than those stated in subdivision (2), subsection (b),
section one of this article upon local dedicated rights of
way in a residential district or portions thereof, which
lower speed shall be effective at all times or during hours
of daylight or at such other times as may be determined
when signs are erected giving notice of the authorized
speed.

(e) Alteration of limits on state highways in municipali-
ties. — Alteration of limits on state highways or extensions
thereof in a municipality by local authorities shall not be
effective until such alteration has been approved by the
commissioner of highways.
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 ................ approval ........... this the ........... 1998.

day of .................. ........... ........... 1998.

Governor