

HB 2294

RECEIVED

99 MAR 3 PM 3:27

DEPT. OF LEGISLATION
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2294

(By Delegates Johnson, Fleischauer, Hutchins,
Rowe, Tillis, Riggs and Trump)



Passed February 17, 1999

In Effect March 1, 1999

RECEIVED

99 MAR 13 PM 3:27

STATE OF WEST VIRGINIA
SPECIAL MESSAGE

ENROLLED
H. B. 2294

(BY DELEGATES JOHNSON, FLEISCHAUER, HUTCHINS,
ROWE, TILLIS, RIGGS AND TRUMP)

[Passed February 17, 1999; in effect March 1, 1999.]

AN ACT to amend and reenact section four-b, article three, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one, article six of said chapter, all relating to speed limitations; providing a jail penalty for third or subsequent convictions of violating the speed limit by fifteen miles per hour or more; and providing a jail penalty for conviction of violating the speed limit in a school zone or the speed limit in a construction zone by fifteen miles per hour or more.

Be it enacted by the Legislature of West Virginia:

That section four-b, article three, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article six of said chapter be amended and reenacted, all to read as follows:

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

§17C-3-4b. Traffic violations in construction zones; posting requirement; criminal penalty.

- 1 (a) At each and every location where street or highway
- 2 construction work is to be conducted a sign shall be posted at

3 least one thousand feet from the construction site, or as close to
4 one thousand feet from the construction site as is practicable
5 given the location of the site when workers are present,
6 notifying all motorists as to the speed limit and displaying the
7 words "construction work".

8 (b) Any person who exceeds any posted speed restriction or
9 traffic restriction at a construction site referred to in subsection
10 (a) of this section by less than fifteen miles per hour is guilty of
11 a misdemeanor and, upon conviction thereof, shall be fined not
12 more than two hundred dollars.

13 (c) Any person who exceeds any posted speed restriction or
14 traffic restriction at a construction site referred to in subsection
15 (a) of this section by fifteen miles per hour or more is guilty of
16 a misdemeanor and, upon conviction thereof, shall be fined not
17 more than two hundred dollars or confined in a county or
18 regional jail not more than twenty days, or both.

19 (d) Nothing in this section shall be construed to preclude
20 prosecution of any operator of a motor vehicle who commits a
21 violation of any other provision of this code for such violation.

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-1. Speed limitations generally; penalty.

1 (a) No person may drive a vehicle on a highway at a speed
2 greater than is reasonable and prudent under the existing
3 conditions and the actual and potential hazards. In every event
4 speed shall be so controlled as may be necessary to avoid
5 colliding with any person, vehicle or other conveyance on or
6 entering the highways in compliance with legal requirements
7 and the duty of all persons to use due care.

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

14 (1) Fifteen miles per hour in a school zone during school
15 recess or while children are going to or leaving school during

16 opening or closing hours. A school zone is all school property
17 including school grounds and any street or highway abutting
18 such school grounds and extending one hundred twenty-five
19 feet along such street or highway from the school grounds. The
20 speed restriction does not apply to vehicles traveling on a
21 controlled-access highway which is separated from the school
22 or school grounds by a fence or barrier approved by the division
23 of highways;

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

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

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

30 (c) The driver of every vehicle shall, consistent with the
31 requirements of subsection (a) of this section, drive at an
32 appropriate reduced speed when approaching and crossing an
33 intersection or railway grade crossing, when approaching and
34 going around a curve, when approaching a hill crest, when
35 traveling upon any narrow or winding roadway and when
36 special hazard exists with respect to pedestrians or other traffic
37 or by reason of weather or highway conditions.

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

43 (e) Unless otherwise provided in this section, any person
44 who violates the provisions of this section is guilty of a
45 misdemeanor and, upon conviction thereof, shall be fined not
46 more than one hundred dollars; upon a second conviction within
47 one year thereafter, shall be fined not more than two hundred
48 dollars; and, upon a third or subsequent conviction within two
49 years thereafter, shall be fined not more than five hundred
50 dollars: *Provided*, That if such third or subsequent conviction
51 is based upon a violation of the provisions of this section where

52 the offender exceeded the speed limit by fifteen miles per hour
53 or more, then upon conviction, shall be fined not more than five
54 hundred dollars or confined in the county or regional jail for not
55 more than six months, or both.

56 (f) Any person who violates the provisions of subdivision
57 (1), subsection (b) of this section is guilty of a misdemeanor
58 and, upon conviction thereof, shall be fined not less than one
59 hundred dollars nor more than five hundred dollars: *Provided,*
60 That if such conviction is based upon a violation of the provi-
61 sions of subdivision (1), subsection (b) of this section where the
62 offender exceeded the speed limit by fifteen miles per hour or
63 more in the presence of one or more children, then upon
64 conviction, shall be fined not less than one hundred dollars nor
65 more than five hundred dollars or confined in the regional or
66 county jail for not more than six months, or both.

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

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

83 (h) If an owner or driver is convicted in another state for the
84 offense of driving above the maximum speed limit on a
85 controlled-access highway or interstate highway, and if the
86 maximum speed limit in such other state is less than the
87 maximum speed limit for a comparable controlled-access
88 highway or interstate highway in this state, and if the evidence

89 shall show that the motor vehicle was being operated at less
90 than ten miles per hour above what would be the maximum
91 speed limit for a comparable controlled-access highway or
92 interstate highway in this state, then notwithstanding the
93 provisions of section four, article three, chapter seventeen-b of
94 this code, a certified abstract of the judgment on such conviction shall not be transmitted to the division of motor vehicles,
95 or, if transmitted, shall not be recorded by the division, unless
96 within a reasonable time after conviction, the person convicted
97 has failed to pay all fines and costs imposed by the other state:
98 *Provided*, That the provisions of this subsection do not apply to
99 conviction of owners or drivers who have been issued a
100 commercial driver's license as defined in chapter seventeen-e
101 of this code, if the offense was committed while operating a
102 commercial vehicle.
103

A handwritten signature in cursive script, appearing to read "Carl H. ...", is written in the lower center of the page.

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

Randy Schoonover
Chairman Senate Committee

Joe F. Smith
Chairman House Committee

Originating in the House.

Takes effect March 1, 1999.

Russell Adams
Clerk of the Senate

Bryson M. Reed
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Eric
Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *March*, 1999.

Jacqui Anderson
Governor

PRESENTED TO THE

GOVERNOR

Date 2/26/99

Time 3:45 pm