WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

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ENROLLED

House Bill No. 2294

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

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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.

(a) At each and every location where street or highway construction work is to be conducted a sign shall be posted at
least one thousand feet from the construction site, or as close to
one thousand feet from the construction site as is practicable
given the location of the site when workers are present,
notifying all motorists as to the speed limit and displaying the
words "construction work".

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

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

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

ARTICLE 6. SPEED RESTRICTIONS.

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

(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 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 division of highways;

(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 approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(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) Unless otherwise provided in this section, 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; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than five hundred dollars: Provided, That if such third or subsequent conviction is based upon a violation of the provisions of this section where
the offender exceeded the speed limit by fifteen miles per hour or more, then upon conviction, shall be fined not more than five hundred dollars or confined in the county or regional jail for not more than six months, or both.

(f) Any person who violates the provisions of 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: Provided, That if such conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars or confined in the regional or county jail for not more than six months, or both.

(g) 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.

(h) 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 controlled-access highway or interstate 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 division of motor vehicles, or, if transmitted, shall not be recorded by the division, 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.

\[Signature\]

Chairman Senate Committee

\[Signature\]

Chairman House Committee

Originating in the House.

Takes effect March 1, 1999.

\[Signature\]

Clerk of the Senate

\[Signature\]

Clerk of the House of Delegates

\[Signature\]

President of the Senate

\[Signature\]

Speaker of the House of Delegates

\[Signature\]

The within _______ approved this the _____ day of March, 1999.