WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 2295
(By Delegates Johnson, Fleischauer, Hutchins, Rowe, Tillis, Riggs, and Trump)

Passed February 9, 1999
In Effect March 1, 1999.
AN ACT to amend and reenact section one, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section two, article nine of said chapter; to amend and reenact sections one and nine, article two, chapter seventeen-b of said code; to amend and reenact sections four, four-a, four-b and six, article three, chapter seventeen-c of said code; to amend and reenact sections three-a and five, article six of said chapter; to amend and reenact sections one, two, three, five, seven, eight, nine, eleven and twelve, article seven of said chapter; to amend and reenact sections two, three, four, six and eight, article eight of said chapter; to amend article nine of said chapter by adding thereto a new section, designated section six; to amend article ten of said chapter by adding thereto a new section, designated section seven; to amend and reenact section six, article twelve of said chapter; to amend and reenact sections one, three and fourteen of said chapter; to amend and reenact sections one, two, four, five, six, seven, eight, nine, ten and thirteen, article fourteen of said chapter; to amend and reenact section thirty-six-a,
article fifteen of said chapter; to amend said article by adding thereto a new section, designated section six; to amend and reenact sections four and nine, article two-a, chapter seventeen-d of said code; to amend and reenact section thirty-one, article two, chapter twenty of said code; to amend and reenact section twenty-six, article seven of said chapter; to amend and reenact section nine, article six, chapter sixty of said code; and to amend and reenact section thirty-nine-a, article three, chapter sixty-one of said code; all relating to eliminating the jail penalty for certain offenses; eliminating the jail penalty for first convictions of driving or moving or for allowing one’s motor vehicle to be driven or moved when such motor vehicle is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid; eliminating the jail penalty for first convictions of operating a motor vehicle without evidence of registration; eliminating the jail penalty for first convictions of driving a motor vehicle without obtaining a valid driver’s license; eliminating the jail penalty for driving a motor vehicle without possessing a driver’s license for immediate display; eliminating the jail penalty for failing to obey instructions of official traffic control devices; eliminating the jail penalty for failing to obey law-enforcement officers or persons authorized by the commissioner of highways or by proper local authorities to operate traffic control devices; eliminating the jail penalty for exceeding the posted speed restriction or traffic restriction at a construction site; eliminating the jail penalty for violating the pedestrian walk and wait signals; eliminating the jail penalty for violating the minimum speed limit; eliminating the jail penalty for violating special speed limitations; eliminating the jail penalty for violating the restrictions on driving on the right side of the roadway; eliminating the jail penalty for violating the restrictions on passing vehicles proceeding in the opposite direction; eliminating the jail penalty for violating the restrictions on overtaking passing vehicles proceeding in the same direction; eliminating the jail penalty for violating the restrictions on overtaking on the left; eliminating the jail penalty for violating the restrictions on driving to the left of the center of the roadway; eliminating the jail penalty for violating the restrictions on no-passing zones; eliminating the jail penalty for violating the restrictions on one-
way roadways and rotary traffic islands; eliminating the jail penalty for violating the restrictions on driving on roadways laned for traffic; eliminating the jail penalty for violating the restrictions on driving on divided highways; eliminating the jail penalty for driving onto or from controlled-access roadways; eliminating the jail penalty for violating the restrictions on making right turns; eliminating the jail penalty for violating the restrictions on making left turns; eliminating the jail penalty for violating the restrictions on making left turns on other than two-way roadways; eliminating the jail penalty for violating the restrictions on turning on a curve or the crest of a grade; eliminating the jail penalty for violating the restrictions on turning movements and required signals; eliminating the jail penalty for violating the provisions outlining the right-of-way; eliminating the jail penalty for violating the provisions outlining the pedestrians' rights and duties; eliminating the jail penalty for stopping before emerging from an alley or private driveway; eliminating the jail penalty for violating the restrictions on stopping, standing or parking outside a business or residence district; eliminating the jail penalty for stopping, standing or parking in specified places; eliminating the jail penalty for violating restrictions on parking; eliminating the jail penalty for violating the restrictions on leaving a motor vehicle unattended; eliminating the jail penalty for violating the limitations on backing; eliminating the jail penalty for violating the restrictions on obstruction of the driver's view or driving mechanisms; eliminating the jail penalty for violating the restrictions on passengers in the seat with the driver; eliminating the jail penalty for violating the restrictions on passengers on the running board; eliminating the jail penalty for violating the restrictions on driving on mountain highways; eliminating the jail penalty for violating the restrictions on coasting; eliminating the jail penalty for violating the restrictions on following authorized emergency vehicles; eliminating the jail penalty for violating the restrictions on crossing fire hoses; eliminating the jail penalty for violating the restrictions on parking on private property; eliminating the jail penalty on violating the restrictions on necessary equipment on motor vehicles; eliminating the jail penalty on violating the restrictions on sun screening devices; eliminating the jail penalty on first convictions for the failure to carry and furnish
proof of insurance; eliminating the jail penalty for first convictions of altering, mutilating or defacing any department of natural resources license, tag or permit, or the entries thereon; eliminating the jail penalty for second convictions for littering; eliminating the jail penalty for first convictions of being intoxicated in public; eliminating the jail penalty for first convictions of drinking alcohol in public; eliminating the jail penalty for first convictions of tendering alcohol to another person in public or possessing alcohol in amounts in excess of ten gallons without the proper authorization; and eliminating the jail penalty for first and second convictions of making a worthless check.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section two, article nine of said chapter be amended and reenacted; that sections one and nine, article two, chapter seventeen-b of said code be amended and reenacted; that sections four, four-a, four-b and six, article three, chapter seventeen-c of said code be amended and reenacted; that sections three-a and five, article six of said chapter be amended and reenacted; that sections one, two, three, five, six, seven, eight, nine, eleven and twelve, article seven of said chapter be amended and reenacted; that sections two, three, four, six and eight, article eight of said chapter be amended and reenacted; that article nine of said chapter be amended by adding thereto a new section, designated section six; that article ten of said chapter be amended by adding thereto a new section, designated section seven; that section six, article twelve of said chapter be amended and reenacted; that sections one, three and four, article thirteen of said chapter be amended and reenacted; that sections one, two, four, five, six, seven, eight, nine, ten and thirteen, article fourteen of said chapter be amended and reenacted; that section thirty-six-a, article fifteen of said chapter be amended and reenacted; that said article be amended by adding thereto a new section, designated section six; that sections four and nine, article two-a, chapter seventeen-d of said code be amended and reenacted; that section thirty-one, article two, chapter twenty of said code be amended and reenacted; that section twenty-six, article seven of said chapter be amended and reenacted; that section nine, article six, chapter sixty of
said code be amended and reenacted; and that section thirty-nine-a, article three, chapter sixty-one of said code be amended and reenacted, all to read as follows:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-1. Misdemeanor to violate provisions of article; penalty.

1 (a) It is unlawful for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered under this article which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required under this article, except as otherwise permitted by the provisions of this chapter: Provided, That in the event of the sale of a vehicle by a person other than a registered dealer, the person purchasing the same may, for a period of not more than ten days, operate such vehicle under the registration of its previous owner and display the registration thereof: Provided further, That he or she shall have and display on the demand of any proper officer the consent in writing of such previous owner so to use such registration.

(b) Unless otherwise provided for in this article, any person violating the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars; and upon a second or subsequent conviction thereof, shall be fined not more than five hundred dollars, or confined in the county or regional jail not more than six months, or both.

ARTICLE 9. OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION.

§17A-9-2. Operation of vehicles without evidences of registration; use of temporary facsimile; penalty.
(a) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered under this article unless there shall be attached thereto and displayed thereon or shall be in the possession of the operator when and as required by this chapter a valid registration card and registration plate or plates issued therefor by the department for the current registration year, except as otherwise expressly permitted in this chapter.

(b) In the event that the registration plate or plates originally issued are lost, destroyed or stolen, a temporary facsimile of the plate or plates, showing the number of the same, may be attached to the vehicle by the owner for a period of not more than fifteen days, or until a new plate or plates are issued by the department, whichever is earlier: Provided, That no such facsimile shall be used and no such vehicle shall be driven upon the highways of this state, until the owner shall have notified in writing the West Virginia state police of the loss of such registration plate or plates.

(c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars; and upon a second or subsequent conviction thereof, shall be fined not more than five hundred dollars, or confined in the county or regional jail not more than six months, or both.

CHAPTER 17B. MOTOR VEHICLE DRIVER’S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards; penalty.

(a) No person, except those hereinafter expressly exempted, may drive any motor vehicle upon a street or highway in this state or upon any subdivision street, as used in article twenty-four, chapter eight of this code, when the use of such subdivision street is generally used by the public unless the person has a valid driver’s license under the provisions of this code for the type or class of vehicle being driven.
Any person licensed to operate a motor vehicle as provided in this code may exercise the privilege thereby granted as provided in this code and, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board or body having authority to adopt local police regulations.

(b) The division, upon issuing a driver’s license, shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of this code, federal law or rule.

(c) Driver’s licenses issued by the division shall be classified in the following manner:

(1) Class A, B or C license shall be issued to those persons eighteen years of age or older with two years driving experience and who have qualified for the commercial driver’s license established by chapter seventeen-e of this code and the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of public law 99870 and subsequent rules, and have paid the required fee.

(2) Class D license shall be issued to those persons eighteen years and older with one year driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purposes of the regulation of the operation of a motor vehicle, wherever the term chauffeur’s license is used in this code, it shall be construed to mean the Class A, B, C or D license described in this section or chapter seventeen-e of this code or federal law or rule: Provided, That anyone who is not required to be licensed under the provisions of chapter seventeen-e of this code and federal law or rule and who operates a motor vehicle which is registered or which is required to be registered as a Class A motor vehicle as that term is defined in section three, article ten, chapter seventeen-a of this code with a gross vehicle weight rating of less than eight
thousand one pounds, is not required to obtain a Class D
license.

(3) Class E license shall be issued to those persons who
have qualified under the provisions of this chapter and who are
not required to obtain a Class A, B, C or D license and who
have paid the required fee. The Class E license may be en-
dorsed under the provisions of section seven-b of this article for
motorcycle operation.

(4) Class F license shall be issued to those persons who
successfully complete the motorcycle examination procedure
provided for by this chapter and have paid the required fee, but
who do not possess a Class A, B, C and D or E driver’s license.

(d) No person, except those hereinafter expressly exempted,
shall drive any motorcycle upon a street or highway in this state
or upon any subdivision street, as used in article twenty-four,
chapter eight of this code, when the use of such subdivision
street is generally used by the public unless the person has a
valid motorcycle license or a valid license which has been
endorsed under section seven-b of this article for motorcycle
operation or has a valid motorcycle instruction permit.

(e) (1) A nonoperator identification card may be issued to
any person who:

(A) Is a resident of this state in accordance with the
provisions of section one-a, article three, chapter seventeen-a of
this code;

(B) Does not have a valid driver’s license;

(C) Has reached the age of sixteen years;

(D) Has paid the required fee of ten dollars: Provided, That
such fee is not required if the applicant is sixty-five years or
older or is legally blind; and

(E) Presents a birth certificate or other proof of age and
identity acceptable to the division with a completed application
on a form furnished by the division.

(2) The nondriver identification card shall contain the same
information as a driver’s license except that such identification
card shall be clearly marked as identification card. The identification card shall expire every four years. It may be renewed on application and payment of the fee required by this section.

(A) After the thirtieth day of June, one thousand nine hundred ninety-six, every identification card issued to persons who have attained their twenty-first birthday shall expire on the last day of the month in which the applicant's birthday occurs in those years in which the applicant's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years nor more than seven years and such identification card shall be renewed in the month in which the applicant's birthday occurs and shall be valid for a period of five years expiring in the month in which the applicant's birthday occurs and in a year in which the applicant's age is evenly divisible by five.

(B) Every identification card issued to persons who have not attained their twenty-first birthday shall expire on the last day of the month in the year in which the applicant attains the age of twenty-one years.

(3) The identification card shall be surrendered to the division when the holder is issued a driver's license. The division may issue an identification card to an applicant whose privilege to operate a motor vehicle has been refused, canceled, suspended or revoked under the provisions of this code.

(f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars; and upon a second or subsequent conviction, shall be fined not more than five hundred dollars, or confined in the county or regional jail not more than six months, or both.

§17B-2-9. License to be carried and exhibited on demand; penalty.

(a) Every licensee shall have his or her driver's license in such person's immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate, municipal judge, circuit court judge, peace officer, or an employee of the division.
(b) Any person violating the provisions of this section is
guilty of a misdemeanor and, upon conviction thereof, shall be
fined not more than five hundred dollars: Provided, That no
person charged with violating this section shall be convicted if
such person produces in court or at the office of the arresting
officer a driver's license issued to such person and valid at the
time of such person's arrest.

CHAPTER 17C. TRAFFIC REGULATIONS
AND LAWS OF THE ROAD.

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

§17C-3-4. Obedience to traffic-control devices; official signs to be
in proper position, etc; penalty.

(a) The driver of any vehicle and the operator of any
streetcar shall obey the instructions of any official traffic-
control device applicable thereto placed in accordance with the
provisions of this chapter, unless otherwise directed by a traffic
or police officer, subject to the exceptions granted the driver of
an authorized emergency vehicle in this chapter.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

(c) No provision of this chapter for which signs are required
shall be enforced against an alleged violator if at the time and
place of the alleged violation an official sign is not in proper
position and sufficiently legible to be seen by an ordinarily
observant person. Whenever a particular section does not state
that signs are required, such section shall be effective even
though no signs are erected or in place.

§17C-3-4a. Obedience to traffic-control instructions at site of
street or highway construction or maintenance; penalty.

(a) The driver of any vehicle shall obey the traffic-control
instructions of any law-enforcement officer or persons autho-
rized by the commissioner of highways or by proper local authorities to operate traffic-control devices, act as flagmen or operate authorized vehicles engaged in work at or near the site of street or highway construction maintenance work, for the purpose of regulating, warning or guiding traffic, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) Any person failing to comply with the requirements 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, shall be fined not more than five hundred dollars.

§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 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars.

(c) 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.

§17C-3-6. Pedestrian walk and wait signals; penalty.

(a) Whenever special pedestrian-control signals exhibiting the words “Walk” or “Wait” are in place such signals shall indicate as follows:
(1) **Walk.** — Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) **Wait.** — No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

**ARTICLE 6. SPEED RESTRICTIONS.**

§17C-6-3a. Minimum speed regulations; penalty.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the commissioner or local authorities within their respective jurisdiction determine on the basis of an engineering and traffic investigation that slow speeds on any part of the highway consistently impede the normal and reasonable movement of traffic, the commissioner or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(c) 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.
§17C-6-5. Special speed limitations; penalty.

(a) No person shall drive any vehicle equipped with other than pneumatic tires at a speed greater than a maximum of ten miles per hour.

(b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(c) The commissioner of highways upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commissioner shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure.

(d) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commissioner and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(e) Any person violating 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, shall be fined not more than five hundred dollars.

ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.

§17C-7-1. Driving on right side of roadway; exceptions; penalty.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When the right half of a roadway is closed to traffic while under construction or repair;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-2. Passing vehicles proceeding in opposite directions; penalty.

(a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one half of the main-traveled portion of the roadway as nearly as possible.

(b) Any person violating 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
§17C-7-3. Overtaking and passing vehicle proceeding in same direction — Passing on the left generally; penalty.

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules hereinafter stated.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-5. Same — Limitations on overtaking on the left; penalty.

(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.
(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-6. Same — Further limitations on driving to left of center of roadway; penalty.

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

(c) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-7. Same — No-passing zones; penalty.

(a) The commissioner of highways is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.
(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-8. One-way roadways and rotary traffic islands; penalty.

(a) The commissioner of highways may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(d) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-9. Driving on roadways laned for traffic; penalty.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane which is clearly marked as a left turn lane except in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
(3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-11. Driving on divided highways; penalty.

(a) Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-7-12. Controlled-access roadway — Driving onto or from; penalty.

(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

ARTICLE 8. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING.

§17C-8-2. Right turns; penalty.

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-8-3. Left turns on two-way roadways; penalty.

(a) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-8-4. Left turns on other than two-way roadways; penalty.

(a) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a
vehicle intending to turn left at any such intersection shall
approach the intersection in the extreme left-hand lane lawfully
available to traffic moving in the direction of travel of such
vehicle and after entering the intersection the left turn shall be
made so as to leave the intersection, as nearly as practicable, in
the left-hand lane lawfully available to traffic moving in such
direction upon the roadway being entered.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-8-6. Turning on curve or crest of grade prohibited; penalty.

(a) No vehicle shall be turned so as to proceed in the
opposite direction upon any curve, or upon the approach to, or
near the crest of a grade, where such vehicle cannot be seen by
the driver of any other vehicle approaching from either direc-
tion within five hundred feet.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-8-8. Turning movements and required signals; penalty.

(a) No person shall turn a vehicle at an intersection unless
the vehicle is in proper position upon the roadway as required
in sections two, three, four or five of this article, or turn a
vehicle to enter a private road or driveway or otherwise turn a
vehicle from a direct course or move right or left upon a
roadway unless and until such movement can be made with
reasonable safety. No person shall so turn any vehicle without
giving an appropriate signal in the manner hereinafter provided
in the event any other traffic may be affected by such move-
ment.
(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) Any person violating 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, shall be fined not more than five hundred dollars.

ARTICLE 9. RIGHT-OF-WAY.

§17C-9-6. Misdemeanor to violate provisions of article; penalty.

Any person violating the provisions of this article 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, shall be fined not more than five hundred dollars.

ARTICLE 10. PEDESTRIANS' RIGHTS AND DUTIES.

§17C-10-7. Penalty for pedestrians violating the provisions of this article.

Any person violating the provisions of this article 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, shall be fined not more than five hundred dollars.

ARTICLE 12. SPECIAL STOPS REQUIRED.

§17C-12-6. Stopping before emerging from alley or private driveway; penalty.

(a) The driver of a vehicle within a business or residence district emerging from any alley, driveway, or building shall
stop such vehicle immediately prior to driving onto a sidewalk
or onto the sidewalk area extending across any alleyway or
private driveway, and shall yield the right-of-way to any
pedestrian as may be necessary to avoid collision, and upon
entering the roadway shall yield the right-of-way to all vehicles
approaching on said roadway.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

ARTICLE 13. STOPPING, STANDING AND PARKING.

§17C-13-1. Stopping, standing or parking outside of business or
residence districts; penalty.

(a) Upon any highway outside of a business or residence
district no person shall stop, park, or leave standing any vehicle,
whether attended or unattended, upon the paved or main-
traveled part of the highway when it is practicable to stop, park,
or so leave such vehicle off such part of said highway, but in
every event an unobstructed width of the highway opposite a
standing vehicle shall be left for the free passage of other
vehicles and a clear view of such stopped vehicles shall be
available from a distance of two hundred feet in each direction
upon such highway.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

(c) This section shall not apply to the driver of any vehicle
which is disabled while on the paved or main-traveled portion
of a highway in such manner and to such extent that it is
impossible to avoid stopping and temporarily leaving such
disabled vehicle in such position.
§17C-13-3. Stopping, standing or parking prohibited in specified places; penalty.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. In a properly designated fire lane;
6. On a crosswalk;
7. Within twenty feet of a crosswalk at an intersection;
8. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
9. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
10. Within fifty feet of the nearest rail of a railroad crossing;
11. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance (when properly signposted);
12. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
13. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(14) On any bridge or other elevated structure on a highway or within a highway tunnel;

(15) At any place where official signs prohibit stopping;

(16) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if the parking interferes with or causes delay in the carrier's schedule;

(17) On any controlled-access highway;

(18) At any place on any highway where the safety and convenience of the traveling public is thereby endangered;

(19) In front of a wheelchair accessible ramp or curb cut which is part of a sidewalk designed for use by the general public when the ramp or curb cut is properly marked with yellow paint.

(b) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb such distance as is unlawful.

(c) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-13-4. Right and left parallel parking; angle parking; highway signs restricting parking, etc; penalty.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. Any person violating the provisions of this subsection 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 subse-
quent conviction, shall be fined not more than five hundred dollars.

(b) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the division of highways has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The division of highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs. Any person violating the provisions of this subsection 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, shall be fined not more than five hundred dollars.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-1. Unattended motor vehicle; penalty.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

(b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be
§17C-14-2. Limitations on backing; penalty.

(a) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-4. Obstruction to driver’s view or driving mechanism; penalty.

(a) No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver’s control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver’s or operator’s view ahead or to the sides, or to interfere with his or her control over the driving mechanism of the vehicle or streetcar.

(c) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-5. Passengers in seat with operator; penalty.

(a) No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while said motor vehicle is being
operated on the streets or highways of this state: *Provided,* That
the limitation of this section shall not apply to a truck cab or
track crew compartment properly designed for the occupancy
of four persons including the operator, and so designated on the
registration card by the division of motor vehicles.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-6. Passengers on running board; penalty.

(a) No passenger shall ride nor shall the operator permit any
passenger to ride on the running boards of any motor vehicle
while such vehicle is being operated on the streets or highways
of this state.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-7. Driving on mountain highways; penalty.

(a) The driver of a motor vehicle traveling through defiles
or canyons or on mountain highways shall hold such motor
vehicle under control and as near the right-hand edge of the
highway as reasonably possible and, upon approaching any
curve where the view is obstructed within a distance of two
hundred feet along the highway, shall give audible warning
with the horn of such motor vehicle.

(b) Any person violating 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, shall be fined not more than five hundred dollars.
§17C-14-8. Coasting prohibited; penalty.
1 (a) The driver of any motor vehicle when traveling upon a
down grade shall not coast with the gears of such vehicle in
neutral.
2 (b) The driver of a commercial motor vehicle when
traveling upon a down grade shall not coast with the clutch
disengaged.
3 (c) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-9. Following authorized emergency vehicles; penalty.
1 (a) The driver of any vehicle other than one on official
business may not follow any authorized emergency vehicle
traveling in response to a fire alarm or other emergency closer
than five hundred feet or drive into or park such vehicle within
the block where such authorized emergency vehicle has stopped
in answer to a fire alarm or other emergency.
2 (b) Any person violating 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, shall be fined not more than five hundred dollars.

§17C-14-10. Crossing fire hose; penalty.
1 (a) No streetcar or vehicle shall be driven over any unpro-
tected hose of a fire department when laid down on any street,
private driveway, or streetcar track, to be used at any fire or
alarm of fire, without the consent of the fire department official
in command.
2 (b) Any person violating the provisions of this section is
guilty of a misdemeanor and, upon conviction thereof, shall be
§17C-14-13. Vehicles parked on private property; penalty.

(a) It shall be unlawful for any driver of a vehicle to stop, park or leave standing unattended any vehicle on a private road or driveway or on private property without having express or implied permission from the owner, tenant or lessee of such land.

(b) Any person violating 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, shall be fined not more than five hundred dollars.

(c) The owner, tenant or lessee of such private road or driveway or private property may move, or have moved, any vehicle stopped, parked or left standing unattended on his or her private road, driveway, or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he or she be liable to the owner of the vehicle for any damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all removal costs. Any person who removes any vehicle under the provisions of this section shall notify the West Virginia state police of such action, and, if such vehicle is removed within a municipality, shall, in addition notify the police department of such municipality.

ARTICLE 15. EQUIPMENT.

§17C-15-6. Penalty for violations of the provisions of this article.

(a) Unless otherwise provided for in this article and, except as otherwise provided in subsection (b) of this section, any
person violating the provisions of this article 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, shall be fined not more than five hundred dollars.

(b) Any person violating the provisions of sections thirty-one or thirty-two of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars, or confined in the county or regional jail for not more than ten days, or both; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars, or confined in the county or regional jail for not more than twenty days, or both; and upon a third or subsequent conviction, shall be fined not more than five hundred dollars, or confined in the county or regional jail not more than six months, or both.

§17C-15-36a. Sun screening devices; penalty.

(a) No person may operate a motor vehicle that is registered or required to be registered in the state on any public highway, road or street that has a sun screening device on the windshield, the front side wings and side windows adjacent to the right and left of the driver and windows adjacent to the rear of the driver that do not meet the requirements of this section.

(b) A sun screening device when used in conjunction with the windshield must be nonreflective and may not be red, yellow or amber in color. A sun screening device may be used only along the top of the windshield and may not extend downward beyond the ASI line or more than five inches from the top of the windshield whichever is closer to the top of the windshield.

(c) A sun screening device when used in conjunction with the automotive safety glazing materials of the side wings or side windows located at the immediate right and left of the driver shall be a nonreflective type with reflectivity of not more than twenty percent and have a light transmission of not less
than thirty-five percent. The side windows behind the driver and the rear most windows may have a sun screening device that is designed to be used on automotive safety glazing materials that has a light transmission of not less than thirty-five percent and a reflectivity of not more than twenty percent. If a sun screening device is used on glazing behind the driver, one right and one left outside rear view mirror is required.

(d) Each manufacturer shall:

(1) Certify to the West Virginia state police and division of motor vehicles that a sun screening device used by it is in compliance with the reflectivity and transmittance requirements of this section;

(2) Provide a label not to exceed one and one-half square inches in size, with a means for the permanent and legible installations between the sun screening material and each glazing surface to which it is applied that contains the manufacturer's name and its percentage of light transmission; and

(3) Include instructions with the product or material for proper installation, including the affixing of the label specified in this section. The labeling or marking must be placed in the left lower corner of each glazing surface when facing the vehicle from the outside.

(e) No person may:

(1) Offer for sale or for use any sun screening product or material for motor vehicle use not in compliance with this section; or

(2) Install any sun screening product or material on vehicles intended for use on public roads without permanently affixing the label specified in this section.

(f) The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it
necessary to equip the motor vehicle with sun screening material which would be of a light transmittance or luminous reflectance in violation of this section. The affidavit must be in the possession of the person so afflicted, or the person’s legal guardian, at all times while being transported in the motor vehicle.

(g) The light transmittance requirement of this section does not apply to windows behind the driver on trucks, buses, trailers, mobile homes and multipurpose passenger vehicles.

(h) As used in this section:

(1) “Bus” means a motor vehicle with motive power, except a trailer, designed for carrying more than ten persons.

(2) “Light transmission” means the ratio of the amount of total light to pass through a product or material to the amount of the total light falling on the product or material.

(3) “Luminous reflectants” means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or materials.

(4) “Manufacturer” means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.

(5) “Motor homes” means vehicular units designed to provide temporary living quarters built into and an integral part of or permanently attached to a self-propelled motor vehicle chassis.

(6) “Multipurpose passenger vehicle” means a motor vehicle with motive power, except a trailer, designed to carry ten persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.

(7) “Nonreflective” means a product or material designed to absorb light rather than to reflect it.
(8) "Passenger car" means a motor vehicle with motive power, except a multipurpose passenger vehicle, motorcycle or trailer, designed for carrying ten persons or less.

(9) "Sun screening device" means film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

(10) "Truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

(i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars.

CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.

ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.


(a) All insurance carriers transacting insurance in this state shall supply a certificate to the insured or to any person subject to the registration provisions of article three, chapter seventeen-a of this code, certifying that there is in effect a motor vehicle liability policy upon such motor vehicle in accordance with the provisions of article three, chapter seventeen-a of this code. The certificate shall give its effective date and the effective date of the policy and, unless the policy is issued to a person who is not the owner of a motor vehicle, must designate by explicit description, in such detail as the commissioner of the division of motor vehicles shall by rule require, all motor vehicles covered and all replacement vehicles of similar classification: Provided, That on and after the first day of July, one thousand nine hundred eighty-four, insurance companies shall supply a certificate of insurance in duplicate for each policy term and for each vehicle included in a policy, except for those listed in a fleet policy. Each such certificate of insurance shall list the name of the policyholder and the name of the vehicle owner if different from the policyholder.
The certificate must specify for each vehicle listed therein, that there is a minimum liability insurance coverage not less than the requirements of section two, article four, chapter seventeen-d of this code.

(b) The certificate provided pursuant to the provisions of this section or other proof of insurance shall be carried by the insured in the appropriate vehicle for use as proof of security, and must be presented at the time of vehicle inspection as required by article sixteen, chapter seventeen-c of this code. Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than five thousand dollars; and upon a second or subsequent conviction, shall be fined not less than two hundred dollars nor more than five thousand dollars, or confined in the county or regional jail for not less than fifteen days nor more than one year, or both: Provided, That an insured shall not be guilty of a violation of this subsection (b) if he or she furnishes proof that such insurance was in effect within seven days of being cited for not carrying such certificate or other proof in such vehicle.

(c) As used in this section, proof of insurance means a certificate of insurance, an insurance policy, a mechanically reproduced copy of an insurance policy, a certificate of self-insurance, or a copy of the current registration issued to a motor carrier by the public service commission: (1) through the single state registration system established pursuant to section fourteen, article six-a, chapter twenty-four-a of this code; or (2) pursuant to the provisions of section four, article six, chapter twenty-four-a of this code.


In addition to any administrative penalty provided for violation of any provision of this article, any person who violates any provision of this article for which another penalty is not provided in this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than five thousand dollars, or confined in the county or regional jail not less than fifteen days nor more than one year, or both.
The arrest procedures authorized in section four, article nineteen, chapter seventeen-c of this code shall apply to the enforcement of the provisions of this article.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-31. Size and form of license and tag; contents; unlawful to alter licenses or permits; penalty.

(a) The size, content and form of all licenses, tags, and permits shall be prescribed by the director. The information which a licensee is required to furnish shall be placed upon the license by the license issuing authority before delivery of such license to the licensee.

(b) It shall be unlawful for any person to alter, mutilate, or deface any license, tag, or permit, or the entries thereon, for the purpose of evading the provisions of this chapter.

Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty dollars nor more than three hundred dollars; and upon a second and subsequent conviction thereof, shall be fined not less than twenty dollars nor more than three hundred dollars, or confined in the county or regional jail not less than ten nor more than one hundred days, or both.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-26. Unlawful disposal of litter; civil and criminal penalty; litter control fund; evidence; notice violations; litter receptacle placement; penalty; duty to enforce violations.

(a) (1) Any person who places, deposits, dumps or throws or causes to be placed, deposited, dumped or thrown any litter as defined in section twenty-four of this article, in or upon any public or private highway, road, street or alley, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than in such place as may be set aside for such purpose by the governing body having charge thereof, is guilty of a misdemeanor, and,
upon his or her first conviction, shall be fined not less than fifty dollars nor more than five hundred dollars: Provided, That a person shall not be held responsible for the actions of animals under their direct control. At the request of the defendant or in the discretion of the court, the court may sentence the defendant to pick up and remove from any public highway, road, street, alley or any other public park or public property as designated by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter placed, deposited, dumped or thrown contrary to the provisions of this section by anyone prior to the date of such conviction. For the first offense, the alternative sentence of litter pickup shall be not less than eight hours nor more than sixteen hours in lieu of a fine. For purposes of this subdivision, the term “court” includes circuit, magistrate and municipal courts.

(2) Upon his or her second conviction, such person shall be fined not less than two hundred fifty dollars nor more than one thousand dollars: Provided, That a person shall not be held responsible for the actions of animals under their direct control. At the request of the defendant or in the discretion of the court, the court may sentence the defendant to pick up and remove from any public highway, road, street, alley or any other public park or public property as designated by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter placed, deposited, dumped or thrown contrary to the provisions of this section by anyone prior to the date of such conviction. For the second offense, the alternative sentence of litter pickup shall be not less than sixteen hours nor more than thirty-two hours in lieu of a fine. For purposes of this subdivision, the term “court” shall include circuit and magistrate courts.

(3) Upon such person’s third and successive conviction, he or she shall be fined not less than five hundred dollars nor more than two thousand dollars and confined in the county or regional jail not less than forty-eight hours nor more than one year: Provided, That a person shall not be held responsible for
the actions of animals under their direct control. At the request
of the defendant or in the discretion of the court, the court may
sentence the defendant to pick up and remove from any public
highway, road, street, alley or any other public park or public
property as designated by the court, any and all litter, garbage,
refuse, trash, cans, bottles, papers, ashes, carcass of any dead
animal or any part thereof, offal or any other offensive or
unsightly matter placed, deposited, dumped or thrown contrary
to the provisions of this section by anyone prior to the date of
such conviction. Upon a third conviction, the alternative
sentence of litter pickup shall be not less than thirty-two hours
nor more than sixty-four hours in lieu of such fine or incarcera-
tion, but not both. For purposes of this subdivision, the term
“court” includes circuit and magistrate courts.

(4) The alternative sentence of litter pickup herein set forth
shall be verified by the conservation officers from the division
of natural resources or environmental inspectors from the
division of environmental protection or a regional engineering
technician from the division of environmental protection
pollution prevention and open dumps program (PPOD) of the
county in which the offense occurred. Any defendant receiving
the herein specified alternative sentence of litter pickup shall
provide within a time to be set by the court written acknowledg-
ment from said conservation officers or environmental officers
that the sentence has been completed.

(5) Any person who has been found by the court to have
willfully failed to comply with the terms of an alternative
sentence imposed by the court pursuant to this section is subject
at the discretion of the court to up to twice the original penalty
provisions available to the court at the time of conviction.

(6) If any litter is thrown or cast from a motor vehicle or
boat, such action is prima facie evidence that the driver of such
motor vehicle or boat intended to violate the provisions of this
section. If any litter is dumped or discharged from a motor
vehicle or boat, such action is prima facie evidence that the
owner and driver of such motor vehicle or boat intended to
violate the provisions of this section.
(b) Any litter found on any public or private property with any indication of ownership on it will be evidence creating a rebuttable inference it was deposited improperly by the person whose identity is indicated, and any person who improperly disposes of litter is subject to either a civil fine of up to five hundred dollars for such litter or required to pay the costs of removal of such litter if the removal of such litter is required to be done by the division, at the discretion of the director. All such fines and costs shall be deposited to the litter control fund:

Provided, That no inference shall be drawn solely from the presence of any logo, trademark, trade name or other similar mass reproduced identifying character appearing on litter found.

(e) Every person who is convicted of or pleads guilty to disposing of litter in violation of subsection (a) of this section shall pay the sum of not less than fifty dollars nor more than five hundred dollars as costs for clean-up, investigation and prosecution in such case, in addition to any other court costs that the court is otherwise required by law to impose upon such convicted person.

The clerk of the circuit court, magistrate court or municipal court wherein such additional costs are imposed shall, on or before the last day of each month, transmit all such costs received under this subsection to the state treasurer for deposit in the state treasury to the credit of a special revenue fund to be known as the litter control fund which is hereby continued. Expenditures for purposes set forth in this section are not authorized from collections but are to be made only in accordance with appropriation and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions set forth in article two, chapter five-a of this code:

Provided, That for the fiscal year ending the thirtieth day of June, one thousand nine hundred ninety-three, expenditures shall be authorized from collections. Amounts collected which are found from time to time to exceed the funds needed for the purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.
(d) (1) The commissioner of the division of motor vehicles, upon registering a motor vehicle or issuing an operator's or chauffeur's license, shall issue to the owner or licensee, as the case may be, a copy of subsection (a) of this section.

(2) The commissioner of the division of highways shall cause appropriate signs to be placed at the state boundary on each primary and secondary road, and at other locations throughout the state, informing those entering the state of the maximum penalty provided for disposing of litter in violation of subsection (a) of this section.

(e) Any state agency or political subdivision that owns, operates or otherwise controls any public area as may be designated by the director by rule promulgated pursuant to subdivision (8), subsection (a), section twenty-five of this article, shall procure and place litter receptacles at its own expense upon its premises and shall remove and dispose of litter collected in such litter receptacles. After receiving two written warnings from any law-enforcement officer or officers to comply with this subsection or the said rules of the director, any person who fails to place and maintain such litter receptacles upon his or her premises in violation of this subsection or the rules of the director shall be fined fifteen dollars per day of such violation.

(f) No portion of this section shall be construed to restrict a private owner in the use of the owner's own private property in any manner otherwise authorized by law.

(g) Any law-enforcement officer who shall observe a person violating the provisions of this section has a mandatory duty to arrest or otherwise prosecute the violator to the limits provided herein. The West Virginia division of highways shall investigate and cause to be prosecuted violations of this section occurring upon the highways of the state as the term "highways" is defined in chapter seventeen of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 6. MISCELLANEOUS PROVISIONS.
§60-6-9. Intoxication or drinking in public places; illegal possession of alcoholic liquor; arrests by sheriffs or their deputies for violation in their presence; penalty.

(a) A person shall not:

1. Appear in a public place in an intoxicated condition;
2. Drink alcoholic liquor in a public place;
3. Drink alcoholic liquor in a motor vehicle on any highway, street, alley or in a public garage;
4. Tender a drink of alcoholic liquor to another person in a public place;
5. Possess alcoholic liquor in the amount in excess of ten gallons, in containers not bearing stamps or seals of the commissioner, without having first obtained written authority from the said commissioner therefor; or
6. Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

(b) Any law-enforcement officer may arrest without a warrant and take the following actions against a person who, in his or her presence, violates subdivision (1) of subsection (a) of this section: (1) If there is some nonintoxicated person who will accept responsibility for the intoxicated person, the officer may issue the intoxicated person a citation specifying a date for appearance before a judicial officer and release him or her to the custody of the individual accepting responsibility: Provided, That the issuance of a citation shall be used whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after issuance of such a citation, transport the individual to the individual’s present residence or arrange for such transportation; (3) if the individual is incapacitated or the alternatives provided in subdivisions (1) and (2) of this subsection are not possible, the officer shall transport or arrange for transportation to the appropriate judicial officer as defined by section seventeen, article eleven, chapter twenty-seven of this code; or (4) if the individual is incapacitated and, in the law-enforcement officer’s judgment, is in need of acute medical
attention, that officer shall arrange for transportation by
ambulance or otherwise to a hospital emergency room. The
officer shall accompany the individual until he or she is
discharged from the emergency room or admitted to the
hospital. If the individual is released from the emergency room,
the officer may proceed as described in subdivisions (1), (2)
and (3) of this subsection. If the individual is admitted to the
hospital, the officer shall issue a citation to the individual
specifying a date for appearance before a judicial officer.

(c) Upon presentment before the proper judicial officer, the
law-enforcement officer shall serve as the chief complaining
witness. The judicial officer must make a finding that there is
probative evidence that the individual may be guilty of the
charge of public intoxication. If such evidence is not presented,
the charge shall be dismissed and the individual released. If
sufficient evidence is presented, the judicial officer shall issue
a warrant and establish bail or issue a summons to the individ-
ual. Once a warrant or summons has been issued, the following
actions may be taken: (1) If the individual is no longer incapaci-
tated, he or she may be released; (2) if the individual is still
incapacitated but a nonintoxicated person is available to accept
responsibility for him or her, he or she may be released to the
responsible person; or (3) if the individual is still incapacitated
and no responsible person is available, the judicial officer shall
proceed under the provisions of article five or six-a, chapter
twenty-seven of this code.

(d) Any law-enforcement officer is hereby authorized and
empowered to arrest and hold in custody, without a warrant,
until complaint may be made before a judicial officer and a
warrant or summons issued, any person who in the presence of
the law-enforcement officer violates any one or more of
subdivisions (1) through (6), subsection (a) of this section:
Provided, That the law-enforcement officer may use reasonable
force to prevent harm to himself or herself, the individual
arrested or others in carrying out the provisions of this section.

(e) Any person who violates subdivision (1), subsection (a)
of this section shall be guilty of a misdemeanor, and, upon

conviction thereof, shall be sentenced by a judicial officer in accordance with the following options: (1) Upon first offense, a fine of not less than five dollars nor more than one hundred dollars. If the individual, prior to conviction, agrees to voluntarily attend an alcohol education program of not more than six hours duration at the nearest community mental health — mental retardation center, the judicial officer may delay sentencing until the program is completed and upon completion may dismiss the charges; (2) upon conviction for a second offense, a fine of not less than five dollars nor more than one hundred dollars and not more than sixty days in the county or regional jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health — mental retardation center; (3) upon third and subsequent convictions, a fine of not less than five dollars nor more than one hundred dollars and not less than five nor more than sixty days in county or regional jail or a fine of not less than five dollars nor more than one hundred dollars and completion of not less than five hours of alcoholism counseling at the nearest community mental health — mental retardation center: Provided, That three convictions for public intoxication within the preceding six months shall be considered evidence of alcoholism: Provided, however, That for the educational counseling programs described in this subsection the community mental health — mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or failure to complete the prescribed program for each individual.

(f) A person charged with a violation of subdivision (1), subsection (a) of this section who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to articles five and six-a, chapter twenty-seven of this code.

(g) Any person who violates subdivision (2), subsection (a) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars; and upon a second or subsequent conviction thereof, shall be fined not less than five nor more
than one hundred dollars, or confined in the county or regional
jail not more than sixty days, or both.

(h) Any person who violates subdivision (3), subsection (a)
of this section shall be guilty of a misdemeanor, and, upon
conviction thereof, shall be fined not less than five nor more
than one hundred dollars, or confined in the county or regional
jail not more than sixty days, or both.

(i) Any person who violates subdivision (4) or (5), subsec-
tion (a) of this section shall be guilty of a misdemeanor and,
upon his or her first conviction, shall be fined not less than one
hundred dollars nor more than five hundred dollars; and upon
conviction of second or subsequent offense, he or she shall be
guilty of a felony and shall be confined in the penitentiary of
this state for a period of not less than one year nor more than
three years.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-39a. Making, issuing, etc., worthless checks; penalty.

(a) It shall be unlawful for any person, firm or corporation
to make, draw, issue, utter or deliver any check, draft or order
for the payment of money or its equivalent upon any bank or
other depository, knowing or having reason to know there is not
sufficient funds on deposit in or credit with such bank or other
depository with which to pay the same upon presentation. The
making, drawing, issuing, uttering or delivering of any such
check, draft or order, for or on behalf of any corporation, or its
name, by any officer or agent of such corporation, shall subject
such officer or agent to the penalty of this section to the same
extent as though such check, draft or order was his or her own
personal act.

(b) This section shall not apply to any such check, draft or
order when the payee or holder knows or has been expressly
notified prior to the acceptance of same or has reason to believe
that the drawer did not have on deposit or to his or her credit
with the drawee sufficient funds to insure payment as aforesaid,
nor shall this section apply to any postdated check, draft or
order. This section shall not apply when such insufficiency of funds or credit is caused by any adjustment to the drawer’s account by the bank or other depository without notice to the drawer or is caused by the dishonoring of any check, draft or order deposited in the account unless there is knowledge or reason to believe that such check, draft or order would be so dishonored.

(c) Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars; and upon a third or subsequent conviction thereof, shall be fined not more than one hundred dollars, or confined in the county or regional jail not more than ten days, or both.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect March 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 26th day of February, 1999.

Governor