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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 206

(By Senator Ross, ET AL)



PASSED March 10, **2000**

In Effect ninety days from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 206

(SENATORS ROSS, SHARPE, ANDERSON, BALL, DITTMAR,
KESSLER, LOVE, MCKENZIE, OLIVERIO, PLYMALE
AND REDD, *original sponsors*)

[Passed March 10, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to excluding owners or drivers who have been issued a commercial driver's license from certain provisions relating to penalties for violation of speed limits.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. SPEED RESTRICTIONS.

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

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

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

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

26 (2) Twenty-five miles per hour in any business or resi-
27 dence district;

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

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

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

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

46 (e) Unless otherwise provided in this section, any person
47 who violates the provisions of this section is guilty of a
48 misdemeanor and, upon conviction thereof, shall be fined
49 not more than one hundred dollars; upon a second convic-
50 tion within one year thereafter, shall be fined not more
51 than two hundred dollars; and, upon a third or subsequent
52 conviction within two years thereafter, shall be fined not
53 more than five hundred dollars: *Provided*, That if such
54 third or subsequent conviction is based upon a violation of
55 the provisions of this section where the offender exceeded
56 the speed limit by fifteen miles per hour or more, then
57 upon conviction, shall be fined not more than five hundred
58 dollars or confined in the county or regional jail for not
59 more than six months, or both.

60 (f) Any person who violates the provisions of subdivision
61 (1), subsection (b) of this section is guilty of a misdemeanor
62 and, upon conviction thereof, shall be fined not less than
63 one hundred dollars nor more than five hundred dollars:
64 *Provided*, That if such conviction is based upon a violation
65 of the provisions of subdivision (1), subsection (b) of this
66 section where the offender exceeded the speed limit by

67 fifteen miles per hour or more in the presence of one or
68 more children, then upon conviction, shall be fined not less
69 than one hundred dollars nor more than five hundred
70 dollars or confined in the regional or county jail for not
71 more than six months, or both.

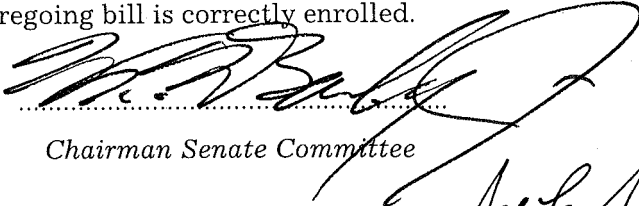
72 (g) If an owner or driver is arrested under the provisions
73 of this section for the offense of driving above the posted
74 speed limit on a controlled-access highway or interstate
75 highway, and if the evidence shall show that the motor
76 vehicle was being operated at ten miles per hour or less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

80 If an owner or driver is convicted under the provisions of
81 this section for the offense of driving above the speed limit
82 on a controlled-access highway or interstate highway of
83 this state, and if the evidence shall show that the motor
84 vehicle was being operated at ten miles per hour or less
85 above said speed limit, then notwithstanding the provi-
86 sions of section four, article three, chapter seventeen-b of
87 this code, a certified abstract of the judgment on such
88 conviction shall not be transmitted to the division of motor
89 vehicles: *Provided*, That the provisions of this subsection
90 do not apply to conviction of owners or drivers who have
91 been issued a commercial driver's license as defined in
92 chapter seventeen-e of this code, if the offense was com-
93 mitted while operating a commercial vehicle.

94 (h) If an owner or driver is convicted in another state for
95 the offense of driving above the maximum speed limit on
96 a controlled-access highway or interstate highway, and if
97 the maximum speed limit in such other state is less than
98 the maximum speed limit for a comparable controlled-
99 access highway or interstate highway in this state, and if
100 the evidence shall show that the motor vehicle was being
101 operated at ten miles per hour or less above what would be

102 the maximum speed limit for a comparable controlled-
103 access highway or interstate highway in this state, then
104 notwithstanding the provisions of section four, article
105 three, chapterseventeen-b of this code, a certified abstract
106 of the judgment on such conviction shall not be transmit-
107 ted to the division of motor vehicles, or, if transmitted,
108 shall not be recorded by the division, unless within a
109 reasonable time after conviction, the person convicted has
110 failed to pay all fines and costs imposed by the other state:
111 *Provided*, That the provisions of this subsection do not
112 apply to conviction of owners or drivers who have been
113 issued a commercial driver's license as defined in chapter
114 seventeen-e of this code, if the offense was committed
115 while operating a commercial vehicle.

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



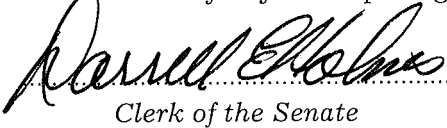
Chairman Senate Committee



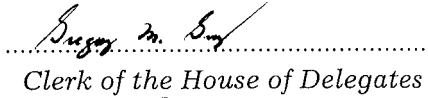
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.



Clerk of the Senate



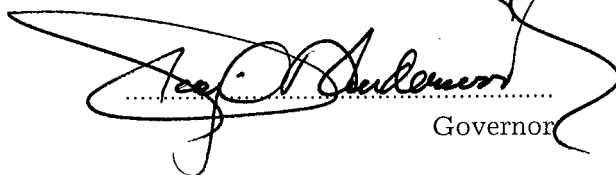
Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within approved this the 24th
Day of March, 2000

Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/00

Time 12:20 pm