

FILED

2004 MAR 25 P 4:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4373**

(By Mr. Speaker, Mr. Kiss, and Delegates Iaquina,
Browning, Foster, Beane, Crosier and Vamer)

Passed March 10, 2004

In Effect Ninety Days from Passage

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FOR

H. B. 4373

(BY MR. SPEAKER, MR. KISS, AND DELEGATES IAQUINTA,
BROWNING, FOSTER, BEANE, CROSIER AND VARNER)

[Passed March 10, 2004; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-10, relating to making it a crime to possess or use a traffic-control device with an infrared or electronic device designed to change traffic light indication; exceptions; and providing for penalties.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17C-3-10, to read as follows:

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

§17C-3-10. Interference with official traffic-control devices by infrared or electronic devices.

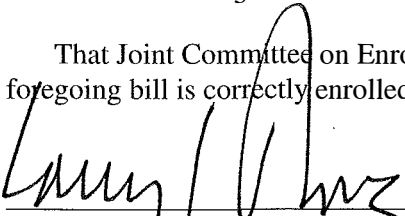
1 (a) The possession or use of a mobile infrared transmitter
2 (MIRT), or any type of infrared or electronic device capable of
3 changing a traffic control signal, by anyone other than the
4 operator of an authorized emergency vehicle, is prohibited.

5 (b) Any person violating the provisions of subsection (a) of
6 this section is guilty of a misdemeanor and, upon conviction
7 thereof, shall be fined not more than five hundred dollars or
8 confined in the county or regional jail not more than three days,
9 or both; and upon a second conviction thereof, shall be fined
10 not more than one thousand dollars or confined in the county or
11 regional jail not more than six days, or both; and upon a third
12 or subsequent conviction thereof, shall be fined not less than
13 five hundred dollars nor more than two thousand five hundred
14 dollars or confined in a county or regional jail one year, or both.

15 (c) Notwithstanding the provisions of subsection (a) of this
16 section, any person convicted of a violation of subsection (a) of
17 this section which results in physical injury to another shall be
18 guilty of a felony and, upon conviction, shall be imprisoned in
19 a state correctional facility for not less than one nor more than
20 three years or fined not more than five thousand dollars, or
21 both.

22 (d) The provisions of this section shall not apply to any
23 device which simply makes a vehicle visible or its presence
24 known to a sensor which triggers the changing of a traffic light
25 after the vehicle operator has complied with the traffic signal
26 indication.

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



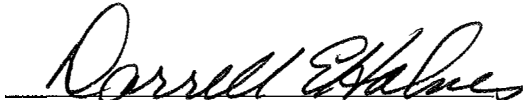
Chairman Senate Committee



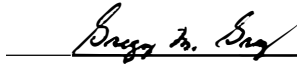
Chairman House Committee

Originating in the House.

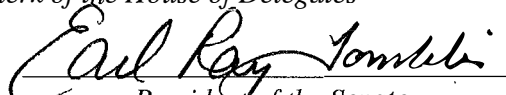
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of March, 2004.



Governor

PRESENTED TO THE
GOVERNOR

DATE 8/19/04
TIME 2:55 p