WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 2051
(By Delegates Webster, Proudfoot and Ellem)

Passed March 10, 2007
In Effect Ninety Days from Passage
AN ACT to amend and reenact §17C-6-7 and §17C-6-7a of the Code of West Virginia, 1931, as amended, relating to including lasers as a method of proving the speed of vehicles.

Be it enacted by the Legislature of West Virginia:

That §17C-6-7 and §17C-6-7a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-7. Prima facie evidence of speed by devices employing microwaves or reflected light; placing of signs relative to radar or laser.

The speed of a motor vehicle may be proved by evidence obtained by use of any device designed to measure and indicate or record the speed of a moving object by means of microwaves or reflected light, when such evidence is
obtained by members of the department of public safety, by police officers of incorporated municipalities in classes one, two and three, as defined in chapter eight-a of this code, and by the sheriff and his deputies of the several counties of the State. The evidence so obtained shall be accepted as prima facie evidence of the speed of such vehicle.

In order to inform and educate the public generally that speed of motor vehicles operating within the State is being tested by radar or laser mechanisms, the division of highways shall locate and place suitable and informative stationary and movable signs at strategic points on and along highways in each county of the State giving notice to the public that such radar or laser mechanisms are in use.

§17C-6-7a. Prohibition of the use of traffic law photo-monitoring devices to detect or prove traffic law violations.

(a) As used in this section "traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its operator, or its license plate.

(b) No police officer may utilize a traffic law photo-monitoring device to determine compliance with, or to detect a violation of, a municipal or county ordinance or any provision of this code that governs or regulates the operation of motor vehicles.

(c) A violation of a municipal or county ordinance or any provision of this code that governs or regulates the operation of motor vehicles may not be proved by evidence obtained by the use of a traffic law photo-monitoring device.

(d) The provisions of this section do not prohibit the use of any device designed to measure and indicate the speed of a moving object by means of microwaves or reflected light to
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20 obtain evidence to prove the speed of a motor vehicle
21 pursuant to section seven of this article.

22 (e) The provisions of this section do not prohibit use of
23 a traffic law photo-monitoring device for any other lawful
24 purposes other than to obtain evidence to prove violations of
25 municipal or county ordinances or any provision of this code
26 governing or regulating the operation of motor vehicles.
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 22nd day of March, 2007.

Governor