

SB 435

FILED

2010 APR -2 PM 4: 07

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 435

(SENATORS KESSLER, BOWMAN, LAIRD, GUILLS,
K. FACEMYER, WHITE, UNGER, PLYMALE
AND WELLS, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

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OFFICE OF THE CLERK
SECRETARY OF STATE

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[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-6-7 of the Code of West Virginia, 1931, as amended, relating to speed restrictions; prima facie evidence of speed by certain devices; changing Department of Public Safety to State Police in this section of said code; applying this section to all municipalities of the state; requiring law-enforcement officers to receive training on speed-measuring devices in order for evidence of speed to be considered prima facie; requiring the Governor's Committee on Crime, Delinquency and Correction establish a training program and certification standards by January 1, 2012; and requiring law-enforcement officers complete a certified training course in speed detection prior to January 1, 2013.

Be it enacted by the Legislature of West Virginia:

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

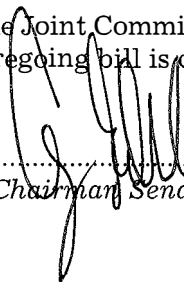
ARTICLE 6. SPEED RESTRICTIONS.

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

1 The speed of a motor vehicle may be proved by evidence
2 obtained by use of any device designed to measure and
3 indicate or record the speed of a moving object by means
4 of microwaves or reflected light, when such evidence is
5 obtained by members of the State Police, by police officers
6 of incorporated municipalities in classes one, two and
7 three, as defined in chapter eight-a of this code, by police
8 officers of incorporated class four municipalities except
9 upon controlled access or partially controlled access
10 highways, and by the sheriff and his or her deputies. The
11 evidence so obtained shall be accepted as prima facie
12 evidence of the speed of the vehicle: *Provided*, That the
13 evidence of speed is obtained and detected by a certified
14 law enforcement officer who has completed training for
15 speed measuring devices used to obtain the speed of the
16 motor vehicle: *Provided, however*, That the Governor's
17 Committee on Crime, Delinquency and Correction shall,
18 on or before January 1, 2012, establish or certify an eight-
19 hour training and certification program and standards for
20 speed measuring device training that certified law en-
21 forcement officers who utilize speed measuring devices
22 must complete or otherwise satisfy in order for any
23 evidence of speed detected by a speed measuring device
24 put forward by the officer to be accepted of prima facie
25 evidence. All certified law enforcement officers must have
26 completed or otherwise satisfied the requirements of this
27 section prior to January 1, 2013.

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

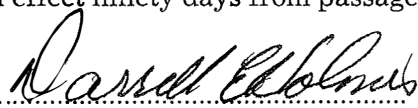
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

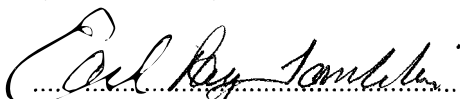

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 22
Day of April, 2010.


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Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10 pm