

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2802**

4 (By Delegates Armstead, Lane and Walters)

5  
6 (Originating in the Committee on the Judiciary)

7  
8 [February 22, 2011]

9  
10 A BILL to amend and reenact §17C-7-9 of the Code of West Virginia,  
11 1931, as amended, relating to driving on roadways laned for  
12 traffic; prohibiting use of turning lanes for through traffic  
13 under certain circumstances; and providing criminal penalties.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §17C-7-9 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

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

19 **§17C-7-9. Driving on roadways laned for traffic; penalty.**

20 (a) Whenever any roadway has been divided into two or more  
21 clearly marked lanes for traffic, ~~the following rules~~ in addition  
22 to all ~~others~~ applicable rules consistent ~~herewith shall~~ with this  
23 section, the following rules apply:

24 (1) A vehicle shall be driven as nearly as practicable

1 entirely within a single lane and ~~shall~~ may not be moved from ~~such~~  
2 that lane until the driver has first ascertained that ~~such~~ the  
3 movement can be made with safety.

4 (2) Upon a roadway which is divided into three or five lanes  
5 a vehicle ~~shall~~ may not be driven in the center lane which is  
6 clearly marked as a left turn lane except in preparation for a left  
7 turn allocated exclusively to traffic moving in the direction the  
8 vehicle is proceeding and is signposted to give notice of ~~such~~ the  
9 allocation.

10 (3) Upon a roadway which is divided into three or five lanes,  
11 a vehicle may not be driven in the center lane which is clearly  
12 marked as a turning lane for both directions of traffic, and may  
13 not overtake other vehicles traveling in the same direction for  
14 more than eight hundred feet before a left hand turn.

15 ~~(3)~~ (4) Official signs may be erected directing slow-moving  
16 traffic to use a designated lane or designating those lanes to be  
17 used by traffic moving in a particular direction regardless of the  
18 center of the roadway and drivers of vehicles shall obey the  
19 directions of every such sign.

20 (b) Any person violating the provisions of this section is  
21 guilty of a misdemeanor and, upon conviction thereof, shall be  
22 fined not more than \$100; upon a second conviction within one year  
23 thereafter, shall be fined not more than \$200; and upon a third or  
subsequent conviction, shall be fined not more than \$500.