

1 **H. B. 2961**

2  
3 (By Delegate Rodighiero)  
4 [Introduced February 1, 2011; referred to the  
5 Committee on Roads and Transportation then Finance.]  
6

7 **FISCAL**  
8 **NOTE**

9  
10 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia,  
11 1931, as amended, relating to assessing an additional \$10  
12 penalty on all speeding tickets; providing that the additional  
13 \$10 be divided between the county where the ticket was issued  
14 and the county school system for laptop computers for students  
15 who do not already have computers; and permitting the school  
16 or county board of education to have access to all passwords  
17 and to monitor all activity on the computers.

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

19 That §17C-6-1 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 **ARTICLE 6. SPEED RESTRICTIONS.**

22 **§17C-6-1. Speed limitations generally; penalty.**

23 (a) No person may drive a vehicle on a highway at a speed  
24 greater than is reasonable and prudent under the existing  
25 conditions and the actual and potential hazards. In every event  
26 speed shall be so controlled as may be necessary to avoid colliding

1 with any person, vehicle or other conveyance on or entering the  
2 highways in compliance with legal requirements and the duty of all  
3 persons to use due care.

4 (b) Where no special hazard exists that requires lower speed  
5 for compliance with subsection (a) of this section, the speed of  
6 any vehicle not in excess of the limits specified in this section  
7 or established as authorized in this section is lawful, but any  
8 speed in excess of the limits specified in this subsection or  
9 established as authorized in this section is unlawful. The  
10 following speed limits apply:

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

20 (2) Twenty-five miles per hour in any business or residence  
21 district; and

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

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

26 (c) The driver of every vehicle shall, consistent with the

1 requirements of subsection (a) of this section, drive at an  
2 appropriate reduced speed when approaching and crossing an  
3 intersection or railway grade crossing, when approaching and going  
4 around a curve, when approaching a hill crest, when traveling upon  
5 any narrow or winding roadway and when a special hazard exists with  
6 respect to pedestrians or other traffic or by reason of weather or  
7 highway conditions.

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

13 (e) Unless otherwise provided in this section, any person who  
14 violates ~~the provisions of~~ this section is guilty of a misdemeanor  
15 and, upon conviction thereof, shall be fined not more than \$100;  
16 upon a second conviction within one year thereafter, shall be fined  
17 not more than \$200; and, upon a third or subsequent conviction  
18 within two years thereafter, shall be fined not more than \$500:  
19 *Provided*, That if the third or subsequent conviction is based upon  
20 a violation of the ~~provisions of this~~ section where the offender  
21 exceeded the speed limit by fifteen miles per hour or more, then  
22 upon conviction, shall be fined not more than \$500 or confined in  
23 the county or regional jail for not more than six months, or both  
24 fined and confined.

25 (f) Any person who violates ~~the provisions of~~ subdivision (1),  
26 subsection (b) of this section is guilty of a misdemeanor and, upon  
27 conviction thereof, shall be fined not less than \$100 nor more than

1 \$500: *Provided*, That if the conviction is based upon a violation  
2 of ~~the provisions of~~ subdivision (1), subsection (b) of this  
3 section where the offender exceeded the speed limit by fifteen  
4 miles per hour or more in the presence of one or more children,  
5 then upon conviction, shall be fined not less than \$100 nor more  
6 than \$500 or confined in the regional or county jail for not more  
7 than six months, or both fined and confined.

8 (g) If an owner or driver is arrested under ~~the provisions of~~  
9 this section for the offense of driving above the posted speed  
10 limit on a controlled access highway or interstate highway and if  
11 the evidence shows that the motor vehicle was being operated at ten  
12 miles per hour or less above the speed limit, then, upon conviction  
13 thereof, that person shall be fined not more than \$5, plus court  
14 costs.

15 (h) Any person operating a commercial motor vehicle engaged in  
16 the transportation of coal on the coal resource transportation road  
17 system who violates subsection (a), (b) or (c) of this section  
18 shall, upon conviction, be subject to fines in triple the amount  
19 otherwise provided in subsection (e) of this section.

20 (i) If an owner or driver is convicted under ~~the provisions of~~  
21 this section for the offense of driving above the speed limit on a  
22 controlled-access highway or interstate highway of this state and  
23 if the evidence shows that the motor vehicle was being operated at  
24 ten miles per hour or less above the speed limit, then  
25 notwithstanding ~~the provisions of~~ section four, article three,  
26 chapter seventeen-b of this code, a certified abstract of the  
27 judgment on the conviction shall not be transmitted to the Division

1 of Motor Vehicles: *Provided, That ~~the provisions of~~ this*  
2 subsection do not apply to conviction of owners or drivers who have  
3 been issued a commercial driver's license as defined in chapter  
4 seventeen-e of this code, if the offense was committed while  
5 operating a commercial vehicle.

6 (j) If an owner or driver is convicted in another state for  
7 the offense of driving above the maximum speed limit on a  
8 controlled-access highway or interstate highway and if the maximum  
9 speed limit in the other state is less than the maximum speed limit  
10 for a comparable controlled-access highway or interstate highway in  
11 this state, and if the evidence shows that the motor vehicle was  
12 being operated at ten miles per hour or less above what would be  
13 the maximum speed limit for a comparable controlled-access highway  
14 or interstate highway in this state, then notwithstanding ~~the~~  
15 ~~provisions of~~ section four, article three, chapter seventeen-b of  
16 this code, a certified abstract of the judgment on the conviction  
17 shall not be transmitted to the Division of Motor Vehicles or, if  
18 transmitted, shall not be recorded by the division, unless within  
19 a reasonable time after conviction, the person convicted has failed  
20 to pay all fines and costs imposed by the other state: *Provided,*  
21 That ~~the provisions of~~ this subsection ~~do~~ does not apply to  
22 conviction of owners or drivers who have been issued a commercial  
23 driver's license as defined in chapter seventeen-e of this code, if  
24 the offense was committed while operating a commercial vehicle.

25 (k) In addition to all other fines authorized by this section,  
26 a person in violation of this section shall be assessed an  
27 additional fine of \$10. That additional fine shall be equally

1 distributed between the county where the violation occurred and the  
2 county school system to purchase and maintain laptop computers for  
3 students who do not have computers. These computers may only be  
4 used for educational purposes and may be taken home by the  
5 students. The school or the county board of education shall have  
6 access to all passwords and may monitor all activity on the  
7 computers.

NOTE: The purpose of this bill is to assess an additional \$10 penalty on all speeding tickets. The bill provides that the additional \$10 be divided between the county where the ticket was issued and the county school system for computers for students who do not have computers. The bill also permits the school or county board of education to have access to all passwords and to monitor all activity on the computers.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.