

1 **H. B. 3158**

2
3 (By Delegate Iaquina)

4 [Introduced February 16, 2011; referred to the
5 Committee on Roads and Transportation then the
6 Judiciary.]

7
8
9
10 A BILL to amend and reenact §17C-6-7a of the Code of West Virginia,
11 1931, as amended, relating to allowing the use of traffic law
12 photo-monitoring devices to detect or prove traffic law
13 violations.

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

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

17 **ARTICLE 6. SPEED RESTRICTIONS.**

18 **§17C-6-7a. ~~Prohibition of the Use of traffic law photo-monitoring~~**
19 **devices to detect or prove traffic law violations.**

20 (a) As used in this section "traffic law photo-monitoring
21 device" means an electronic system consisting of a photographic,
22 video, or electronic camera and a means of sensing the presence of
23 a motor vehicle that automatically produces photographs, videotape,

1 or digital images of the vehicle, its operator, or its license
2 plate.

3 (b) ~~No police officer~~ Members of the State Police, police
4 officers of incorporated municipalities in classes one, two and
5 three, as defined in chapter eight-a of this code, police officers
6 of incorporated class four municipalities except upon controlled
7 access or partially controlled access highways, and the sheriff
8 and his or her deputies in the several counties may utilize a
9 traffic law photo-monitoring device to determine compliance with,
10 or to detect a violation of, a municipal or county ordinance or any
11 provision of this code that governs or regulates the operation of
12 motor vehicles.

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

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

22 ~~(e) The provisions of this section do not prohibit use of a~~
23 ~~traffic law photo-monitoring device for any other lawful purposes~~
24 ~~other than to obtain evidence to prove violations of municipal or~~

~~1 county ordinances or any provision of this code governing or
2 regulating the operation of motor vehicles.~~

NOTE: The purpose of this bill is to allow the use of traffic law photo-monitoring devices to detect or prove traffic law violations.

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