

COMMITTEE SUBSTITUTE

FOR

H. B. 2802

(BY DELEGATES ARMSTEAD, LANE AND WALTERS)

(Originating in the Committee on the Judiciary)
[February 22, 2011]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

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

5 (1) A vehicle shall be driven as nearly as practicable
6 entirely within a single lane and ~~shall~~ may not be moved
7 from ~~such~~ that lane until the driver has first ascertained that
8 ~~such~~ the movement can be made with safety.

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

15 (3) Upon a roadway which is divided into three or five
16 lanes, a vehicle may not be driven in the center lane which is

17 clearly marked as a turning lane for both directions of traffic,
18 and may not overtake other vehicles traveling in the same
19 direction for more than eight hundred feet before a left hand
20 turn.

21 ~~(3)~~ (4) Official signs may be erected directing slow-
22 moving traffic to use a designated lane or designating those
23 lanes to be used by traffic moving in a particular direction
24 regardless of the center of the roadway and drivers of
25 vehicles shall obey the directions of every such sign.

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