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H. B. 2772

(By Delegates Hamrick, Staggers, Barill, Butler, Miley,
Phillips, L., White, Skaff, Ferns, Skinner and Boggs)

[Introduced March 1, 2013; referred to the

Committee on Roads and Transportation then the

Judiciary.]

A BILL to amend and reenact §17C-3-4 of the Code of West Virginia,
1931, as amended; and to amend and reenact §17C-11-2 of said
code, all relating to permitting motorcyclists and bicyclists
to safely proceed through a traffic light if they have waited
a minimum of two minutes assuring that any sensor has not
detected the motorcycle or bicycle.

Be it enacted by the Legislature of West Virginia:

That §17C-3-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted; and that §17C-11-2 of said code be amended
and reenacted, all to read as follows:

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

**§17C-3-4. Obedience to traffic-control devices; official signs to
be in proper position, etc; penalty.**

(a) The driver of any vehicle and the operator of any streetcar
shall obey the instructions of any official traffic-control device
applicable thereto placed in accordance with the provisions of this

1 chapter, unless otherwise directed by a traffic or police officer,
2 subject to the exceptions granted the driver of an authorized
3 emergency vehicle in this chapter. However, a motorcyclist may
4 safely proceed through a traffic light if he or she has waited a
5 minimum of two minutes assuring that any sensor did not detect the
6 motorcycle. This exception permits the motorcyclist to pass though
7 the traffic light or turn left or right.

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

13 (c) No provision of this chapter for which signs are required
14 shall be enforced against an alleged violator if at the time and
15 place of the alleged violation an official sign is not in proper
16 position and sufficiently legible to be seen by an ordinarily
17 observant person. Whenever a particular section does not state that
18 signs are required, such section shall be effective even though no
19 signs are erected or in place.

20 **ARTICLE 11. OPERATION OF BICYCLES AND PLAY VEHICLES.**

21 **§17C-11-2. Traffic laws apply to persons riding bicycles.**

22 Every person riding a bicycle upon a roadway shall be granted
23 all of the rights and shall be subject to all of the duties
24 applicable to the driver of a vehicle by this chapter, except as to

1 special regulations in this article and except as to those
2 provisions of this chapter which by their nature can have no
3 application. However, a bicyclist may safely proceed through a
4 traffic light if he or she has waited a minimum of two minutes
5 assuring that any sensor did not detect the bicycle. This exception
6 permits the bicyclist to pass though the traffic light or turn left
7 or right.

NOTE: The purpose of this bill is to permit motorcyclists and bicyclists to safely proceed through a traffic light if they have waited a minimum of two minutes assuring that any sensor has not detected the motorcycle or bicycle.

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