

1 **H. B. 2860**

2
3 (By Delegates Staggars, Perry, Pino, Stowers, Skaff,
4 R. Phillips and Perdue)

5
6 [Introduced March 7, 2013; referred to the
7 Committee on Roads and Transportation then the
8 Judiciary.]

9
10 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia,
11 1931, as amended, relating to speed restrictions and
12 penalties; and providing that municipalities receive no more
13 than \$25 from speeding fines and costs for speeding violations
14 on four lane controlled access highways or interstate highways
15 located within the limits of a municipality.

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

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

19 **ARTICLE 6. SPEED RESTRICTIONS.**

20 **§17C-6-1. Speed limitations generally; penalty.**

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

1 highways in compliance with legal requirements and the duty of all
2 persons to use due care.

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

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

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

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

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

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

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

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

1 fined and confined.

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

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

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

24 (i) If an owner or driver is convicted under the provisions of

1 this section for the offense of driving above the speed limit on a
2 controlled-access highway or interstate highway of this state and
3 if the evidence shows that the motor vehicle was being operated at
4 ten miles per hour or less above the speed limit, then
5 notwithstanding the provisions of section four, article three,
6 chapter seventeen-b of this code, a certified abstract of the
7 judgment on the conviction shall not be transmitted to the Division
8 of Motor Vehicles: *Provided,* That the provisions of this
9 subsection do not apply to conviction of owners or drivers who have
10 been issued a commercial driver's license as defined in chapter
11 seventeen-e of this code, if the offense was committed while
12 operating a commercial vehicle.

13 (j) If an owner or driver is convicted in another state for
14 the offense of driving above the maximum speed limit on a
15 controlled-access highway or interstate highway and if the maximum
16 speed limit in the other state is less than the maximum speed limit
17 for a comparable controlled-access highway or interstate highway in
18 this state, and if the evidence shows that the motor vehicle was
19 being operated at ten miles per hour or less above what would be
20 the maximum speed limit for a comparable controlled-access highway
21 or interstate highway in this state, then notwithstanding the
22 provisions of section four, article three, chapter seventeen-b of
23 this code, a certified abstract of the judgment on the conviction
24 shall not be transmitted to the Division of Motor Vehicles or, if

1 transmitted, shall not be recorded by the division, unless within
2 a reasonable time after conviction, the person convicted has failed
3 to pay all fines and costs imposed by the other state: *Provided,*
4 That the provisions of this subsection do not apply to conviction
5 of owners or drivers who have been issued a commercial driver's
6 license as defined in chapter seventeen-e of this code, if the
7 offense was committed while operating a commercial vehicle.

8 (k) Notwithstanding any other provision of this code to the
9 contrary, if an owner or driver is arrested under the provisions of
10 this section for the offense of driving above the posted speed
11 limit on a four lane controlled access highway or interstate
12 highway located within the limits of a municipality, upon
13 conviction thereof, the municipality may receive no more than \$25
14 from any fine and court costs.

NOTE: The purpose of this bill is to provide that a municipality receive no more than \$25 from speeding fines and costs for speeding violations on four lane controlled access highways or interstate highways located within the limits of a municipality.

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