

1 **H. B. 3109**

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3 (By Delegates Azinger, A. Evans, Romine and Faircloth)
4 [Introduced March 25, 2013; referred to the
5 Committee on Roads and Transportation then the
6 Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §17C-7-14, relating
12 to prohibiting a person from driving in the passing lane of a
13 highway when not passing another vehicle under certain
14 circumstances; and providing a criminal penalty for violators.
15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §17C-7-14, to read as
18 follows:

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

21 **§17C-7-14. Driving in passing lane.**

22 (a) A person may not drive a motor vehicle in the passing lane
23 of a highway for more than two minutes unless the person is passing

1 other motor vehicles that are in a nonpassing lane or turning left
2 or unless the volume of traffic does not permit the motor vehicle
3 to safely merge into a nonpassing lane.

4 (b) For the purposes of this section:

5 (1) "Nonpassing lane" means any lane that is to the right of
6 the passing lane if there are two or more adjacent lanes of traffic
7 moving in the same direction in one roadway.

8 (2) "Passing lane" means the farthest to the left lane if
9 there are two or more adjacent lanes of traffic moving in the same
10 direction in one roadway. If the left lane is restricted to high
11 occupancy vehicle use or is designed for left turns only, the
12 passing lane is the lane immediately to the right of the high
13 occupancy lane or left turn lane.

14 (c) Any person who violates subsection (a) of this section is
15 guilty of a misdemeanor and, upon conviction thereof, shall be
16 fined \$50.

NOTE: The purpose of this bill is to prohibit a person from driving in the passing lane of a highway for more than two minutes unless the person is passing other motor vehicles unless the person is passing other vehicles, turning left or the volume of traffic does not permit the vehicle to safely merge into the nonpassing lane. A misdemeanor penalty for violations is provided.

This section is new; therefore, it has been completely underscored.