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**Senate Bill No. 636**

(By Senator Laird)

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[Introduced March 25, 2013; referred to the Committee on  
Government Organization; and then to the Committee on the  
Judiciary.]

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A BILL to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed restrictions and penalties; and providing that municipalities 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.

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

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

**ARTICLE 6. SPEED RESTRICTIONS.**

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

(a) No person may drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing

1 conditions and the actual and potential hazards. In every event  
2 speed shall be so controlled as may be necessary to avoid colliding  
3 with any person, vehicle or other conveyance on or entering the  
4 highways in compliance with legal requirements and the duty of all  
5 persons to use due care.

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

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

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

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

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

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

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

18           (e) Unless otherwise provided in this section, any person who  
19 violates the provisions of this section is guilty of a misdemeanor  
20 and, upon conviction thereof, shall be fined not more than \$100;  
21 upon a second conviction within one year thereafter, shall be fined  
22 not more than \$200; and, upon a third or subsequent conviction  
23 within two years thereafter, shall be fined not more than \$500:

1 *Provided*, That if the third or subsequent conviction is based upon  
2 a violation of the provisions of this section where the offender  
3 exceeded the speed limit by fifteen miles per hour or more, then  
4 upon conviction, shall be fined not more than \$500 or confined in  
5 ~~the county or regional~~ jail for not more than six months, or both  
6 fined and confined.

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

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

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

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

19 (j) If an owner or driver is convicted in another state for  
20 the offense of driving above the maximum speed limit on a  
21 controlled-access highway or interstate highway and if the maximum  
22 speed limit in the other state is less than the maximum speed limit  
23 for a comparable controlled-access highway or interstate highway in

1 this state, and if the evidence shows that the motor vehicle was  
2 being operated at ten miles per hour or less above what would be  
3 the maximum speed limit for a comparable controlled-access highway  
4 or interstate highway in this state, then notwithstanding the  
5 provisions of section four, article three, chapter seventeen-b of  
6 this code, a certified abstract of the judgment on the conviction  
7 shall not be transmitted to the Division of Motor Vehicles or, if  
8 transmitted, shall not be recorded by the division, unless within  
9 a reasonable time after conviction, the person convicted has failed  
10 to pay all fines and costs imposed by the other state: *Provided,*  
11 That the provisions of this subsection do not apply to conviction  
12 of owners or drivers who have been issued a commercial driver's  
13 license as defined in chapter seventeen-e of this code, if the  
14 offense was committed while operating a commercial vehicle.

15 (k) Notwithstanding any other provision of this code to the  
16 contrary, if an owner or driver is arrested under the provisions of  
17 this section for the offense of driving above the posted speed  
18 limit on a four lane controlled access highway or interstate  
19 highway located within the limits of a municipality, upon  
20 conviction thereof, the municipality may receive no more than \$25  
21 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.