

H. B. 2857

(By Delegates Manchin, Ferro, Longstreth and Caputo)

[Introduced February 20, 2015; referred to the

Committee on Roads and Transportation then the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to operating a motor vehicle in the left lane of a controlled-access highway; and misdemeanor penalty.

Be it enacted by the Legislature of West Virginia:

That §17C-7-1 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-7-1. Driving on right side of roadway; exceptions; penalty.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

1 (2) When the right half of a roadway is closed to traffic while under construction or repair;

2 (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable
3 thereon; or

4 (4) Upon a roadway designated and signposted for one-way traffic.

5 (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the
6 time and place and under the conditions then existing shall be driven in the right-hand lane then
7 available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except
8 when overtaking and passing another vehicle proceeding in the same direction or when preparing
9 for a left turn at an intersection or into a private road or driveway.

10 (c) Upon a controlled-access highway, a person may not operate a vehicle in the left lane,
11 except:

12 (1) When overtaking and passing another vehicle;

13 (2) When no other vehicle is directly behind the vehicle in the left lane;

14 (3) When traffic conditions and congestion make it impractical to drive in the right lane;

15 (4) When snow and other inclement weather conditions make it necessary to drive in the left
16 lane;

17 (5) When obstructions or hazards exist in the right lane;

18 (6) When a vehicle changes lanes to comply with a law of this state;

19 (7) When, because of highway design, a vehicle must be driven in the left lane when
20 preparing to exit;

21 (8) On toll highways when necessary to pay a toll or use a pass;

22 (9) When driving in the left lane is required to comply with an official traffic control device;

1 (10) To avoid law-enforcement vehicles, ambulances, and other emergency vehicles engaged
2 in official duties; or

3 (11) To avoid vehicles engaged in highway maintenance and construction operations.

4 ~~(c)~~ (d) Any person violating the provisions of this section is guilty of a misdemeanor and,
5 upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one
6 year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall
7 be fined not more than \$500.

NOTE: The purpose of this bill is to establish specifically when it is permissible to operate a motor vehicle in the left lane on a controlled-access highway.

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