

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Enrolled**

## **Senate Bill 476**

BY SENATORS BEACH, PLYMALE AND KESSLER

[Passed March 11, 2016; in effect 90 days from passage]



1 AN ACT to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating  
2 to driving restrictions in school zones; requiring Division of Highways to erect signage  
3 indicating place of entry and exit of each school zone; authorizing county boards of  
4 education to formally vote and request in writing for expansion of school zone to a road  
5 adjacent to school property; requiring Division of Highways to expand school zones  
6 accordingly; requiring Division of Highways to erect new signage to indicate expanded  
7 school zone's location and speed limit within ninety days of receiving request; providing  
8 that school zone may not be expanded more than one hundred twenty-five feet along  
9 adjacent road unless Division of Highways determines that additional extension is needed  
10 and necessary for safety of school children; establishing new offense for violation of school  
11 zone speed limit if required signage not present; reducing fine for violation of school zone  
12 speed limit if required signage not present; and making technical corrections.

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

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

**ARTICLE 6. SPEED RESTRICTIONS**

**§17C-6-1. SPEED LIMITATIONS GENERALLY; PENALTY.**

1 (a) No person may drive a vehicle on a highway at a speed greater than is reasonable and  
2 prudent under the existing conditions and the actual and potential hazards. In every event speed  
3 shall be controlled as necessary to avoid colliding with any person, vehicle or other conveyance  
4 on or entering the highways in compliance with legal requirements and the duty of all persons to  
5 use due care.

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

11           (1) Fifteen miles per hour in a school zone during school recess or while children are going  
12 to or leaving school during opening or closing hours. A school zone is all school property, including  
13 school grounds and any street or highway abutting the school grounds and extending one  
14 hundred twenty-five feet along the street or highway from the school grounds. The West Virginia  
15 Division of Highways shall erect signage indicating the place of entry and exit of each school  
16 zone. Upon a formal vote and a written request by a county board of education to expand a school  
17 zone to a road that is adjacent to school property, the West Virginia Division of Highways shall  
18 expand the school zone by erecting new signage indicating the expanded school zone's location  
19 and speed limit within ninety days of receiving the request: *Provided*, That the school zone may  
20 not be expanded more than one hundred twenty-five feet along an adjacent road unless the  
21 division determines that the additional extension is needed and necessary for the safety of the  
22 school children. The speed restriction does not apply to vehicles traveling on a controlled-access  
23 highway which is separated from the school or school grounds by a fence or barrier approved by  
24 the Division of Highways;

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

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

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

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

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

39 (e) Unless otherwise provided in this section, any person who violates the provisions of  
40 this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
41 \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200;  
42 and, upon a third or subsequent conviction within two years thereafter, shall be fined not more  
43 than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the  
44 provisions of this section where the offender exceeded the speed limit by fifteen miles per hour  
45 or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more  
46 than six months, or both fined and confined.

47 (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section  
48 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor  
49 more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of  
50 subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by  
51 fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall  
52 be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months,  
53 or both fined and confined: *Provided*, that if the signage required by subdivision (1) is not present  
54 in the school zone at the time of the violation, then any person who violates said provision is guilty  
55 of a misdemeanor, and upon conviction thereof, shall be fined not more than \$25.

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

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

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

74 (j) If an owner or driver is convicted in another state for the offense of driving above the  
75 maximum speed limit on a controlled access highway or interstate highway and if the maximum  
76 speed limit in the other state is less than the maximum speed limit for a comparable controlled  
77 access highway or interstate highway in this state, and if the evidence shows that the motor  
78 vehicle was being operated at ten miles per hour or less above what would be the maximum  
79 speed limit for a comparable controlled access highway or interstate highway in this state, then  
80 notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a  
81 certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor  
82 Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time  
83 after conviction, the person convicted has failed to pay all fines and costs imposed by the other  
84 state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or  
85 drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of  
86 this code, if the offense was committed while operating a commercial vehicle.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2016.

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*Governor*