

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2548**

**2015 Carryover**

(BY DELEGATES PERDUE, HICKS, MARCUM, RODIGHIERO  
AND REYNOLDS)

[Introduced January 13, 2016; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

1 A BILL to amend and reenact §17C-6-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing incorporated Class IV municipalities to enforce speed limits by use of any  
 3 device designed to measure and indicate or record speed by means of microwaves or  
 4 reflected light.

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

1 That §17C-6-7 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 6. SPEED RESTRICTIONS.**

**§17C-6-7. Prima facie evidence of speed by devices employing microwaves or reflected light; placing of signs relative to radar or laser.**

1 The speed of a motor vehicle may be proved by evidence obtained by use of any device  
 2 designed to measure and indicate or record the speed of a moving object by means of microwaves  
 3 or reflected light, when such evidence is obtained by members of the State Police, by police  
 4 officers of incorporated municipalities in classes one, two and three, as defined in chapter eight-a  
 5 of this code, by police officers of incorporated class four municipalities ~~except upon controlled~~  
 6 ~~access or partially controlled access highways~~, and by the sheriff and his or her deputies. The  
 7 evidence so obtained shall be accepted as prima facie evidence of the speed of the vehicle:  
 8 *Provided*, That the evidence of speed is obtained and detected by a certified law-enforcement  
 9 officer who has completed training for speed measuring devices used to obtain the speed of the  
 10 motor vehicle: *Provided, however*, That the Governor’s Committee on Crime, Delinquency and  
 11 Correction shall, on or before January 1, 2012, establish or certify an eight-hour training and  
 12 certification program and standards for speed measuring device training that certified law-  
 13 enforcement officers who utilize speed measuring devices must complete or otherwise satisfy in  
 14 order for any evidence of speed detected by a speed measuring device put forward by the officer

15 to be accepted of prima facie evidence. All certified law- enforcement officers must have  
16 completed or otherwise satisfied the requirements of this section prior to January 1, 2013.

17 In order to inform and educate the public generally that speed of motor vehicles operating  
18 within the state is being tested by radar or laser mechanisms, the Division of Highways shall  
19 locate and place suitable and informative stationary and movable signs at strategic points on and  
20 along highways in each county of the state giving notice to the public that such radar or laser  
21 mechanisms are in use.

NOTE: The purpose of this bill is to authorize Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light.

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