

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2185**

(BY DELEGATE CAPUTO AND WARD)

[Introduced February 8, 2017; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to allowing local authorities the authority to lower the speed limit on streets and highways  
 3 where school buses travel; and providing that no lowering of a speed limit is effective until  
 4 approved by the Commissioner of Highways.

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

1 That §17C-6-3 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 6. SPEED RESTRICTIONS.**

**§17C-6-3. When local authorities may alter speed limits.**

1 (a) *At intersection.* -- Whenever local authorities within their respective jurisdictions  
 2 determine upon ~~the basis of~~ an engineering and traffic investigation that the speed permitted  
 3 under this chapter at any intersection is greater than is reasonable ~~or safe~~ under the conditions  
 4 found to exist at ~~such the~~ intersection, ~~such the~~ local authority subject to subsection ~~(e)~~ (f) of this  
 5 section shall determine ~~and declare~~ a reasonable ~~and safe~~ speed limit ~~thereat~~, which shall be  
 6 effective at all times or during hours of daylight or darkness or at such other times ~~as may be~~  
 7 ~~determined~~ when appropriate speed limit signs ~~giving notice thereof~~ are erected at ~~such the~~  
 8 intersection or upon the approaches thereto.

9 (b) *Authority to increase twenty-five mile limit.* -- Local authorities in their respective  
 10 jurisdictions may in their discretion, but subject to subsection ~~(e)~~ (f) of this section, authorize by  
 11 ordinance higher speeds than those stated in section one of this article upon through highways  
 12 or upon highways ~~or portions thereof~~ where there are no intersections or between widely spaced  
 13 intersections, which higher speed shall be effective at all times or during hours of daylight or at  
 14 such other times as may be determined when appropriate speed limit signs are erected ~~giving~~  
 15 ~~notice of the authorized speed~~, but local authorities shall do not have authority to modify ~~or alter~~  
 16 the basic rule set forth in subsection (a), section one of this article, or ~~in any event to~~ authorize by

17 ordinance a speed in excess of fifty-five miles per hour.

18 (c) *Authority to decrease fifty-five mile limit.* -- Whenever local authorities within their  
19 respective jurisdictions determine upon ~~the basis of~~ an engineering and traffic investigation that  
20 the speed under this chapter upon open country highway outside a business or residence district  
21 is greater than is reasonable ~~or safe~~ under the conditions found to exist ~~upon such street or~~  
22 ~~highway~~, the local authority may determine and declare a reasonable and safe limit ~~thereon~~ but  
23 in no event less than thirty-five miles per hour and subject to subsection ~~(e)~~ (f) of this section,  
24 which reduced limit shall be effective at all times or during hours of darkness or at other times as  
25 may be determined when appropriate speed limit signs giving notice ~~thereof~~ are erected. ~~upon~~  
26 ~~such street or highway.~~

27 (d) *Authority to decrease twenty-five mile limit.* -- A municipality may in its discretion, but  
28 subject to subsection ~~(e)~~ (f) of this section, authorize by ordinance lower speeds than those stated  
29 in subdivision (2), subsection (b), section one of this article upon local dedicated rights-of-way in  
30 a residential district or portions thereof, which lower speed shall be effective at all times or during  
31 hours of daylight or at such other times as may be determined when appropriate speed limit signs  
32 are erected. ~~giving notice of the authorized speed.~~

33 (e) Authority to decrease speed limit on streets and highways where school buses travel.  
34 -- Whenever local authorities within their respective jurisdictions determine upon an engineering  
35 and traffic investigation that the speed under this chapter upon streets and highways where school  
36 buses travel is greater than is reasonable under the conditions found to exist upon the street or  
37 highway, the local authority may determine a reasonable limit subject to subsection (f) of this  
38 section. This reasonable limit shall be effective at all times or during hours of darkness, during  
39 hours of daylight or at other times as may be determined when appropriate speed limit signs  
40 giving notice are erected.

41 (e) (f) *Alteration of limits on state highways in municipalities.* -- Alteration of limits on state

- 42 highways or extensions thereof in a municipality by local authorities shall not be effective until  
43 ~~such alteration has been~~ approved by the Commissioner of Highways.

NOTE: The purpose of this bill is to give local authorities the authority to decrease the speed limit on streets and highways where school buses travel. The bill provides that no lowering of a speed limit is effective until approved by the Commissioner of Highways.

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