

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2349**

BY DELEGATE HOWELL, UPSON, MAYNARD, STATLER,

WALTERS, MILLER,, WESTFALL, HAMRICK,

HIGGINBOTHAM, HARSHBARGER AND ATKINSON

[Introduced February 13, 2017; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to driving on the right side of the roadway, overtaking and passing; providing that the left  
 3 lane, on interstate highways and Appalachian Development Corridors or other highways  
 4 where two or more lanes exist, is for passing only; and providing misdemeanor penalties  
 5 for violations.

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

1 §17C-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to  
 2 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; when left lane is for passing only;  
 penalty.**

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

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

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

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

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

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

- 14           (c) Upon Interstate highways and Appalachian Development Corridors in this state:
- 15           (1) When two or more lanes exist in one direction, the right lanes shall be used when not
- 16 otherwise obstructed, but the left lane may only be used while overtaking and passing another
- 17 vehicle and the passing vehicle shall return to the right lane when this may be accomplished
- 18 safely;
- 19           (2) A vehicle travelling in the left shall move to the right lane as soon as this can be
- 20 accomplished safely when a vehicle attempting to pass either flashes its headlights or sounds its
- 21 horn.
- 22           (3) The Commissioner of Highways shall post signs within this state on the interstate
- 23 highways and Appalachian Development Corridors at the borders entering the state and at
- 24 appropriate intervals within the state indicating that the left lane may be used only for passing.
- 25           (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
- 26 conviction thereof, shall be fined not more than \$100; upon a second conviction within one year
- 27 thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be
- 28 fined not more than \$500.

NOTE: The purpose of this bill is to provide that the left lane on interstate highways and Appalachian Development Corridors or other highways where two or more lanes exist is for passing only. The bill also provides misdemeanor penalties for violations. The Commissioner of Highways is required to have signs posted stating that the left lane is for passing only.

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