

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4042**

BY DELEGATES WESTFALL, ATKINSON, WAGNER, DEAN AND FRICH

[Passed March 9, 2018; in effect ninety 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 redefining school zone.

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

**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 and, in the case of  
15 school property not abutting a street or highway but accessed through a right-of-way granted for  
16 entrance to school property, a school zone established by an engineering study conducted by the  
17 Division of Highways is all school property, including school grounds and any property within the  
18 access right-of-way, and extending one hundred twenty-five feet along the street or highway from  
19 the entrance to the access right-of-way. The West Virginia Division of Highways shall erect  
20 signage indicating the place of entry and exit of each school zone. Upon a formal vote and a  
21 written request by a county board of education to expand a school zone to a road that is adjacent

22 to school property or from the entrance to an access right-of-way, the West Virginia Division of  
23 Highways shall expand the school zone by erecting new signage indicating the expanded school  
24 zone's location and speed limit within ninety days of receiving the request: *Provided*, That the  
25 school zone may not be expanded more than one hundred twenty-five feet along an adjacent  
26 road unless the division determines that the additional extension is needed and necessary for the  
27 safety of the school children. The speed restriction does not apply to vehicles traveling on a  
28 controlled-access highway which is separated from the school or school grounds by a fence or  
29 barrier approved by the Division of Highways;

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

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

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

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

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

44 (e) Unless otherwise provided in this section, any person who violates the provisions of  
45 this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
46 \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200;  
47 and, upon a third or subsequent conviction within two years thereafter, shall be fined not more

48 than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the  
49 provisions of this section where the offender exceeded the speed limit by fifteen miles per hour  
50 or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more  
51 than six months, or both fined and confined.

52 (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section  
53 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor  
54 more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of  
55 subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by  
56 fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall  
57 be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months,  
58 or both fined and confined: *Provided, however*, That if the signage required by subdivision (1) is  
59 not present in the school zone at the time of the violation, then any person who violates said  
60 provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
61 \$25.

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

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

71 (i) If an owner or driver is convicted under the provisions of this section for the offense of  
72 driving above the speed limit on a controlled access highway or interstate highway of this state  
73 and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less

74 above the speed limit, then notwithstanding the provisions of section four, article three, chapter  
75 seventeen-b of this code, a certified abstract of the judgment on the conviction shall not be  
76 transmitted to the Division of Motor Vehicles: *Provided*, That the provisions of this subsection do  
77 not apply to conviction of owners or drivers who have been issued a commercial driver's license  
78 as defined in chapter seventeen-e of this code, if the offense was committed while operating a  
79 commercial vehicle.

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

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2018.

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*Governor*