

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 458

BY SENATOR CLEMENTS

[Introduced January 29, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §17C-7-1 and §17C-7-3 of the Code of West Virginia, 1931, as
 2 amended; and to amend and reenact §17C-8-8 of said code, all relating to traffic
 3 regulations; increasing fines; permitting visible instead of audible signal when passing to
 4 the left of an overtaken vehicle; and clarifying that an appropriate signal is required when
 5 moving right or left upon a roadway.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING,
 ETC.**

§17C-7-1. Driving on right side of roadway; exceptions; penalty.

1 (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of
 2 the 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) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
 15 conviction thereof, shall be fined not more than ~~\$100~~ \$250; upon a second conviction within one
 16 year thereafter, shall be fined not more than ~~\$200~~ \$350; and upon a third or subsequent

17 conviction, shall be fined not more than \$500.

§17C-7-3. Overtaking and passing vehicle or bicycle proceeding in same direction --

Passing on the left generally; penalty.

1 (a) The following rules govern the overtaking and passing of vehicles proceeding in the
2 same direction subject to these limitations, exceptions, and special rules hereinafter stated:

3 (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction
4 shall give an audible or visible signal and pass to the left of the overtaken vehicle at a safe distance
5 and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

6 (2) The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass
7 to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed,
8 and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

9 (3) Except when overtaking and passing on the right is permitted, the driver of an
10 overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible or visible
11 signal and may not increase the speed of his or her vehicle until completely passed by the
12 overtaking vehicle.

13 (b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
14 conviction thereof, shall be fined not more than ~~\$100~~ \$250; upon a second conviction within one
15 year thereafter, shall be fined not more than ~~\$200~~ \$350; and upon a third or subsequent
16 conviction, shall be fined not more than \$500.

**ARTICLE 8. TURNING AND STARTING AND SIGNALS ON STOPPING AND
TURNING.**

§17C-8-8. Turning movements and required signals; penalty.

1 (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position
2 upon the roadway as required in sections two, three, four or five of this article, or turn a vehicle to
3 enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or

4 left upon a roadway unless and until such movement can be made with reasonable safety. No
5 person shall so turn or so move any vehicle without giving an appropriate signal in the manner
6 hereinafter provided in the event any other traffic may be affected by such movement.

7 (b) A signal of intention to turn or move right or left when required shall be given
8 continuously during not less than the last 100 feet traveled by the vehicle before turning or moving.

9 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving
10 an appropriate signal in the manner provided herein to the driver of any vehicle immediately to
11 the rear when there is opportunity to give such signal.

12 (d) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
13 conviction thereof, shall be fined not more than ~~\$100~~ \$250; upon a second conviction within one
14 year thereafter, shall be fined not more than ~~\$200~~ \$350; and upon a third or subsequent
15 conviction, shall be fined not more than \$500.

NOTE: The purpose of this bill is to increase penalties for vehicles driving slow in the passing lane or for overtaking a vehicle or turning or making a lane change without giving a signal; to clarify that signaling is required when changing lanes; and to permit a visual instead of audible signal when overtaking or passing a vehicle.

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