

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4970

By Delegates Cooper, Heckert, and Shamblin

[Introduced January 22, 2024; Referred to the
Committee on Political Subdivisions then the Judiciary
to the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
 2 designated §8-12-5h, relating to municipal corporations; and the jurisdiction and limitations
 3 on municipalities to retain revenue received from minor traffic violations; and providing
 4 definitions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
 OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

§8-12-5h. Jurisdiction and Limitations upon Local Municipalities' Ability to Retain Revenue

Received from Minor Traffic Violations.

1 (a) For the purpose of this section:

2 "Town or village," "city", and "municipality" have the same meaning as provided in §8-1-2 of
 3 this code; and

4 "Minor traffic violation" means any moving violation not listed in §17C-5-1 et seq. of this
 5 code or in any ordinance defining an offense in substantially similar terms to an offense listed in
 6 that article.

7 (b) Minor traffic violations occurring on state or federal divided highways under full or
 8 limited access control shall only be prosecuted in magistrate court or circuit court for offenses
 9 occurring after the effective date of this section.

10 (c) Every town, village, city, or municipality may only receive or retain a maximum revenue
 11 of \$10 from each fine, each forfeiture, and each court cost assessed for minor traffic violations
 12 occurring on state or federal divided highways under full or limited access control after the
 13 effective date of this section. Any revenue amount exceeding the \$10 maximum revenue limit from
 14 each fine, each bond forfeiture, and each court cost assessed for these minor traffic violations
 15 shall be distributed as otherwise provided for in this code.

NOTE: The purpose of this bill is to limit the amount of revenue municipalities may receive from minor traffic violations.

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