

SB 143

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 143

(By Senators MILLER & LOVE)



PASSED MARCH 9, 1996

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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Senate Bill No. 143

(BY SENATORS MILLER AND LOVE)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to speed limitations generally; penalties for violation of speed limits; exemption from driver record point assessment for speeding on out-of-state controlled access highways and interstate highways; and exempting commercial driver license holders from point assessment exemptions while operating a commercial vehicle.

Be it enacted by the Legislature of West Virginia:

That section one, article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-1. Speed limitations generally; penalties for violation of speed limits in school zones.

1 (a) No person may drive a vehicle on a highway at a
2 speed greater than is reasonable and prudent under the
3 existing conditions and the actual and potential hazards.
4 In every event speed shall be so controlled as may be
5 necessary to avoid colliding with any person, vehicle or
6 other conveyance on or entering the highways in compli-
7 ance with legal requirements and the duty of all persons
8 to use due care.

9 (b) Where no special hazard exists that requires lower
10 speed for compliance with subsection (a) of this section,
11 the speed of any vehicle not in excess of the limits
12 specified in this section or established as hereinafter
13 authorized is lawful, but any speed in excess of the limits
14 specified below in this subsection or established as
15 hereinafter authorized is unlawful.

16 (1) Fifteen miles per hour in a school zone during
17 school recess or while children are going to or leaving
18 school during opening or closing hours. A school zone is
19 all school property including school grounds and any
20 street or highway abutting such school grounds and
21 extending one hundred twenty-five feet along such street
22 or highway from the school grounds. The speed restric-
23 tion does not apply to vehicles traveling on a controlled-
24 access highway which is separated from the school or
25 school grounds by a fence or barrier approved by the
26 state road commissioner;

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

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

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

33 (c) The driver of every vehicle shall, consistent with the
34 requirements of subsection (a) of this section, drive at an
35 appropriate reduced speed when approaching and
36 crossing an intersection or railway grade crossing, when
37 approaching and going around a curve, when approach-

38 ing a hill crest, when traveling upon any narrow or
39 winding roadway and when special hazard exists with
40 respect to pedestrians or other traffic or by reason of
41 weather or highway conditions.

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

47 (e) Any person who violates the provisions of this
48 section is guilty of a misdemeanor, and, upon conviction
49 thereof, shall be fined not more than one hundred
50 dollars: *Provided*, That any person who violates the
51 provisions of this section after having been previously
52 convicted under the provisions of this section for a prior
53 offense which occurred within the preceding one-year
54 period, is guilty of a misdemeanor, and, upon conviction
55 thereof, shall be fined not more than two hundred
56 dollars: *Provided, however*, That any person who
57 violates the provisions of this section after having been
58 previously convicted under the provisions of this section
59 for two or more prior offenses which occurred within the
60 preceding two-year period, is guilty of a misdemeanor,
61 and, upon conviction thereof, shall be fined not more
62 than five hundred dollars or confined in jail for not more
63 than six months, or both: *Provided further*, That any
64 person who violates subdivision (1), subsection (b) of this
65 section is guilty of a misdemeanor, and, upon conviction
66 thereof, shall be fined not less than one hundred dollars
67 nor more than five hundred dollars, or shall be fined not
68 less than one hundred dollars nor more than five hun-
69 dred dollars and confined in jail for not more than six
70 months, or both, for a violation of said subdivision after
71 having been previously convicted for one or more
72 violations of said subdivision which occurred within the
73 preceding two-year period.

74 (f) If an owner or driver is arrested under the provi-
75 sions of this section for the offense of driving above the

76 posted speed limit on a controlled-access highway or
77 interstate highway, and if the evidence shall show that
78 the motor vehicle was being operated at less than ten
79 miles per hour above said speed limit, then, upon convic-
80 tion thereof, such person shall be fined not more than
81 five dollars, plus court costs.

82 If an owner or driver is convicted under the provisions
83 of this section for the offense of driving above the speed
84 limit on a controlled-access highway or interstate
85 highway of this state, and if the evidence shall show that
86 the motor vehicle was being operated at less than ten
87 miles per hour above said speed limit, then notwith-
88 standing the provisions of section four, article three,
89 chapter seventeen-b of this code, a certified abstract of
90 the judgment on such conviction shall not be transmitted
91 to the division of motor vehicles.

92 (g) If an owner or driver is convicted in another state
93 for the offense of driving above the maximum speed limit
94 on a controlled access highway or interstate highway,
95 and if the maximum speed limit in such other state is
96 less than the maximum speed limit for a comparable
97 controlled access highway or interstate highway in this
98 state, and if the evidence shall show that the motor
99 vehicle was being operated at less than ten miles per
100 hour above what would be the maximum speed limit for
101 a comparable controlled access highway or interstate
102 highway in this state, then notwithstanding the provi-
103 sions of section four, article three, chapter seventeen-b
104 of this code, a certified abstract of the judgment on such
105 conviction shall not be transmitted to the department of
106 motor vehicles, or, if transmitted, shall not be recorded
107 by the department, unless within a reasonable time after
108 conviction, the person convicted has failed to pay all
109 fines and costs imposed by the other state: *Provided,*
110 That the provisions of this subsection do not apply to
111 conviction of owners or drivers who have been issued a
112 commercial driver's license as defined in chapter
113 seventeen-e of this code, if the offense was committed
114 while operating a commercial vehicle.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Paul Johnson
.....
Chairman Senate Committee

Lundy Seacrest
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Smith
.....
Clerk of the Senate

Gayle W. Gray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Paul Calabrese
.....
Speaker House of Delegates

The within *is approved* this the *20th*
day of *March*, 1996.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GUBERNOR

Date 3/22/96

Time 3:05 pm