

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 686

BY SENATORS MAYNARD, CARMICHAEL, GAUNCH,

KARNES, TAKUBO, WALTERS AND BLAIR

[Introduced February 22, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §17C-6-8 of the Code of West Virginia, 1931, as amended, relating
 2 to racing on highways or streets; and allowing races on county or municipal roads when
 3 the race is sanctioned by the local governing authority and the road is closed to other
 4 traffic.

Be it enacted by the Legislature of West Virginia:

1 That §17C-6-8 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-8. Racing on streets and highways prohibited; legislative findings; penalties; mandatory revocation of licenses; exception for locally authorized race.

1 (a) The Legislature hereby determines and finds that the racing of motor vehicles on the
 2 public streets and highways of this state, whether within or in excess of the lawful speed limit
 3 (much of which racing is commonly referred to as “drag racing”), is extremely dangerous to life,
 4 limb and property, and that such racing is an ever increasing problem. It is, therefore, hereby
 5 declared to be the public policy of this state to prohibit all forms of such racing on the public streets
 6 and highways, and to provide criminal penalties for, and require the revocation of the operator’s
 7 or chauffeur’s license or nonresident privilege to drive, of those persons who are convicted of
 8 engaging in or aiding or abetting such racing.

9 ~~(a)~~ (b) It shall be is unlawful for any person to engage in, or aid or abet by serving as
 10 lookout or timer or in any other capacity whatever, any speed race, as defined herein, on any
 11 public street or highway in this state. For the purposes of this ~~subdivision~~ section “speed race”
 12 means:

- 13 (1) The operation of a motor vehicle in speed acceleration competition with another motor
- 14 vehicle or motor vehicles; or
- 15 (2) The operation of a motor vehicle in speed acceleration competition against time; or
- 16 (3) The operation of a motor vehicle in speed competition with another motor vehicle or

17 motor vehicles where speed exceeds the lawful speed limit.

18 ~~(b)~~ (c) Any person who violates the provisions of ~~subdivision (a)~~ subsection (b) of this
 19 section ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be punished for a
 20 first offense by a fine of not less than \$50 nor more than \$100, and for a second offense by a fine
 21 of not less than \$50 nor more than \$500, or by ~~imprisonment~~ confinement in jail for not less than
 22 six days nor more than sixty days, or by both such fine and ~~imprisonment~~ confinement, and for a
 23 third and each subsequent offense by a fine of not less than \$100 nor more than \$100, or by
 24 ~~imprisonment~~ confinement in jail for not less than sixty days nor more than four months, or by
 25 both such fine and ~~imprisonment~~ confinement. For the purposes of this section, a forfeiture of bail
 26 or collateral deposited to secure ~~such the~~ the person's appearance in court, which forfeiture has not
 27 been vacated, ~~shall be~~ is equivalent to a final conviction. If at the time of any violation of the
 28 provisions of ~~subdivision (a)~~ subsection (b) of this section by any person as an operator of a motor
 29 vehicle, ~~such the~~ the person was not entitled to operate a motor vehicle in this state because his or
 30 her operator's or chauffeur's license, or privilege to drive in this state if ~~such the~~ the person be a
 31 nonresident, had earlier been suspended or revoked, then in addition to the offense, penalties
 32 and mandatory revocation provided ~~for~~ in this section, the provisions of section three, article four,
 33 chapter seventeen-b of this code ~~shall be~~ are applicable.

34 ~~(e)~~ (d) Whenever a person is convicted for a violation of the provisions of ~~subdivision (a)~~
 35 subsection (b) of this section, which conviction has become final, the Commissioner of Motor
 36 Vehicles shall in addition to the penalties ~~hereinbefore~~ provided in this section, forthwith:

37 (1) For a first offense, revoke the operator's or chauffeur's license of ~~such the~~ the person, or
 38 ~~such the~~ the person's privilege to drive in this state if he ~~be~~ or she is a nonresident, for a period of six
 39 months;

40 (2) For a second offense occurring within a two-year period, revoke the operator's or
 41 chauffeur's license of ~~such the~~ the person, or ~~such the~~ the person's privilege to drive in this state if he ~~be~~
 42 or she is a nonresident, for a period of two years; or

43 (3) For a third or any subsequent offense occurring within a five-year period, revoke the
44 operator's or chauffeur's license of ~~such the~~ the person, or ~~such the~~ the person's privilege to drive in this
45 state if he ~~be~~ or she is a nonresident, for a period of five years.

46 (e) Whenever a person is convicted ~~as aforesaid~~ under this section for a second, third or
47 subsequent offense which occurred while ~~such the~~ the person's operator's or chauffeur's license, or
48 privilege to drive in this state if he ~~be~~ or she is a nonresident, was revoked pursuant to the
49 provisions of ~~this subdivision~~ subsection (d) of this section, the period or periods of mandatory
50 revocation for ~~such the~~ the second, third or subsequent offense ~~shall be~~ is cumulative and ~~shall~~ run
51 consecutively. If a person's junior or probationary operator's license is revoked in accordance with
52 the provisions of ~~this subdivision~~, ~~such~~ subsection (d) of this section, the person may not apply
53 for a regular operator's or chauffeur's license until he or she reaches eighteen years of age or
54 until the period of revocation has elapsed, whichever event ~~shall last occur~~ occurs last.

55 (f) Notwithstanding the provisions of section eight, article three, chapter seventeen-b of
56 this code, any person whose operator's or chauffeur's license, or privilege to drive in this state if
57 he ~~be~~ or she is a nonresident, is revoked, under the provisions of ~~this subdivision~~ subsection (d)
58 of this section, may, following the period or periods of revocation, immediately apply for and obtain
59 a new operator's or chauffeur's license or nonresident privilege to drive, as the case may be, if
60 and only if the Commissioner of Motor Vehicles is satisfied, after investigation of the character,
61 habits and driving ability of ~~such the~~ the person, that it will be safe to permit ~~such the~~ the person to drive
62 a motor vehicle on the public streets and highways. Any period of revocation imposed under the
63 provisions of ~~this subdivision~~ subsection (d) of this section shall be computed from the date of
64 ~~such the~~ the revocation.

65 (g) The provisions of subsection (b) of this section do not apply to a race held on a county
66 or municipal road when the race is sanctioned by the county or municipality and the road is closed
67 to other traffic during the race.

NOTE: The purpose of this bill is to allow races on county or municipal roads when the race is sanctioned by the local governing authority and the road is closed to other traffic.

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