

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 348

**FISCAL
NOTE**

BY SENATOR TRUMP

[Introduced February 17, 2017; Referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on the
Judiciary]

1 A BILL to amend and reenact §17C-2-8 of the Code of West Virginia, 1931, as amended, relating
 2 to parking along state highways; prohibiting local authorities from allowing parking along
 3 U. S. and primary state highways when doing so reduces flow of traffic to less than one
 4 lane of traffic moving in each direction; providing exception for one-way state highways;
 5 and requiring Division of Highways to erect appropriate signage.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

§17C-2-8. Powers of local authorities.

1 (a) The provisions of this chapter shall not be deemed to prevent local authorities with
 2 respect to streets and highways under their jurisdiction and within the reasonable exercise of the
 3 police power from:

- 4 (1) Regulating the standing or parking of vehicles;
- 5 (2) Regulating traffic by means of police officers or traffic-control devices;
- 6 (3) Regulating or prohibiting processions or assemblages on the highways;
- 7 (4) Designating particular highways as one-way highways and requiring that all vehicles
 8 thereon be moved in one specific direction;
- 9 (5) Regulating the speed of vehicles in public parks;
- 10 (6) Designating any highway as a through highway and requiring that all vehicles stop
 11 before entering or crossing the same or designating any intersection as a stop intersection and
 12 requiring all vehicles to stop at one or more entrances at such intersection;
- 13 (7) Restricting the use of highways as authorized in section twelve, article seventeen of
 14 this chapter;
- 15 (8) Regulating the operation of bicycles and requiring the registration and licensing of
 16 same, including the requirement of a registration fee;

17 (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at
18 intersections;

19 (10) Altering the speed limits as authorized herein; and

20 (11) Adopting such other traffic regulations as are specifically authorized by this chapter.

21 (b) No local authority shall permit any parking on any state highway, or erect or maintain
22 any stop sign or traffic- control device at any location so as to require the traffic on any state
23 highway to stop before entering or crossing any intersecting highway unless approval in writing
24 has first been obtained from the ~~state road commissioner~~ Commissioner of Highways. Any such
25 approval may be withdrawn by a notice in writing from the ~~state road commissioner~~ Commissioner
26 of Highways.

27 (c) No local authority may permit any parking on any U.S. or primary state highway that
28 reduces the flow of traffic to less than one lane of traffic moving in each direction. However, if a
29 state highway allows traffic only in one direction, a local authority may permit parking that reduces
30 the flow of traffic to one lane of traffic. The Division of Highways shall erect signage indicating
31 where parking on a state highway is permitted and prohibited.

32 ~~(e)~~ (d) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), or (10), of
33 subsection (a) of this section shall be effective until signs giving notice of such local traffic
34 regulations are posted upon or at the entrance to the highway or part thereof affected as may be
35 most appropriate.

NOTE: This purpose of this bill is to prohibit local authorities from allowing parking along U.S. or primary state highways when doing so reduces flow of traffic to less than one lane of traffic moving in each direction. The bill provides exception for one-way state highways. The bill requires the Division of Highways to erect appropriate signage.

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