

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 2897

BY DELEGATES C. THOMPSON, HARTMAN, DEAN, R.

THOMPSON, LAVENDER-BOWE, ESTEP-BURTON, BOGGS,

HORNBUCKLE, ROWAN, BROWN AND WALKER

[Originating in the Committee on Education;

February 19, 2020.]

1 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating
2 to driving restrictions in school zones; specifying that the speed limit restriction for school
3 zones applies during school recess or while children are going to or leaving school during
4 opening or closing hours or whenever school zone flashing beacons are present and
5 activated.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-1. Speed limitations generally; penalty.

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

6 (b) Where no special hazard exists that requires lower speed for compliance with
7 subsection (a) of this section, ~~the speed of any vehicle not in excess of the limits~~ a vehicle not
8 exceeding the speed limits specified in this section or established as authorized in this section is
9 lawful, but any speed ~~in excess of~~ exceeding the limits specified in this subsection or established
10 as authorized in this section is unlawful. The following speed limits apply:

11 (1) Fifteen miles per hour in a school zone during school recess or while children are going
12 to or leaving school during opening or closing hours or whenever school zone flashing beacons
13 are present and activated. A school zone is all school property, including school grounds and any
14 street or highway abutting the school grounds and extending 125 feet along the street or highway
15 from the school grounds and, in the case of school property not abutting a street or highway but
16 accessed through a right-of-way granted for entrance to school property, a school zone
17 established by an engineering study conducted by the Division of Highways is all school property,
18 including school grounds and any property within the access right-of-way, and extending 125 feet

19 along the street or highway from the entrance to the access right-of-way. The West Virginia
20 Division of Highways shall erect signage indicating the place of entry and exit of each school
21 zone. Upon a formal vote and a written request by a county board of education to expand a school
22 zone to a road that is adjacent to school property or from the entrance to an access right-of-way,
23 the West Virginia Division of Highways shall expand the school zone by erecting new signage
24 indicating the expanded school zone's location and speed limit within 90 days of receiving the
25 request: *Provided*, That the school zone may not be expanded more than 125 feet along an
26 adjacent road unless the division determines that the additional extension is needed and
27 necessary for the safety of the school children. The speed restriction does not apply to vehicles
28 traveling on a controlled-access highway which is separated from the school or school grounds
29 by a fence or barrier approved by the Division of Highways;

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

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

33 The speeds set forth in this section may be altered as authorized in §17C-6-2 and §17C-
34 6-3 of this code.

35 (c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of
36 this section, drive at an appropriate reduced speed when approaching and crossing an
37 intersection or railway grade crossing, when approaching and going around a curve, when
38 approaching a hill crest, when traveling upon any narrow or winding roadway and when a special
39 hazard exists with respect to pedestrians or other traffic or by reason of weather or highway
40 conditions.

41 (d) The speed limit on controlled access highways and interstate highways, where no
42 special hazard exists that requires a lower speed, shall be not less than 55 miles per hour and
43 the speed limits specified in subsection (b) of this section do not apply.

44 (e) Unless otherwise provided in this section, any person who violates the provisions of
45 this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
46 \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200;
47 and, upon a third or subsequent conviction within two years thereafter, shall be fined not more
48 than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the
49 provisions of this section where the offender exceeded the speed limit by 15 miles per hour or
50 more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than
51 six months, or both fined and confined.

52 (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section
53 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor
54 more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of
55 subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by 15
56 miles per hour or more in the presence of one or more children, then upon conviction, shall be
57 fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or
58 both fined and confined: *Provided, however*, That if the signage required by subdivision (1) is not
59 present in the school zone at the time of the violation, then any person who violates said provision
60 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25.

61 (g) If an owner or driver is arrested under the provisions of this section for the offense of
62 driving above the posted speed limit on a controlled access highway or interstate highway and if
63 the evidence shows that the motor vehicle was being operated at ~~ten~~ 10 miles per hour or less
64 above the speed limit, then, upon conviction thereof, that person shall be fined not more than \$5,
65 plus court costs.

66 (h) Any person operating a commercial motor vehicle engaged in the transportation of coal
67 on the coal resource transportation road system who violates subsection (a), (b) or (c) of this
68 section shall, upon conviction, be subject to fines in triple the amount otherwise provided in
69 subsection (e) of this section.

70 (i) If an owner or driver is convicted under the provisions of this section for the offense of
71 driving above the speed limit on a controlled access highway or interstate highway of this state
72 and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less
73 above the speed limit, then notwithstanding the provisions of §17B-3-4 of this code, a certified
74 abstract of the judgment on the conviction shall not be transmitted to the Division of Motor
75 Vehicles: *Provided*, That the provisions of this subsection do not apply to conviction of owners or
76 drivers who have been issued a commercial driver's license as defined in §17E-1-1 *et seq.* of this
77 code, if the offense was committed while operating a commercial vehicle.

78 (j) If an owner or driver is convicted in another state for the offense of driving above the
79 maximum speed limit on a controlled access highway or interstate highway and if the maximum
80 speed limit in the other state is less than the maximum speed limit for a comparable controlled
81 access highway or interstate highway in this state, and if the evidence shows that the motor
82 vehicle was being operated at 10 miles per hour or less above what would be the maximum speed
83 limit for a comparable controlled access highway or interstate highway in this state, then
84 notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the judgment on
85 the conviction shall not be transmitted to the Division of Motor Vehicles or, if transmitted, shall not
86 be recorded by the division, unless within a reasonable time after conviction, the person convicted
87 has failed to pay all fines and costs imposed by the other state: *Provided*, That the provisions of
88 this subsection do not apply to conviction of owners or drivers who have been issued a
89 commercial driver's license as defined in §17E-1-1 *et seq.* of this code, if the offense was
90 committed while operating a commercial 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.