

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 245**

BY SENATORS BALDWIN, LINDSAY, AND FACEMIRE

[Introduced January 9, 2020; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17C-3-4b of the Code of West Virginia, 1931, as amended, relating  
 2 to the placement of traffic control devices before and after street or highway construction  
 3 or maintenance.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. TRAFFIC SIGNS, SIGNALS, AND MARKINGS.**

**§17C-3-4b. Traffic violations in construction zones; posting requirement; criminal penalty.**

1 (a) Where street or highway construction work is being conducted, signs and other traffic  
 2 control devices, as adopted in §17C-3-1 of this code, shall be posted giving the location of the  
 3 work and notifying all motorists as to the speed limit and any other traffic restrictions: *Provided,*  
 4 That traffic control devices intended to regulate, warn, or guide traffic may not be placed,  
 5 deployed, positioned, or installed more than 10 days prior to the commencement of street or  
 6 highway construction or maintenance, and must be removed no more than 10 days after the  
 7 completion of street or highway construction or maintenance.

8 (b) Any person who exceeds any posted speed restriction or traffic restriction at a  
 9 construction site referred to in subsection (a) of this section by less than 15 miles per hour is guilty  
 10 of a misdemeanor and, upon conviction thereof, shall be fined not more than \$200.

11 (c) Any person who exceeds any posted speed restriction or traffic restriction at a  
 12 construction site referred to in subsection (a) of this section by 15 miles per hour or more is guilty  
 13 of a misdemeanor and, upon conviction thereof, shall be fined not more than \$200 or confined in  
 14 a regional jail not more than 20 days, or both.

15 (d) Nothing in this section ~~shall~~ may be construed to preclude prosecution of any operator  
 16 of a motor vehicle who commits a violation of any other provision of this code for such violation.

NOTE: The purpose of this bill is to prohibit the placement of traffic control devices more than 10 days prior to the commencement of street or highway construction or maintenance and requires their removal not more than 10 days after the completion of the construction or maintenance.

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