

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5287

By Delegates Cannon, Linville, Riley, Maynor, W. Hall,
Chiarelli, Hillenbrand, Steele, Campbell, Garcia, and
Miller

[Introduced January 29, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
 2 designated §17C-1-71; and to amend and reenact §17C-14-9a of said code; all relating to
 3 traffic safety; creating a definition for the phrase maintenance vehicle; and listing additional
 4 categories of vehicles for which motorists shall slow down and, if possible, move over.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-71. Maintenance vehicles; definitions.

1 For the purpose of this chapter, the term "Maintenance vehicle" means any vehicle in use
 2 by the state or any political subdivision thereof, or by any company performing public service, in
 3 the maintenance of public highways or bridges and facilities located within the limits of public
 4 highways or bridges.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-9a. Approaching authorized emergency vehicles, maintenance vehicles or disabled vehicles; penalties.

1 (a) The driver of any vehicle approaching a stationary authorized emergency vehicle,
 2 maintenance vehicle, or disabled vehicle, when the authorized emergency vehicle or maintenance
 3 vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue
 4 lights or amber or yellow or green warning lights, or the disabled vehicle is displaying some type of
 5 warning signal, such as emergency flashers, flares or retroreflective signals, shall:

6 (1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent
 7 to that of the authorized emergency vehicle, maintenance vehicle or disabled vehicle, if possible
 8 with regard to safety and traffic conditions, if on a highway having at least four lanes with not less
 9 than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a
 10 safe level for road conditions; or

11 (2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed

12 not to exceed fifteen miles per hour on any nondivided highway or street and twenty-five miles per
13 hour on any divided highway depending on road conditions, if changing lanes would be impossible
14 or unsafe.

15 (b) (l) Any person who violates any subsection of this section is guilty of a misdemeanor
16 and, upon conviction thereof, shall be fined not more than \$500 or confined in the county or
17 regional jail not more than sixty days, or both fined and imprisoned.

18 (2) If violation of this section results in property damage in addition to any other penalty
19 imposed, driving privileges of the persons causing the property damage shall be suspended for
20 ninety days.

21 (3) If violation of this section results in injury to another person in addition to any other
22 penalty imposed, the driving privileges of the person causing the injury shall be suspended for six
23 months.

24 (4) If violation of this section results in the death of another person in addition to any other
25 penalty imposed, the driving privileges of the person causing the death shall be suspended for two
26 years.

27 (5) Any person who violates any provision of this section and while doing so also violates
28 section two, article five of this chapter is guilty of a misdemeanor and, upon conviction thereof,
29 shall, in addition to the penalties set out in section two of said article and this section, be fined not
30 less than \$1,000 nor more than \$5,000, or confined in the county or regional jail for a period not
31 more than six months, or both fined and imprisoned.

NOTE: The purpose of this bill is to increase traffic safety by defining maintenance vehicles and describing making way for them.

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