

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 436

BY SENATOR WOODRUM

[Originating in the Committee on Transportation and
Infrastructure; reported January 30, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17C-14-11a, relating to prohibiting drivers on highways from operating motor
3 vehicles that have been intentionally modified to cause smoke or other visible emission;
4 and providing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-11a. Prohibiting emissions that block visibility; penalty.

1 (a) It is unlawful for any driver on a highway to operate a motor vehicle that has been
2 intentionally modified to cause smoke or other visible emission if such emission:

3 (1) Obstructs or obscures the view of any person participating in traffic; or

4 (2) Creates a hazard to any person.

5 (b) For purposes of this section, the term “modified” includes, but is not limited to, the
6 following:

7 (1) Alteration or retrofitting of a vehicle system or component;

8 (2) Addition or removal of a vehicle system or component;

9 (3) Use of any additive.

10 (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
11 conviction thereof, shall be fined not more than \$100; upon a second conviction within one year
12 thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be
13 fined not more than \$500.