

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4538

By Delegates G. Howell and Sheedy

[Introduced January 19, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §17C-6-8a, relating to speed restrictions; limiting the use of speed
3 enforcement equipment in DOH work zones; establishing ownership, operation, signage,
4 evidentiary and application requirements; providing for citation issuance procedures;
5 providing definitions; and requiring sworn statements from law enforcement officers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-8a. Limited use of photographic, video, or digital speed enforcement equipment in Division of Highways work zones.

1 (a) General Rule — No governmental entity or agent thereof may use photographic, video,
2 or digital equipment to gather evidence for the issuance of a traffic citation for a violation of this
3 article except as provided in this section.

4 (b) Authorized Use in Division of Highways Work Zones — Two signs indicating that the
5 construction speed limit is photo enforced with law enforcement present shall be placed in
6 advance of the active work zone, at appropriate distances to provide adequate notice to motorists.

7 Photographic, video, or digital equipment may be used to enforce speed limits within an
8 active work zone established by the West Virginia Division of Highways: *Provided*, That the
9 equipment is owned or leased by the State of West Virginia, a political subdivision thereof, or the
10 West Virginia Division of Highways and the equipment is:

11 (1) Hand-held by a law enforcement officer;

12 (2) Installed in a state, county, or municipal law enforcement vehicle; or

13 (3) Installed in a Division of Highways vehicle or piece of equipment positioned within the
14 work zone.

15 (c) Law Enforcement Officer Presence Required — A photographic, video, or digital
16 recording made under this section may be used to issue a traffic citation only if a law enforcement

officer is present within the work zone at the time of the violation and personally observes the violation as an eye witness.

(d) Evidentiary Standards — Any image or recording used to support a citation under this section must clearly and identifiably show:

- (1) The vehicle involved in the violation;
- (2) The vehicle's registration plate;
- (3) The measured speed of the vehicle; and
- (4) The date and time of the infraction.

(e) Citation Issuance and Sworn Statement — The law enforcement officer present is not required to detain or stop the vehicle at the time of the violation. A citation may be mailed to the registered owner of the vehicle and shall include:

- (1) The photographic or video evidence; and
- (2) A sworn statement by the law enforcement officer present that:
 - (A) The information recorded by the speed enforcement equipment is true and accurate;
- and
- (B) The officer personally witnessed the violation.

The sworn statement shall constitute prima facie evidence of the facts contained therein for purposes of prosecution.

(f) Definitions — For purposes of this section:

"Active work zone" means a portion of a highway or street where construction, maintenance, or utility work is being performed, and workers are present.

"Law enforcement officer" means a sworn member of the West Virginia State Police, a sheriff or deputy sheriff, or a municipal police officer.

"Photographic, video, or digital speed enforcement equipment" means equipment that consists of a system that uses sensors and cameras to automatically detect a speeding vehicle and capture evidence of the violation. This equipment can include radar or LiDAR to measure

43 speed, a camera to take a photo or video of the vehicle and its license plate, and other
44 components to record data, with the purpose of automating speed law enforcement.

45 (g) Construction —

46 This section does not authorize the general or unattended use of automated traffic
47 enforcement systems outside of Division of Highways work zones as described herein.

NOTE: The purpose of this bill is to clarify the use of photographic, video, or digital equipment to enforce speed limits in Division of Highways work zones

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