

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4538

By Delegates Howell and Sheedy

[Originating in the Committee on the Judiciary;

reported on February 26, 2026]

1 A BILL to amend and reenact §17C-3-4a and §17C-3-4b of the Code of West Virginia, 1931, as
2 amended; all relating to increasing fines and criminal penalties for speeding and traffic
3 control violations in construction work zones.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

**§17C-3-4a. Obedience to traffic-control instructions at site of street or highway
construction or maintenance; penalty.**

1 (a) The driver of any vehicle shall obey the traffic-control instructions of any law-
2 enforcement officer or persons authorized by the commissioner of highways or by proper local
3 authorities to operate traffic-control devices, act as flagmen or operate authorized vehicles
4 engaged in work at or near the site of street or highway construction maintenance work, for the
5 purpose of regulating, warning or guiding traffic, subject to the exceptions granted the driver of an
6 authorized emergency vehicle in this chapter.

7 (b) Any person failing to comply with the requirements of this section is guilty of a
8 misdemeanor and, upon conviction thereof, shall be fined not more than ~~\$250~~\$100; upon a
9 second conviction within one year thereafter, shall be fined not more than ~~\$500~~\$200; and upon a
10 third or subsequent conviction, shall be fined not more than ~~\$1,000~~\$500.

§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.

4 (b) Any person who exceeds any posted speed restriction or traffic restriction at a
5 construction site referred to in subsection (a) of this section by less than fifteen miles per hour is
6 guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than ~~\$500~~ \$200.

7 (c) Any person who exceeds any posted speed restriction or traffic restriction at a
8 construction site referred to in subsection (a) of this section by fifteen miles per hour or more is
9 guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than ~~\$1,000~~ \$200 or
10 confined in a regional jail not more than ~~thirty~~ twenty days, or both.

11 (d) Notwithstanding the provisions of §17C-14-15 of this code, any person who commits a
12 violation of §17C-14-15 of this code within a construction site referred to in subsection (a) of this
13 section is guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalties not
14 more than twice those authorized for the applicable offense under §17C-14-15 of this code.

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