

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4538

By Delegates Howell and Sheedy

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend and reenact §17C-3-4a and §17C-3-4b of the Code of West Virginia,
2 1931, as amended; all relating to increasing fines and criminal penalties for speeding, traffic
3 control violations, and violations of the Electronically Distracted Driving Act in construction work
4 zones when workers are present.

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 \$100; upon a second
9 conviction within one year thereafter, shall be fined not more than \$200; and upon a third or
10 subsequent conviction, shall be fined not more than \$500.

11 (c) Any person failing to comply with the requirements of this section when any worker is
12 present is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
13 \$250; upon a second conviction within one year thereafter, shall be fined not more than \$500; and
14 upon a third or subsequent conviction, shall be fined not more than \$1,000.

§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 15 miles per hour is guilty
6 of a misdemeanor and, upon conviction thereof, shall be fined not more than \$200: *Provided*, That
7 any person who exceeds any posted speed restriction or traffic restriction at a construction site
8 referred to in subsection (a) of this section when any worker is present by less than 15 miles per
9 hour is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.

10 (c) Any person who exceeds any posted speed restriction or traffic restriction at a
11 construction site referred to in subsection (a) of this section by 15 miles per hour or more is guilty of
12 a misdemeanor and, upon conviction thereof, shall be fined not more than \$200 or confined in a
13 regional jail not more than 20 days, or both: *Provided*, That any person who exceeds any posted
14 speed restriction or traffic restriction at a construction site referred to in subsection (a) of this
15 section when any worker is present by 15 miles per hour or more is guilty of a misdemeanor and,
16 upon conviction thereof, shall be fined not more than \$1,000 or confined in a regional jail not more
17 than 30 days, or both.

18 (d) Notwithstanding the provisions of §17C-14-15 of this code, any person who commits a
19 violation of §17C-14-15 of this code within a construction site referred to in subsection (a) of this
20 section when any worker is present is guilty of a misdemeanor and, upon conviction thereof, shall
21 be subject to fines not more than twice those authorized for the applicable offense under §17C-14-
22 15 of this code.

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