

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **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) Nothing in this section shall be construed to preclude prosecution of any operator of a  
12 motor vehicle who commits a violation of any other provision of this code for such violation.

13           .