

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, 1931, as
2 amended; all relating to increasing fines and criminal penalties for speeding, traffic control
3 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;
14 and 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
12 of a misdemeanor and, upon conviction thereof, shall be fined not more than \$200 or confined in
13 a 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
19 a violation of §17C-14-15 of this code within a construction site referred to in subsection (a) of
20 this section when any worker is present is guilty of a misdemeanor and, upon conviction thereof,
21 shall be subject to fines not more than twice those authorized for the applicable offense under
22 §17C-14-15 of this code.

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor