

HB5237 CC #1 3-09

90 days

BOC 3264

Senator Clements, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill 5237 -- Prohibiting driving slow in left lane except under certain circumstances.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed House Bill 5237 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.

§17C-7-1. Driving on right side of roadway; vehicles not to be driven on left side of roadway; exceptions; penalty.

1 (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of
2 the roadway, except as follows:

3 (1) When overtaking and passing another vehicle proceeding in the same direction under
4 the rules governing such movement;

5 (2) When an obstruction exists that makes it necessary to drive to the left of the center of
6 the highway: *Provided*, That any person doing so shall yield the right-of-way to all vehicles
7 traveling in the proper direction upon the unobstructed portion of the highway within such distance
8 as to constitute an immediate hazard;

9 ~~(2)~~(3) When the right half of a roadway is closed to traffic while under construction or repair;

10 ~~(3)~~(4) Upon a roadway divided into three marked lanes for traffic under the rules applicable
11 thereon; or

12 ~~(4)~~(5) Upon a roadway designated and signposted for one-way traffic.

13 (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the
14 time and place and under the conditions then existing shall be driven in the right-hand lane then
15 available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except
16 when overtaking and passing another vehicle proceeding in the same direction or when preparing
17 for a left turn at an intersection or into a private road or driveway.

18 (c) Upon all roadways having two or more lanes for traffic moving in the same direction, a
19 vehicle shall not be driven in the left-most lane except:

20 (1) When passing another vehicle;

21 (2) When traffic conditions and congestion make it impractical to drive in the right lane;
22 Provided, That driving in the left lane does not impede the normal and reasonable movement of
23 traffic in the left lane;

24 (3) When snow or other inclement weather conditions make it unsafe to drive in the right
25 half of the roadway;

26 (4) When obstructions or hazards exist in the right lane;

27 (5) When all other lanes for traveling in the same direction are in disrepair or are in an
28 otherwise undrivable or unsafe condition;

29 (6) When compliance with a law, rule, ordinance, or traffic control device makes it
30 necessary to operate a vehicle in the leftmost lane;

31 (7) When a driver of a vehicle requiring a commercial motor vehicle license to operate is
32 unable to move into the right lane safely due to a highway grade or another vehicle overtaking or
33 passing such commercial motor vehicle on the right;

34 (8) When paying a toll or user fee at a toll collection facility; or

35 (9) When moving left to allow traffic to merge.

36 (10) When, because of highway design, a vehicle must be driven in the left lane when
37 preparing to exit;

38 (11) When approaching a stationary authorized emergency vehicle as provided in §17C-
39 14-9a of this code.

40 The provisions of this subsection shall not apply to law-enforcement vehicles, ambulances,
41 or other emergency vehicles engaged in official duties, and vehicles engaged in highway
42 maintenance and construction operations.

43 (d) The Division of Highways shall erect appropriate signs alerting drivers to keep right
44 except to pass on all roadways with at least two lanes in one direction of travel leading into the
45 state.

46 (e) Nothing in this section limits the Division of Highways' ability to establish and delineate
47 lane restrictions for certain types of vehicles or prohibit operation of the specified vehicles in the
48 designated lanes.

49 (f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
50 conviction thereof, shall be fined not more than \$100 \$25; upon a second conviction within one
51 year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall
52 be fined not more than \$500.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. House Bill No. 5237--A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to requiring operators of vehicles to drive in rightmost portion or lane of roads or highways; providing exceptions thereto; providing requirement for Division of

Highways for erection of signs; clarifying authority of Division of Highways to establish further lane restrictions; and modifying criminal penalties.

Respectfully submitted,

Steve Westfall,
Chair.

Charles Clements,
Chair.

Geno Chiarelli,

Michael Oliverio,

Shawn Fluharty,
*Conferees on the part of the House
of Delegates.*

Mike Woelfel,
Conferees on the part of the Senate.