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HB 4004

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4004

(By Delegates Swartzmiller, Ennis, Beach, Kominar,
R.M. Thompson, Talbott and Boggs)



Passed March 11, 2006

In Effect Ninety Days from Passage

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FOR

H. B. 4004

(BY DELEGATES SWARTZMILLER, ENNIS, BEACH, KOMINAR,
R. M. THOMPSON, TALBOTT AND BOGGS)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-7a, relating to prohibiting the use of a traffic law photo-monitoring device by police officers to detect traffic law violations; defining “traffic law photo-monitoring device”; providing that evidence obtained by the use of a traffic law photo-monitoring device may not be used to prove a violation of a traffic law; providing that this section does not prohibit the use of microwave devices to prove the speed of a motor vehicle in violation of a traffic law; and providing that evidence obtained by the use of a traffic law photo-monitoring device may be used for other lawful purposes.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17C-6-7a, to read as follows:

§17C-6-7a. Prohibition of the use of traffic law photo-monitoring devices to detect or prove traffic law violations.

1 (a) As used in this section “traffic law photo-monitoring
2 device” means an electronic system consisting of a photo-
3 graphic, video, or electronic camera and a means of sensing the
4 presence of a motor vehicle that automatically produces
5 photographs, videotape, or digital images of the vehicle, its
6 operator, or its license plate.

7 (b) No police officer may utilize a traffic law photo-
8 monitoring device to determine compliance with, or to detect a
9 violation of, a municipal or county ordinance or any provision
10 of this code that governs or regulates the operation of motor
11 vehicles.

12 (c) A violation of a municipal or county ordinance or any
13 provision of this code that governs or regulates the operation of
14 motor vehicles may not be proved by evidence obtained by the
15 use of a traffic law photo-monitoring device.

16 (d) The provisions of this section do not prohibit the use of
17 any device designed to measure and indicate the speed of a
18 moving object by means of microwaves to obtain evidence to
19 prove the speed of a motor vehicle pursuant to section seven of
20 this article.

21 (e) The provisions of this section do not prohibit use of a
22 traffic law photo-monitoring device for any other lawful
23 purposes other than to obtain evidence to prove violations of
24 municipal or county ordinances or any provision of this code
25 governing or regulating the operation of motor vehicles.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Randy White
Chairman Senate Committee

R. Brown
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Daniel Holmes
Clerk of the Senate

Buffy In Sen
Clerk of the House of Delegates

Carl Key Tomblin
President of the Senate

John B. ...
Speaker of the House of Delegates

The within *is appended* this the *3/8*
day of *March*, 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 8:55pm