

1 conditions and the actual and potential hazards. In every event
2 speed shall be so controlled as may be necessary to avoid colliding
3 with any person, vehicle or other conveyance on or entering the
4 highways in compliance with legal requirements and the duty of all
5 persons to use due care.

6 (b) Where no special hazard exists that requires lower speed
7 for compliance with subsection (a) of this section, the speed of
8 any vehicle not in excess of the limits specified in this section
9 or established as authorized in this section is lawful, but any
10 speed in excess of the limits specified in this subsection or
11 established as authorized in this section is unlawful. The
12 following speed limits apply:

13 (1) Fifteen miles per hour in a school zone during school
14 recess or while children are going to or leaving school during
15 opening or closing hours. A school zone is all school property,
16 including school grounds and any street or highway abutting the
17 school grounds and extending one hundred twenty-five feet along the
18 street or highway from the school grounds. The speed restriction
19 does not apply to vehicles traveling on a controlled-access highway
20 which is separated from the school or school grounds by a fence or
21 barrier approved by the Division of Highways;

22 (2) Twenty-five miles per hour in any business or residence
23 district; and

1 (3) Fifty-five miles per hour on open country highways, except
2 as otherwise provided by this chapter.

3 The speeds set forth in this section may be altered as
4 authorized in sections two and three of this article.

5 (c) The driver of every vehicle shall, consistent with the
6 requirements of subsection (a) of this section, drive at an
7 appropriate reduced speed when approaching and crossing an
8 intersection or railway grade crossing, when approaching and going
9 around a curve, when approaching a hill crest, when traveling upon
10 any narrow or winding roadway and when a special hazard exists with
11 respect to pedestrians or other traffic or by reason of weather or
12 highway conditions.

13 (d) The speed limit on controlled access highways and
14 interstate highways, where no special hazard exists that requires
15 a lower speed, shall be not less than fifty-five miles per hour and
16 the speed limits specified in subsection (b) of this section do not
17 apply.

18 (e) Unless otherwise provided in this section, any person who
19 violates the provisions of this section is guilty of a misdemeanor
20 and, upon conviction thereof, shall be fined not more than \$100;
21 upon a second conviction within one year thereafter, shall be fined
22 not more than \$200; and, upon a third or subsequent conviction
23 within two years thereafter, shall be fined not more than \$500:

1 *Provided*, That if the third or subsequent conviction is based upon
2 a violation of the provisions of this section where the offender
3 exceeded the speed limit by fifteen miles per hour or more, then
4 upon conviction, shall be fined not more than \$500 or confined in
5 ~~the county or regional~~ jail for not more than six months, or both
6 fined and confined.

7 (f) Any person who violates the provisions of subdivision (1),
8 subsection (b) of this section is guilty of a misdemeanor and, upon
9 conviction thereof, shall be fined not less than \$100 nor more than
10 \$500: *Provided*, That if the conviction is based upon a violation
11 of the provisions of subdivision (1), subsection (b) of this
12 section where the offender exceeded the speed limit by fifteen
13 miles per hour or more in the presence of one or more children,
14 then upon conviction, shall be fined not less than \$100 nor more
15 than \$500 or confined in ~~the regional or county~~ jail for not more
16 than six months, or both fined and confined.

17 (g) If an owner or driver is arrested under the provisions of
18 this section for the offense of driving above the posted speed
19 limit on a controlled access highway or interstate highway and if
20 the evidence shows that the motor vehicle was being operated at ten
21 miles per hour or less above the speed limit, then, upon conviction
22 thereof, that person shall be fined not more than \$5, plus court
23 costs.

1 (h) Any person operating a commercial motor vehicle engaged in
2 the transportation of coal on the coal resource transportation road
3 system who violates subsection (a), (b) or (c) of this section
4 shall, upon conviction, be subject to fines in triple the amount
5 otherwise provided in subsection (e) of this section.

6 (i) If an owner or driver is convicted under the provisions of
7 this section for the offense of driving above the speed limit on a
8 controlled-access highway or interstate highway of this state and
9 if the evidence shows that the motor vehicle was being operated at
10 ten miles per hour or less above the speed limit, then
11 notwithstanding the provisions of section four, article three,
12 chapter seventeen-b of this code, a certified abstract of the
13 judgment on the conviction shall not be transmitted to the Division
14 of Motor Vehicles: *Provided*, That the provisions of this
15 subsection do not apply to conviction of owners or drivers who have
16 been issued a commercial driver's license as defined in chapter
17 seventeen-e of this code, if the offense was committed while
18 operating a commercial vehicle.

19 (j) If an owner or driver is convicted in another state for
20 the offense of driving above the maximum speed limit on a
21 controlled-access highway or interstate highway and if the maximum
22 speed limit in the other state is less than the maximum speed limit
23 for a comparable controlled-access highway or interstate highway in

1 this state, and if the evidence shows that the motor vehicle was
2 being operated at ten miles per hour or less above what would be
3 the maximum speed limit for a comparable controlled-access highway
4 or interstate highway in this state, then notwithstanding the
5 provisions of section four, article three, chapter seventeen-b of
6 this code, a certified abstract of the judgment on the conviction
7 shall not be transmitted to the Division of Motor Vehicles or, if
8 transmitted, shall not be recorded by the division, unless within
9 a reasonable time after conviction, the person convicted has failed
10 to pay all fines and costs imposed by the other state: *Provided,*
11 That the provisions of this subsection do not apply to conviction
12 of owners or drivers who have been issued a commercial driver's
13 license as defined in chapter seventeen-e of this code, if the
14 offense was committed while operating a commercial vehicle.

15 (k) Notwithstanding any other provision of this code to the
16 contrary, if an owner or driver is arrested under the provisions of
17 this section for the offense of driving above the posted speed
18 limit on a four lane controlled access highway or interstate
19 highway located within the limits of a municipality, upon
20 conviction thereof, the municipality may receive no more than \$25
21 from any fine and court costs.

NOTE: The purpose of this bill is to provide that a

municipality receive no more than \$25 from speeding fines and costs for speeding violations on four lane controlled access highways or interstate highways located within the limits of a municipality.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.