

1 **H. B. 4207**

2
3 (By Delegates Manchin, Longstreth, Caputo
4 and Hunt)

5 [Introduced January 17, 2014; referred to the
6 Committee on Roads and Transportation then the
7 Judiciary.]

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9
10 A BILL to amend and reenact §17C-6-7 of the Code of West Virginia,
11 1931, as amended, relating to evidence of speed by the use of
12 a device designed to measure and indicate the speed of a motor
13 vehicle.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §17C-6-7 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. SPEED RESTRICTIONS.**

18 **§17C-6-7. Prima facie evidence of speed by devices employing**
19 **microwaves or reflected light; placing of signs**
20 **relative to radar or laser.**

21 (a) The speed of a motor vehicle may be proved ~~by~~ with
22 evidence obtained by ~~use of~~ law-enforcement officers using any
23 device designed to measure and indicate or record the speed of a
24 moving object by means of microwaves or reflected light. ~~when such~~

1 ~~evidence is obtained by members of the State Police, by police~~
2 ~~officers of incorporated municipalities in classes one, two and~~
3 ~~three, as defined in chapter eight a of this code, by police~~
4 ~~officers of incorporated class four municipalities except upon~~
5 ~~controlled access or partially controlled access highways, and by~~
6 ~~the sheriff and his or her deputies.~~

7 (b) Law-enforcement officers of incorporated class four
8 municipalities are prohibited from using speed measuring devices
9 authorized by subsection (a) on controlled access or partially
10 controlled access highways.

11 (c) The Evidence of the speed of a motor vehicle so obtained
12 pursuant to this section shall be accepted as prima facie evidence
13 of the speed of the vehicle: ~~Provided, That the evidence of speed~~
14 ~~is~~ if obtained and detected by:

15 (1) A certified law-enforcement officer; or

16 (2) The chief executive of an incorporated class four
17 municipal law-enforcement agency, who has completed training for
18 speed measuring devices used to obtain the speed of the motor
19 vehicle established under subsection (d).: ~~Provided, however, That~~

20 (d) The Governor's Committee on Crime, Delinquency and
21 Correction shall, ~~on or before January 1, 2012,~~ establish or
22 certify an eight-hour training and certification program and
23 standards for speed measuring device training. ~~that certified law~~
24 ~~enforcement officers who utilize speed measuring devices must~~

~~1 complete or otherwise satisfy in order for any evidence of speed
2 detected by a speed measuring device put forward by the officer to
3 be accepted of prima facie evidence. All certified law enforcement
4 officers must have completed or otherwise satisfied the
5 requirements of this section prior to January 1, 2013.~~

6 (e) In order to inform and educate the public generally that
7 speed of motor vehicles operating within the state is being tested
8 by radar or laser mechanisms, the Division of Highways shall locate
9 and place suitable and informative stationary and movable signs at
10 strategic points on and along highways in each county of the state
11 giving notice to the public that such radar or laser mechanisms are
12 in use.

13 (f) For the purposes of this section:

14 (1) The terms "law-enforcement officer" and "chief executive"
15 have the same meaning given those terms in section one, article
16 twenty-nine, chapter thirty of this code; and

17 (2) "Certified law-enforcement officer" means a person who is
18 certified as a law-enforcement officer pursuant to section five,
19 article twenty-nine, chapter thirty of this code.

NOTE: The purpose of this bill is to clarify what evidence obtained by law-enforcement officers, with instruments using microwaves or reflected light, may be used to prove the speed of a motor vehicle.

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

be added.