

H. B. 4407

(By Delegates Manchin, Skinner, Sponaugle,
Ireland, Fleischauer, Ferro, Longstreth,
Marcum, Moore, Caputo and Hamilton)

[Introduced February 4, 2014; referred to the
Committee on Roads and Transportation then the
Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §17C-7-1 of the Code of West Virginia,
1931, as amended, relating to operating a motor vehicle in the
left lane of a controlled-access highway; and misdemeanor
penalty.

Be it enacted by the Legislature of West Virginia:

That §17C-7-1 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

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

§17C-7-1. Driving on right side of roadway; exceptions; penalty.

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

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

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

1 (3) Upon a roadway divided into three marked lanes for traffic
2 under the rules applicable thereon; or

3 (4) Upon a roadway designated and signposted for one-way
4 traffic.

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

13 (c) Upon a controlled-access highway, a person may not operate
14 a vehicle in the left lane, except:

15 (1) When overtaking and passing another vehicle;

16 (2) When no other vehicle is directly behind the vehicle in
17 the left lane;

18 (3) When traffic conditions and congestion make it impractical
19 to drive in the right lane;

20 (4) When snow and other inclement weather conditions make it
21 necessary to drive in the left lane;

22 (5) When obstructions or hazards exist in the right lane;

23 (6) When a vehicle changes lanes to comply with a law of this
24 state;

1 (7) When, because of highway design, a vehicle must be driven
2 in the left lane when preparing to exit;

3 (8) On toll highways when necessary to pay a toll or use a
4 pass;

5 (9) When driving in the left lane is required to comply with
6 an official traffic control device;

7 (10) To law-enforcement vehicles, ambulances, and other
8 emergency vehicles engaged in official duties; or

9 (11) To vehicles engaged in highway maintenance and
10 construction operations.

11 ~~(c)~~ (d) Any person violating the provisions of this section is
12 guilty of a misdemeanor and, upon conviction thereof, shall be
13 fined not more than \$100; upon a second conviction within one year
14 thereafter, shall be fined not more than \$200; and upon a third or
15 subsequent conviction, shall be fined not more than \$500.

NOTE: The purpose of this bill is to establish specifically when it is permissible to operate a motor vehicle in the left lane on a controlled-access highway.

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