

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 476

BY SENATORS BEACH, PLYMALE AND KESSLER

[Introduced February 2, 2016;

Referred to the Committee on Transportation and
Infrastructure; and then to the Committee on the Judiciary.]

1 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating
2 to driving restrictions in school zones; authorizing county boards of education to expand
3 school zones to a road adjacent to school property by formal request; and requiring
4 Division of Highways to expand school zones accordingly within thirty days of receiving
5 the formal request.

Be it enacted by the Legislature of West Virginia:

1 That §17C-6-1 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-1. Speed limitations generally; penalty.

1 (a) No person may drive a vehicle on a highway at a speed greater than is reasonable and
2 prudent under the existing conditions and the actual and potential hazards. In every event speed
3 shall be ~~se~~ controlled as ~~may be~~ necessary to avoid colliding with any person, vehicle or other
4 conveyance on or entering the highways in compliance with legal requirements and the duty of
5 all persons to use due care.

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

11 (1) Fifteen miles per hour in a school zone during school recess or while children are going
12 to or leaving school during opening or closing hours. A school zone is all school property, including
13 school grounds and any street or highway abutting the school grounds and extending one
14 hundred twenty-five feet along the street or highway from the school grounds. Upon a formal
15 request by a county board of education to expand a school zone to a road that is adjacent to
16 school property, the West Virginia Division of Highways shall expand the school zone by erecting

17 new signage indicating the expanded school zone's location and speed limit within thirty days of
18 receiving the request. The speed restriction does not apply to vehicles traveling on a controlled-
19 access highway which is separated from the school or school grounds by a fence or barrier
20 approved by the Division of Highways;

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

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

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

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

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

35 (e) Unless otherwise provided in this section, any person who violates the provisions of
36 this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
37 \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200;
38 and, upon a third or subsequent conviction within two years thereafter, shall be fined not more
39 than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the
40 provisions of this section where the offender exceeded the speed limit by fifteen miles per hour
41 or more, then upon conviction, shall be fined not more than \$500 or confined in ~~the county or~~
42 ~~regional~~ jail for not more than six months, or both fined and confined.

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

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

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

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

68 (j) If an owner or driver is convicted in another state for the offense of driving above the
69 maximum speed limit on a controlled access highway or interstate highway and if the maximum
70 speed limit in the other state is less than the maximum speed limit for a comparable controlled
71 access highway or interstate highway in this state, and if the evidence shows that the motor
72 vehicle was being operated at ten miles per hour or less above what would be the maximum
73 speed limit for a comparable controlled access highway or interstate highway in this state, then
74 notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a
75 certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor
76 Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time
77 after conviction, the person convicted has failed to pay all fines and costs imposed by the other
78 state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or
79 drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of
80 this code, if the offense was committed while operating a commercial vehicle.

NOTE: The purpose of this bill is to authorize county boards of education to expand school zones to roads adjacent to school property.

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

JUDICIARY COMMITTEE AMENDMENT

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 476 — A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to driving restrictions in school zones; authorizing county boards of education to expand school zones to a road adjacent to school property by formal request; requiring Division of Highways to expand school zones accordingly; and requiring Division of Highways to erect new signage to indicate expanded school zone's location and speed limit within thirty days of receiving the formal request.