

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 769**

BY SENATOR CLINE

[Introduced February 13, 2020; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17C-13-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to clarifying that a person is prohibited from stopping, standing, or parking in an area  
 3 designated or marked off as an access aisle adjacent to a van-accessible parking space  
 4 or regular accessible parking space; and making the penalty provisions in this section  
 5 consistent with the penalties in other sections of code.

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

**ARTICLE 13. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES; PENALTY.**

**§17C-13-3. Stopping, standing or parking prohibited in specified places; penalty.**

6 (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict  
 7 with other traffic or in compliance with law or the directions of a police officer or traffic-control  
 8 device, in any of the following places:

- 9 (1) On a sidewalk;
- 10 (2) In front of a public or private driveway;
- 11 (3) Within an intersection;
- 12 (4) Within 15 feet of a fire hydrant;
- 13 (5) In a properly designated fire lane;
- 14 (6) On a crosswalk;
- 15 (7) Within 20 feet of a crosswalk at an intersection;
- 16 (8) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control  
 17 signal located at the side of a roadway;
- 18 (9) Between a safety zone and the adjacent curb or within 30 feet of points on the curb  
 19 immediately opposite the ends of a safety zone, unless a different length is indicated by signs or  
 20 markings;
- 21 (10) Within 50 feet of the nearest rail of a railroad crossing;

22 (11) Within 20 feet of the driveway entrance to any fire station and on the side of a street  
23 opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);

24 (12) Alongside or opposite any street excavation or obstruction when stopping, standing  
25 or parking would obstruct traffic;

26 (13) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

27 (14) On any bridge or other elevated structure on a highway or within a highway tunnel;

28 (15) At any place where official signs prohibit stopping;

29 (16) Within 20 feet of any mail receptacle served regularly by a carrier using a motor  
30 vehicle for daily deliveries, if the parking interferes with or causes delay in the carrier's schedule;

31 (17) On any controlled-access highway;

32 (18) At any place on any highway where the safety and convenience of the traveling public  
33 is thereby endangered;

34 (19) In front of a wheelchair accessible ramp or curb cut which is part of a sidewalk  
35 designed for use by the general public when the ramp or curb cut is properly marked with blue  
36 paint; and

37 (20) In an area designated or marked off as an access aisle, as defined under the  
38 provisions of §17C-13-6 of this code, adjacent to a van-accessible parking space or regular  
39 accessible parking space.

40 (b) No person shall move a vehicle not lawfully under his or her control into any prohibited  
41 area or away from a curb such distance as is unlawful.

42 (c) Any person violating the provisions of subdivisions (1) through (19) of subsection (a)  
43 of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more  
44 than \$100; upon a second conviction within one year thereafter, shall be fined not more than  
45 \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

46 (d) Pursuant to §17C-13-6(m) of this code, any person, including a driver of a vehicle  
47 displaying a valid removable windshield placard or special registration plate for a person with a

48 mobility impairment, who violates the provisions of subdivision (20) of subsection (a) of this  
49 section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second  
50 conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined  
51 \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or  
52 she may otherwise incur, shall be fined \$500.

NOTE: The purpose of this bill is to clarify that a person is prohibited from stopping, standing or parking in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space and to make the penalty provisions of §17C-13-3 consistent with the penalties set forth in §17C-13-6(m) of this code.

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