

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2222**

BY DELEGATES WESTFALL AND CRISS

[Introduced February 10, 2021; Referred to the  
Committee on Technology and Infrastructure then the  
Judiciary]

1 A BILL to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting vehicles from driving slow in the left lane of a roadway or interstate highway  
 3 for more than a mile and a half without completely passing another vehicle; and providing  
 4 exceptions.

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

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

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

1 (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of  
 2 the roadway, except ~~as follows~~ under any of the following conditions:

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

5 (2) When an obstruction exists making it necessary to drive to the left of the center of the  
 6 highway: Provided, That any person doing so shall yield the right-of-way to all vehicles traveling  
 7 in the proper direction upon the unobstructed portion of the highway within such distance as to  
 8 constitute an immediate hazard.

9 ~~(2)~~ (3) When the right half of a roadway is closed to traffic while under construction or  
 10 repair.

11 ~~(3)~~ (4) Upon a roadway divided into three marked lanes for traffic under the rules  
 12 applicable thereon. ~~or~~

13 ~~(4)~~ (5) Upon a roadway designated and signposted for one-way traffic.

14 (b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at  
 15 the time and place and under the conditions then existing shall be driven in the right-hand lane  
 16 then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway,  
 17 except when overtaking and passing another vehicle proceeding in the same direction or when

18 preparing for a left turn at an intersection or into a private road or driveway.

19 (c) Upon any roadway having four or more lanes for moving traffic and providing for two-  
20 way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway,  
21 except when authorized by official traffic-control devices designating certain lanes to the left side  
22 of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except  
23 as permitted under subsection (a) of this section: *Provided*, That this section shall not be  
24 construed as prohibiting the crossing of the center line in making a left turn into or from an alley,  
25 private road, or driveway.

26 (d)(1) Upon any interstate highway, except as provided in subdivision (2) of this  
27 subsection, a vehicle may not remain in the leftmost lane for more than a mile and a half without  
28 completely passing another vehicle.

29 (2) A vehicle may travel in the leftmost lane under any of the following conditions:

30 (A) When traffic conditions or congestion make it necessary to operate a vehicle in the  
31 leftmost lane.

32 (B) When inclement weather, obstructions, or hazards make it necessary to operate a  
33 vehicle in the leftmost lane.

34 (C) When compliance with a law, rule, ordinance, or traffic control device makes it  
35 necessary to operate a vehicle in the leftmost lane.

36 (D) When paying a toll or user fee at a toll collection facility.

37 (E) If the vehicle is an authorized emergency vehicle operated in the course of duty.

38 (F) If the vehicle is operated or used in the course of highway maintenance or construction  
39 or is traveling through a construction zone.

40 (~~e~~) (e) Any person violating the provisions of this section is guilty of a misdemeanor and,  
41 upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one  
42 year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction,  
43 shall be fined not more than \$500.

NOTE: The purpose of this bill is to prohibit vehicles from driving slow in the left lane of a roadway or interstate highway for more than a mile and a half without completely passing another vehicle except under certain circumstances.

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