

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4026

BY DELEGATES WESTFALL, CRISS AND JEFFRIES, D.

[Introduced January 12, 2022; 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 requiring operators of vehicles to drive in rightmost portion or lane of roads or highways
 3 and exceptions thereto.

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 the
 2 roadway, except as follows:

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.

24 (d) A vehicle may not be driven in the farthest left-hand lane of a controlled access highway
25 or divided highway except when passing another vehicle and the other vehicle may be overtaken
26 within a mile and a half of travel or less, except:

27 (1) When no other vehicle is directly behind the vehicle in the left lane;

28 (2) When traffic conditions and congestion make it impractical to drive in the right lane;

29 (3) When snow and other inclement weather conditions make it safer to drive in the left
30 lane;

31 (4) When obstructions or hazards exist in the right lane;

32 (5) When, because of highway design, a vehicle must be driven in the left lane when
33 preparing to exit;

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

36 (7) When a driver of a vehicle requiring a commercial motor vehicle license to operate is
37 unable to move into the right lane safely due to a highway grade or another vehicle overtaking or
38 passing his vehicle on the right;

39 (8) When paying a toll or user fee at a toll collection facility; or

40 (9) Law-enforcement vehicles, ambulances, or other emergency vehicles engaged in
41 official duties and vehicles engaged in highway maintenance and construction operations;

42 (e) Nothing in this section shall limit the Department of Transportation's ability to establish
43 and delineate lane restrictions for certain types of vehicles or prohibit operation of the specified
44 vehicles in the designated lanes.

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

NOTE: The purpose of this bill is to prohibit vehicles from driving slowly in the left lane of a roadway except under specified circumstances. Different highway types entail different circumstances and exceptions.

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