

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4895

FISCAL
NOTE

By Delegates Steele and Worrell

[Introduced January 18, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating
2 to speed limits generally, and establishing a speed limit in licensed child care zones.

Be it enacted by the Legislature of West Virginia:

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 controlled as necessary to avoid colliding with any person, vehicle or other conveyance on
4 or entering the highways in compliance with legal requirements and the duty of all persons to use
5 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 hundred
14 twenty-five feet along the street or highway from the school grounds and, in the case of school
15 property not abutting a street or highway but accessed through a right-of-way granted for entrance
16 to school property, a school zone established by an engineering study conducted by the Division of
17 Highways is all school property, including school grounds and any property within the access right-
18 of-way, and extending one hundred twenty-five feet along the street or highway from the entrance
19 to the access right-of-way. The West Virginia Division of Highways shall erect signage indicating
20 the place of entry and exit of each school zone. Upon a formal vote and a written request by a
21 county board of education to expand a school zone to a road that is adjacent to school property or

22 from the entrance to an access right-of-way, the West Virginia Division of Highways shall expand
23 the school zone by erecting new signage indicating the expanded school zone's location and
24 speed limit within ninety days of receiving the request: *Provided*, That the school zone may not be
25 expanded more than one hundred twenty-five feet along an adjacent road unless the division
26 determines that the additional extension is needed and necessary for the safety of the school
27 children. The speed restriction does not apply to vehicles traveling on a controlled-access highway
28 which is separated from the school or school grounds by a fence or barrier approved by the
29 Division of Highways;

30 (2) Fifteen miles per hour in a licensed child care zone during child care recess or while
31 children are going to or leaving child care during opening or closing hours. A child care zone is all
32 child care property, including child care grounds and any street or highway abutting the licensed
33 child care program or licensed Head Start program's grounds and extending one hundred twenty-
34 five feet along the street or highway from the child care's grounds and, in the case of child care's
35 property not abutting a street or highway but accessed through a right-of-way granted for entrance
36 to child care property, a child care zone established by an engineering study conducted by the
37 Division of Highways is all child care property, including child care grounds and any property within
38 the access right-of-way, and extending one hundred twenty-five feet along the street or highway
39 from the entrance to the access right-of-way. The West Virginia Division of Highways shall erect
40 signage indicating the place of entry and exit of each child care zone: *Provided*, That the speed
41 restriction does not apply to vehicles traveling on a controlled-access highway which is separated
42 from the school or school grounds by a fence or barrier approved by the Division of Highways;

43 ~~(2)~~ (3) Twenty-five miles per hour in any business or residence district; and

44 ~~(3)~~ (4) Fifty-five miles per hour on open country highways, except as otherwise provided by
45 this chapter.

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

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

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

57 (e) Unless otherwise provided in this section, any person who violates the provisions of
58 this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
59 \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and,
60 upon a third or subsequent conviction within two years thereafter, shall be fined not more than
61 \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the
62 provisions of this section where the offender exceeded the speed limit by fifteen miles per hour or
63 more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than
64 six months, or both fined and confined.

65 (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section
66 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more
67 than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of
68 subdivision (1) or (2), subsection (b) of this section where the offender exceeded the speed limit by
69 fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall
70 be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or
71 both fined and confined: *Provided*, however, That if the signage required by subdivision (1) or (2) is
72 not present in the school or child care zone at the time of the violation, then any person who

73 violates said provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not
74 more than \$25.

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

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

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

93 (j) If an owner or driver is convicted in another state for the offense of driving above the
94 maximum speed limit on a controlled access highway or interstate highway and if the maximum
95 speed limit in the other state is less than the maximum speed limit for a comparable controlled
96 access highway or interstate highway in this state, and if the evidence shows that the motor
97 vehicle was being operated at ten miles per hour or less above what would be the maximum speed
98 limit for a comparable controlled access highway or interstate highway in this state, then

99 notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a
100 certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor
101 Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time
102 after conviction, the person convicted has failed to pay all fines and costs imposed by the other
103 state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or
104 drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of
105 this code, if the offense was committed while operating a commercial vehicle.

NOTE: The purpose of this bill is to establish a speed limit in licensed child care zones.

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