

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

House Bill 5237

By Delegates Westfall and DeVault

[Introduced January 26, 2024; Referred to the
Committee on Technology and Infrastructure]

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; driving on the right side of a roadway having two or more lanes for traffic moving in the same direction; 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:

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 that makes it necessary to drive to the left of the center of
6 the highway: *Provided*, That any person doing so shall yield the right-of-way to all vehicles
7 traveling in the proper direction upon the unobstructed portion of the highway within such distance
8 as to constitute an immediate hazard;

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

10 ~~(3)~~(4) Upon a roadway divided into three marked lanes for traffic under the rules applicable
11 thereon; or

12 ~~(4)~~(5) Upon a roadway designated and signposted for one-way traffic.

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

18 (c) Upon all roadways having two or more lanes for traffic moving in the same direction, all
19 vehicles shall be driven in the right-hand lane or lanes then available for traffic except:

- 20 (1) When passing another vehicle;
- 21 (2) When traffic conditions and congestion make it impractical to drive in the right lane;
- 22 (3) When snow and other inclement weather conditions make it safer to drive in the left
23 lane;
- 24 (4) When obstructions or hazards exist in the right lane;
- 25 (5) When, because of highway design, a vehicle must be driven in the left lane when
26 preparing to exit;
- 27 (6) When compliance with a law, rule, ordinance, or traffic control device makes it
28 necessary to operate a vehicle in the leftmost lane;
- 29 (7) When a driver of a vehicle requiring a commercial motor vehicle license to operate is
30 unable to move into the right lane safely due to a highway grade or another vehicle overtaking or
31 passing his vehicle on the right;
- 32 (8) When paying a toll or user fee at a toll collection facility; or
- 33 (9) When moving left to allow traffic to merge.
- 34 The provisions of this subsection shall not apply to law-enforcement vehicles, ambulances,
35 or other emergency vehicles engaged in official duties and vehicles engaged in highway
36 maintenance and construction operations.
- 37 (e) Nothing in this section limits the Department of Transportation's ability to establish and
38 delineate lane restrictions for certain types of vehicles or prohibit operation of the specified
39 vehicles in the designated lanes.
- 40 ~~(e)~~(f) 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, shall
43 be fined not more than \$500. Enforcement of subsection (c) of this section shall be accomplished
44 only as a secondary action when a driver of a passenger vehicle has been detained for probable
45 cause of violating another section of this code.