WEST virginia legislature

2024 regular session

Committee Substitute

for

Senate Bill 436

By Senator Woodrum

[Originating in the Committee on Transportation and Infrastructure; reported January 30, 2024]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-11a, relating to prohibiting drivers on highways from operating motor vehicles that have been intentionally modified to cause smoke or other visible emission; and providing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-11a. Prohibiting emissions that block visibility; penalty.

(a) It is unlawful for any driver on a highway to operate a motor vehicle that has been intentionally modified to cause smoke or other visible emission if such emission:

(1) Obstructs or obscures the view of any person participating in traffic; or

(2) Creates a hazard to any person.

(b) For purposes of this section, the term “modified” includes, but is not limited to, the following:

(1) Alteration or retrofitting of a vehicle system or component;

(2) Addition or removal of a vehicle system or component;

(3) Use of any additive.

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