

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2210

FISCAL
NOTE

By Delegate Steele

[Introduced February 12, 2025; referred to the
Committee on Government Organization]

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 125 feet
14 along the street or highway from the school grounds and, in the case of school property not
15 abutting a street or highway but accessed through a right-of-way granted for entrance to school
16 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 125 feet along the street or highway from the entrance to the access right-
19 of-way. The West Virginia Division of Highways shall erect signage indicating the place of entry
20 and exit of each school zone. Upon a formal vote and a written request by a county board of
21 education to expand a school zone to a road that is adjacent to school property or from the

22 entrance to an access right-of-way, the West Virginia Division of Highways shall expand the school
23 zone by erecting new signage indicating the expanded school zone's location and speed limit
24 within 90 days of receiving the request: *Provided*, That the school zone may not be expanded
25 more than 125 feet along an adjacent road unless the division determines that the additional
26 extension is needed and necessary for the safety of the school children. The speed restriction
27 does not apply to vehicles traveling on a controlled-access highway which is separated from the
28 school or school grounds by a fence or barrier approved by the Division of Highways;

29 (2) Fifteen miles per hour in a licensed child care zone during child care recess or while
30 children are going to or leaving child care during opening or closing hours. A child care zone is all
31 child care property, including child care grounds and any street or highway abutting the licensed
32 child care program or licensed Head Start program's grounds and extending 125 feet along the
33 street or highway from the child care's grounds and, in the case of child care's property not
34 abutting a street or highway but accessed through a right-of-way granted for entrance to child care
35 property, a child care zone established by an engineering study conducted by the Division of
36 Highways is all child care property, including child care grounds and any property within the
37 access right-of-way, and extending 125 feet along the street or highway from the entrance to the
38 access right-of-way. The West Virginia Division of Highways shall erect signage indicating the
39 place of entry and exit of each child care zone: *Provided*, That the speed restriction does not apply
40 to vehicles traveling on a controlled-access highway which is separated from the school or school
41 grounds by a fence or barrier approved by the Division of Highways;

42 (2) ~~(3)~~ Twenty-five miles per hour in any business or residence district; and

43 ~~(3)~~ ~~(4)~~ Fifty-five miles per hour on open country highways, except as otherwise provided by
44 this chapter.

45 The speeds set forth in this section may be altered as authorized in §17C-6-2 and §17C-6-
46 3 of this code.

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

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

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

64 (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section
65 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more
66 than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of
67 subdivision (1) or (2), subsection (b) of this section where the offender exceeded the speed limit by
68 15 miles per hour or more in the presence of one or more children, then upon conviction, shall be
69 fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or
70 both fined and confined: *Provided*, however, That if the signage required by subdivision (1) or (2) is
71 not present in the school or child care zone at the time of the violation, then any person who

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

74 (g) If an owner or driver is arrested under the provisions of this section for the offense of
75 driving above the posted speed limit on a controlled access highway or interstate highway and if
76 the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above
77 the speed limit, then, upon conviction thereof, that person shall be fined not more than \$5, plus
78 court costs.

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

83 (i) If an owner or driver is convicted under the provisions of this section for the offense of
84 driving above the speed limit on a controlled access highway or interstate highway of this state and
85 if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above
86 the speed limit, then notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of
87 the judgment on the conviction shall not be transmitted to the Division of Motor Vehicles: *Provided,*
88 That the provisions of this subsection do not apply to conviction of owners or drivers who have
89 been issued a commercial driver's license as defined in chapter 17E of this code, if the offense
90 was committed while operating a commercial vehicle.

91 (j) If an owner or driver is convicted in another state for the offense of driving above the
92 maximum speed limit on a controlled access highway or interstate highway and if the maximum
93 speed limit in the other state is less than the maximum speed limit for a comparable controlled
94 access highway or interstate highway in this state, and if the evidence shows that the motor
95 vehicle was being operated at 10 miles per hour or less above what would be the maximum speed
96 limit for a comparable controlled access highway or interstate highway in this state, then
97 notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the judgment on the

98 conviction shall not be transmitted to the Division of Motor Vehicles or, if transmitted, shall not be
99 recorded by the division, unless within a reasonable time after conviction, the person convicted
100 has failed to pay all fines and costs imposed by the other state: *Provided*, That the provisions of
101 this subsection do not apply to conviction of owners or drivers who have been issued a commercial
102 driver's license as defined in chapter 17E of this code, if the offense was committed while
103 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.