WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2344

By Delegates J. Cannon, Chiarelli, Holstein,

Browning, and Eldridge

[Introduced February 13, 2025; referred

to the Committee on Energy and Public Works]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

2   designated §17C-1-71; and to amend and reenact §17C-14-9a of said code; relating to

3   traffic safety; creating a definition for the phrase maintenance vehicle; and listing additional

4   categories of vehicles for which motorists shall slow down and, if possible, move over.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-71.   Maintenance   vehicles;   definitions.

1   For the purpose of this chapter, the term "maintenance vehicle" means any vehicle in use

2   by the state or any political subdivision thereof, or by any company performing public service, in

3   the maintenance of public highways or bridges and facilities located within the limits of public

4   highways or bridges.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-9a. Approaching authorized emergency vehicles, maintenance vehicles or
disabled   vehicles;   penalties.

1   (a) The driver of any vehicle approaching a stationary authorized emergency vehicle,

2   maintenance vehicle, or stationary vehicle, when the authorized emergency vehicle or

3   maintenance vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or

4   red and blue lights or amber or yellow or green warning lights, or the stationary vehicle is

5   displaying some type of warning signal, such as emergency flashers, flares or retroreflective

6   signals, shall:

7   (1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent

8   to that of the authorized emergency vehicle, maintenance vehicle or stationary vehicle, if possible

9   with regard to safety and traffic conditions, if on a highway having at least four lanes with not less

10   than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a

11   safe level for road conditions; or

12   (2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed

13   not to exceed 15 miles per hour on any nondivided highway or street and 25 miles per hour on any

14   divided highway depending on road conditions, if changing lanes would be impossible or unsafe.

15   (b) (1) Any person who violates any subsection of this section is guilty of a misdemeanor

16   and, upon conviction thereof, shall be fined not more than $500 or confined in ~~the county or~~

17   ~~regional~~ jail not more than 60 days, or both fined and ~~imprisoned~~ confined.

18   (2) If violation of this section results in property damage in addition to any other penalty

19   imposed, driving privileges of the persons causing the property damage shall be suspended for 90

20   days.

21   (3) If violation of this section results in injury to another person in addition to any other

22   penalty imposed, the driving privileges of the person causing the injury shall be suspended for six

23   months.

24   (4) If violation of this section results in the death of another person in addition to any other

25   penalty imposed, the driving privileges of the person causing the death shall be suspended for two

26   years.

27   (5) Any person who violates any provision of this section and while doing so also violates

28   §17C-5-2 of this code is guilty of a misdemeanor and, upon conviction thereof, shall, in addition to

29   the penalties set out in §17C-5-2 of this code and this section, be fined not less than $1,000 nor

30   more than $5,000, or confined in ~~the county or regional~~ jail for a period not more than six months,

31   or both fined and ~~imprisoned~~ confined.

NOTE: The purpose of this bill is to increase traffic safety by defining maintenance vehicles and describing making way for them.

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