

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2678

By Delegates Gearheart, Canterbury, Hornby,
Ellington, Brooks, Funkhouser, Drennan, Butler,
Ridenour, and Dillon

[Introduced February 20, 2025; referred to the
Committee on Energy and Public Works]

1 A BILL to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to
2 clarifying that school zones include private schools that have requested the Division of
3 Highways to designate a school zone.

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 of either a
13 public school or any private school that requests the Division of Highways to designate a school
14 zone, including school grounds and any street or highway abutting the school grounds and
15 extending one hundred twenty-five feet along the street or highway from the school grounds and,
16 in the case of school property not abutting a street or highway but accessed through a right-of-way
17 granted for entrance to school property, a school zone established by an engineering study
18 conducted by the Division of Highways is all school property, including school grounds and any
19 property within the access right-of-way, and extending one hundred twenty-five feet along the
20 street or highway from the entrance to the access right-of-way. The West Virginia Division of

Highways shall erect signage indicating the place of entry and exit of each school zone. Upon a formal vote and a written request by a county board of education, or in the case of a private school, the relevant governing body, to expand a school zone to a road that is adjacent to school property or from the entrance to an access right-of-way, the West Virginia Division of Highways shall expand the school zone by erecting new signage indicating the expanded school zone's location and speed limit within ninety days of receiving the request: *Provided*, That the school zone may not be expanded more than one hundred twenty-five feet along an adjacent road unless the division determines that the additional extension is needed and necessary for the safety of the school children. The speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways;

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

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

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

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

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

(e) Unless otherwise provided in this section, any person who violates 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 within two years thereafter, shall be fined not more than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the provisions of this section where the offender exceeded the speed limit by fifteen miles per hour or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than six months, or both fined and confined.

(f) Any person who violates the provisions of subdivision (1), subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or both fined and confined: *Provided, however*, That if the signage required by subdivision (1) is not present in the school zone at the time of the violation, then any person who violates said provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25.

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

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

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

81 (j) If an owner or driver is convicted in another state for the offense of driving above the
82 maximum speed limit on a controlled access highway or interstate highway and if the maximum
83 speed limit in the other state is less than the maximum speed limit for a comparable controlled
84 access highway or interstate highway in this state, and if the evidence shows that the motor
85 vehicle was being operated at ten miles per hour or less above what would be the maximum speed
86 limit for a comparable controlled access highway or interstate highway in this state, then
87 notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a
88 certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor
89 Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time
90 after conviction, the person convicted has failed to pay all fines and costs imposed by the other
91 state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or
92 drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of
93 this code, if the offense was committed while operating a commercial vehicle.

NOTE: The purpose of this bill is to clarify that school zones include private schools that have requested the Division of Highways to designate a school zone.

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