TITLE 12

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CHAPTER 1 - IN GENERAL

Section 12-101 Definitions

Expect as otherwise provided in this title the following words and phrases when used in this title shall have the meanings ascribed to them in this chapter:

1. Vehicle- Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
2. Motor Vehicle- Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
3. Motorcycle- Every motor vehicle having a saddle for the use of the rider and designated to travel on no more than three wheels in contact with the ground but excluding a tractor.
4. Motor-driven cycle- Every motorcycle having a piston displacement of more than fifty cubic centimeters but not more than one hundred fifty cubic centimeters or with not more than five brake horsepower.
5. Moped- Every motorcycle or motor-driven cycle unless otherwise specified in this title, which is equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion piston or motor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed thirty miles per hour on a level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after drive system is engaged.
6. Bicycle- Every device which does not have a motor attached and which is propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.
7. School bus- Every motor vehicle owned by a public governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school.
8. Bus- Every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
9. Truck tractor- Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
10. Farm tractor- Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
11. Road tractor- Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
12. Truck- Every motor vehicle designed, used, or maintained primarily for the transportation of property.
13. Trailer- Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
14. Semitrailer- Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
15. Pole trailer- Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, trusses, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
16. Specially constructed vehicles- Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
17. Reconstructed vehicle- Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.
18. Essential parts- All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
19. Foreign vehicle- Every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.
20. Implement of husbandry- Every vehicle which is designed for or adopted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: provided, that said vehicle shall not be let for hire at any time.
21. Special mobile equipment- Every vehicle not designated or used for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch digging apparatus, well-boring apparatus, concrete mixers, and farm tractors, when farm tractors cannot be classified as an implement of husbandry as defined in subdivision (t) of this section. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of his subdivision.
22. Pneumatic tire- Every tire in which compressed air is designed to support the load.
23. Solid tire- Every tire of rubber or other resilient material which does not depend upon compressed air for support of the load
24. Metal tires- Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.
25. Commissioner- The commissioner of motor vehicles of this state.
26. Department- The department of motor vehicles of this state acting directly or through its duly authorized officers and agents.

(aa) Licensing authority- with reference to this state, means the department of motor

Vehicles.

(bb) Jurisdiction executive- with reference to this state, means the governor of this

State.

(cc) Appropriate official- with reference to this state, refers to a magistrate, his clerk,

Or a judge or clerk of a court of record.

(dd) Compact administrator- with reference to this state, refers to the commissioner

Of the department of motor vehicles.

(ee) Person- Every natural person, firm, co-partnership, association, or corporation.

(ff) Owner- A person who holds the legal title to a vehicle or in the event a vehicle is

The subject of an agreement for the conditional sale or lease thereof with the

Right of possession vested in the conditional vendee or lessee, or in the event a

A mortgagor of a vehicle is entitled to possession, then such vendee or lessee or

Mortgagor shall be deemed the owner for the purposes of this title.

(gg) Driver- Every person who drives or is in actual physical control of a vehicle.

(hh) Operator- Every person, other than a chauffeur, who drives or is in actual physical

Control of a motor vehicle upon a highway or who is exercising control over or

Steering a vehicle being towed by a motor vehicle.

(ii) Chauffeur- Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children Or any motor vehicle when in use for the transportation of persons or property for compensation.

(JJ) Pedestrian- Any person afoot.

(kk) Nonresident- Every person who is not a resident of this state.

(ll) Police officer- Every officer authorized to direct or regulate traffic or to make arrests

For violations of traffic regulations.

(mm) Local Authorities- Every municipal and other local board or body having authority to

enact laws relating to traffic under the Constitution and laws of this state.

(nn) Home state- means the state which has the power to suspend or revoke the use of the

License or permit to operate a motor vehicle.

(oo) Citation- Any summons, ticket or other official document issued by a police officer for

A traffic violation containing an order which requires a motorist to respond.

(pp) Court- The municipal court of the Town of

(qq) Drivers license- Any license or privilege to operate a motor vehicle issued under the laws

Of the home jurisdiction.

(rr) Home Jurisdiction- The jurisdiction that issued the drivers license of the traffic violator.

(ss) Issuing jurisdiction- That jurisdiction in which the traffic citation was issued to the

Motorist.

(tt) Jurisdiction- Means a state, territory or possession of the United States, the District

Of Columbia or the commonwealth of Puerto Rico.

(uu) Motorist- The driver of a motor vehicle operating in a party jurisdiction other than the

Home jurisdiction.

(vv) Person recognition- Means an agreement by a motorist made a the time of the issuance

Of the traffic citation that he will comply with the terms of that citation.

(ww) Suspension- Means that the drivers license and privilege to drive a motor vehicle

On the public highways are temporarily withdrawn but only during the period of such

Suspension.

(xx) Revocation- Means that the drivers license and privilege to drive a motor vehicle on the

Public highways are terminated and shall not be renewed or restored, except that an

Application for a new license may be presented and acted upon by the department after

Expiration of at least one year after date of revocation, except as otherwise provided in

Section 2, Article 5, Chapter 17-C of the West Virginia Code as amended.

(yy) Cancellation- Means that the drivers license is annulled and terminated because of some

Error or defect or because the license is no linger entitled to such license, but the

Cancellation is without prejudice and application for a new license may be made at any

Time after such cancellation.

(aaa) Street or Highway- The entire width between boundary lines of every way publicly

Maintained when any part thereof is open to the use of the public for purposes of

Vehicular traffic.

(bbb) Private Road or driveway- Means every way or place in private ownership and used for

Vehicular travel by the owner and those having express or implied permission from

The owner, but not by other persons.

(ccc) Private property- Means a real estate in private ownership without regard to the

Manner in which it is used.

(ddd) Roadway- Means that the portion of the highway improved, designed, or ordinarily used

For vehicular travel, exclusive of the berm or shoulder in the event a highway includes

Two or more separate roadways, the term “roadway” as used herein shall refer to such

Roadway separately but not to all such roadways collectively.

(eee) Sidewalk- Means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

(fff) Laned Roadway – Means a roadway which is divided into two or more clearly marked

Lanes for vehicular traffic.

(ggg) Through highway- Means every highway or portion thereof at the entrances to which

Vehicular traffic from intersecting highways is required by law to stop before entering

Or crossing the same and when stop signs are erected then as provided.

(hhh) Controlled-access highways- Means every highway, street or roadway in respect to which

Owners or occupants of abutting lands, and other persons have no legal right of access

To or from the same except at such points only and in such manner as may be

Determined by the public authority having jurisdiction over such highway, street

Or highway.

(iii) Intersection- Includes the area embraced within the prolongation or connectin of the

Lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two

Highways which join one another at, or approximately at, right angles, or the area

Within which vehicles traveling upon different highways joining at any other angle

May come in conflict; and where a highway includes two roadways thirty feet or

More apart then every crossing of each roadway of such divided highway by an

Intersecting highway shall be regarded as a separate intersection.

(jjj) Crosswalk- Includes that part of a roadway at an intersection included within the

Connections of the lateral lines of the sidewalks on opposite sides of the highway

Measured from the curbs or, in the absence of curbs, from the edges of the

Traversable roadway, and any portion of a roadway at an intersection or

Elsewhere distinctly indicated for pedestrian crossing by lines or other

Markings on the surface.

(kkk) Traffic-control devices- Means all signs, signals, markings, and devices not

Inconsistent with this title placed or erected by authority of a public body

Or official having jurisdiction, for the purpose of regulating, warning, or

Guiding traffic.

(lll) Traffic-control signals- Means any device, whether manually, electrically, or

Mechanically operated by which traffic is alternately directed to stop and to

Proceed.

(mmm) Railroad sign or signal- Means any sign, signal or device erected by authority of a

Public body or official or by a railroad and intended to give notice of the presence

Of railroad tracks or the approach of a railroad train.

(nnn) Traffic- Means pedestrians , ridden or herded animals, vehicles, and other

Conveyances whether singly or together while using any highway for purposes

Of travel.

(ooo) Right-of-way- The privilege of the immediate use of the highway.

(ppp) Stop- complete cessation of movement.

(qqq) Stop, stopping, or standing- When prohibited means any stopping or standing of a

Vehicle, whether occupied or not, except when necessary to avoid conflict with other

Traffic or in compliance with the directions of a police officer or traffic-control sign

And signal.

(rrr) Park- When prohibited, means standing of a vehicle, whether occupied or not, otherwise

Than temporarily for the purpose of and while actually engaged in loading or unloading.

(sss) School grounds- Means the land on which a school is built together with such other land

By students for play, recreation or athletic events while attending school.

(ttt) Safety zone- Means the area or space officially set apart within a roadway for the

Exclusive use of pedestrians and which is protected or is so marked or indicated by

Adequate signs a to be plainly visible at all times.

(uuu) Business district- Means the territory contiguous to and including a highway when within

Any six hundred feet along such highway there are buildings in use for business or

industrial purposes, including but not limited to hotels, banks, or office buildings,

railroad stations, and public buildings which occupy at least three hundred feet of

frontage on one side or three hundred feet collectively on both sides of the highway.

(vvv) Residence district- Means the territory contiguous to and including a highway not

Comprising a business district when the property on such highway for a distance of three

Hundred feet or more is in the main improved with residences or residences and

Buildings in use for business.

(www) Explosives- Means any chemical compound or mechanical mixture that is commonly

Used or intended for the purpose of producing an explosion and which contains any

Oxidizing and combustive units or other ingredients in such proportions, quantities,

Or packing that an ignition by fire, by friction, by concussion, by percussion, or by

Detonator or any part of the compound or mixture may cause such a sudden generation

Of highly heated gases that the resultant gaseous pressures are capable of producing

Destructive effects on contiguous objects or of destroying life or limb.

(xxx) Gross weight- Means the weight of a vehicle without load plus the weight of any load

Thereon.

(yyy) Axle group- Means and assemblage of two or more consecutive axles considered

Together in determining their combined load effect on a bridge or payment

(zzz) Tandem axle- Means any two or more consecutive axles whose center are more

Than forty inches but not more than ninety-six inches apart, and are individually

Attached to and/or articulated from a common attachment to the vehicle including

a connecting mechanism designed to equalize the load between axles.

(aaaa) Tandem axle wight- Means the total weight transmitted to the road by two or more

Consecutive axles whose centers may be included between parallel transverse planes

Spaced more than forty inches and not more than ninety-six inches apart, extending

The full width of the vehicle.

(bbbb) Connecting mechanism- Means an arrangement of parts inter-connecting two or more

Consecutive axles to the frame of a vehicle in such a manner as to equalize the load

Between axles.

Section 12-102- UNIFORMITY AND POWERS OF LOCAL AUTHORITITES

1. The provisions of Chapter 17-C of the West Virginia Code as amended shall be uniform throughout this state and in all political subdivisions and municipalities therein and no

Local authority shall enact or enforce any ordinance, rule, or regulation in conflict with

The provisions of Chapter 17-C as provided unless expressly authorized. Local authorities

May, however, adopt additional traffic regulations which are not in conflict with the

Provisions of Chapter 17-C.

1. The provisions of Chapter 17-C shall not be deemed to prevent local authorities with

Respect to streets and highways under their jurisdiction and within the reasonable

Exercise of the police power from:

1. Regulating the standing or parking of vehicles.
2. Regulating traffic by means of police officers or traffic-control devices
3. Regulating or prohibiting processions or assemblages on the highways
4. Designating particular streets as one-way streets and requiring that all vehicles

Thereon be moved in one specific direction.

1. Regulating the speed of vehicles in public parks.
2. Designating any highway as a through highway and requiring that all vehicles

Stop before entering or crossing the same or designating any intersection as a

Stop intersection and requiring all vehicles to stop at one or more entrances at

Such intersection.

1. Restricting the use of highways as authorized in Chapter 17-C, Article 17, Section

12 of the West Virginia Code as amended.

1. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee.
2. Regulating or prohibiting the turning of vehicles or specified type of vehicles at intersections
3. Altering the speed limits authorized and Chapter 17-C of West Virginia Code as amended
4. Adopting such other traffic regulations are as specifically authorized by Chapter 17-C of the West Virginia Code as amended.

( c ) No ordinance or regulation enacted under (4), (5), (6), (7), or (10) of Section 12-102

Shall be effective until signs giving notice of such local traffic regulations are posted upon

Or at the entrance to the highway or part thereof affected as may be most appropriate.

SECTION 12-103 TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-

DRAWN VEHICLES.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall

Be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle hereunder, except those provisions of this title which by their nature can have application.

SECTION 12-104 REQUIRED OBEDIENCE TO TRAFFIC LAWS

It is unlawful and, unless otherwise declared hereunder with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any

Act required by this title.

SECTION 12-105 ENFORCEMENT OF CODE; FAILURE TO OBEY POLICE OFFICER

1. It shall be the duty of the police of the Town of to enforce the provisions of this title and other laws of the Town of
2. No person shall willfully fail or refuse to comply with any lawful order or direction of any

Police officer invested by law with authority to direct, control or regulate traffic.

SECTION 12-106 OBEDIENCE TO TITLE OF PUBLIC OFFICERS AND EMPLOYEES

1. The provisions of this title applicable to the drivers of vehicles upon the highways shall

apply to the drivers of all vehicles owned or operated by the United States, this state

Or any county, city, town, district, or any other political subdivisions of the state, except as provided in this section and subject to such specific exceptions as are set forth in this title with reference to authorized emergency vehicles.

1. Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles, and other equipment while engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

SECTION 12-107 AUTHORIZED EMERGENCY VEHICLES

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
2. The driver of an authorized emergency vehicle may:
3. Park or stand, irrespective of the provisions of this title
4. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation
5. Exceed the speed limits so long as he does not endanger life or property
6. Disregard regulations governing direction of movement of turning in specific direction.
7. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by Section 26, Article 15, Chapter 17-C of the West Virginia Code as amended, and Section 12-108 of the Code of the town of which is visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle.
8. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, not shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 12-108 ADDITIONAL LIGHTING EQUIPMENT AND SPECIAL RESTRICTIONS ON LAMPS

1. Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display such warning in addition to the other warning signals required by Chapter 17-C of the West Virginia Code as amended and by provisions of the Code of the Town of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warnings to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.

1. Except as authorized in subsection (a) above, flashing lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, snow removal equipment or any vehicle as a means for indicating right or left turn, on any vehicle as a means of indicating the same is disabled or otherwise stopped for an emergency.
2. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displayed other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) of this subsection.
3. Notwithstanding any other provisions of this title, the following colors of flashing warning lights are restricted for use of the type vehicle designated:
4. Blue flashing warning lights are restricted to police vehicles, except that Section 27, Article 15, Chapter 17-C of the West Virginia Code as amended permits such lights for use of state road commission (department of highways) snow removal equipment.
5. Except as authorized by subsection (a) above and Section 27, Article 15, Chapter 17-C of the West Virginia Code as amended, red flashing warning lights are restricted to ambulances, fire-fighting vehicles, school buses, wreckers, and the personal car or truck of those volunteer firemen who are authorized by their fire chief to have such lights.
6. All other emergency vehicles authorized by Chapter 17-C of the West Virginia Code as amended by Section 27, Article 15 (17C-15-27) of said Chapter, of the West Virginia Code as amended, shall be restricted to amber or yellow flashing warning lights.

It shall be unlawful for flashing warning lights of an authorized color to be installed or used on a vehicle other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.

SECTION 12-109 POWER OF MAYOR DURING EMERGENCY

During any emergency declared by proclamation of the Mayor, the Mayor is given express power to regulate traffic on or over any streets, alleys, roads, avenues, or driveways within the town.

Any person violating or causing a violation of any regulation prescribed by the mayor under this section shall be guilty of a misdemeanor.

CHAPTER 2- REGISTRATION, CERTIFICATION OF TITLE AND LICENSURE

SECTION 12-201 EVERY MOTOR VEHICLE, ETC., SUBJECT TO REGISTRATION AND CERTIFICATE OF TITLE PROVISIONS; EXCEPTIONS

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of the West Virginia Code as amended and this article except:

1. Any such vehicle driven or moved upon a highway in conformance with the provision of Section 12-206 relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the department
2. Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the state road commissioner (department of highways) from one point of the owners land to another part, thereof, irrespective of whether or not the tracts adjoin: Provided that the distance between the points shall not exceed fifteen miles, or for the purpose of taking it or other fixtures thereto attached to and from a repair shop for repairs. The foregoing exemption from registration and license requirements shall also apply to any vehicle hereinbefore described or to any farm trailer owned by the owner or lessee of the farm on which such trailer is used, when such trailer is used for the purpose of moving farm produce and livestock from such farm along a public highway for a distance not to exceed ten miles to a storage house or packing plant, when such use is a seasonal operation.

The exemptions contained In this section shall also apply to farm machinery and tractors: Provided further, that such machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether such land be owned by the same or different persons.

Any vehicle exempted hereunder from the requirements of annual registration certificate and license plates and fees therefor shall not be permitted to use the highways as above provided between sunset and sunrise. Any vehicle used an implement of husbandry exempt hereunder must have the words “farm use” affixed to both sides of the implement in ten-inch letters:

1. Any vehicle of a type subject to registration by the government of the United States
2. Any wrecked or disabled vehicle which is being towed by a licensed wrecker or dealer on the public highways of this town.

SECTION 12-202 REGISTRATION CARD TO BE SIGNED, CARRIED AND EXHIBITED ON DEMAND

Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all time be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

SECTION 12-203 DISPLAY OF REGISTRATION (LICENSE) PLATES

Registration plates issued for vehicles required to be registered hereunder shall be attached to the rear thereof. Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground measured from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

SECTION 12-204 CERTFICATE OF TITLE

It shall be unlawful and constitute a misdemeanor for a lienor who holds a certificate of title to refuse or fail to execute a release as provided in Section 7, Article 4A, Chapter 17-A of the West Virginia Code as amended or to refuse or fail to surrender such certificate of title to the person legally entitled thereto within ten days after the lien or encumbrance or liens or encumbrances shown on the face thereof shall have been paid and satisfied. It is a misdemeanor for any person to fail to properly endorse and deliver certificate of title to a transferee or owner lawfully entitled thereto.

SECTION 12-205 OPERATION OF VEHICLES WITHOUT EVIDENCE OF REGISTRATION

No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon or shall be in the possession of the operator when and as required by this code and Chapter 17-A of the West Virginia Code as amended, a valid registration card and registration plate or plates issued therefor by the department for current registration year except as otherwise expressly permitted in this code and Chapter 17-A of the West Virginia Code as amended. Any violation of this section is a misdemeanor.

SECTION 12-206 EXEMPTION OF MANUFACTURERS, TRANSPORTERS, DEALERS, LIENHOLDERS AND NONRESIDENTS FROM REQUIREMENTS FOR REGISTRATION AND CERTFICATES OF TITLE

1. A nonresident owner, except as otherwise provided in this section, owning any vehicle registered in a foreign state or country and otherwise subject to registration hereunder may operate or permit the operation of such vehicle within the town for a period of thirty days without registering such vehicle in this state subject to the condition that such vehicle is duly registered in and displays upon it a valid registration card and plate or plates issued for such vehicle in the place of residence of the owner.
2. Every nonresident, including any foreign corporation, carrying on business within the State of West Virginia and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer within this state and within the town is required by Chapter 17-A, Article 5, Section 1 of West Virginia Code as amended to register said vehicle or vehicles and pay the same fee therefor as is required with reference to like resident owned vehicles in this state, except as otherwise provided by reciprocal agreements with other states.
3. Any nonresident who accepts or engages in temporary and recurrent or seasonal employment, business, profession or occupation in this state and maintains temporary and recurrent or seasonal residence in this sate in connection with such employment, business, profession, or occupation, and any nonresident, including any corporation carrying on business of a temporary and recurrent or seasonal nature in this state and owning and temporarily and recurrently or seasonally operating in such business any motor vehicle, trailer or semitrailer within this state, may operate or permit the operation of such vehicle within the town without causing said vehicle to be registered as provided in the West Virginia Code as amended and herein: Provided, that such nonresident in lieu of registration make application to the department and receive a special permit, valid for sixty (60) days, evidence by a metal identification plate and certificate in writing, and which plate and certificate shall together identify the vehicle for which such permit is issued and such certificate shall bear the name and address of the owner of such vehicle. Such permit shall be issued without previous certification of title as otherwise required.
4. When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealers plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer or other transferee upon transferring his title or interest to another person shall execute and acknowledge as assignment and warranty of title upon the certificate of title and deliver the same not later than thirty (30) days from date of sale to the person to whom such transfer is made. A transferee, other than a dealer, may operate such vehicle under the registration of its previous owner for a period of not more than ten (10) days after date of transfer.
5. Whenever the title of interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under the West Virginia Code as amended to dealers and may operate said repossessed vehicle under such special plates only for purposes of demonstrating or selling same.
6. Where in the course of interstate operation new vehicles are transported or driven upon the highways of this town to be delivered to a bona fide dealer of this or another state, such vehicles are exempt from the registration requirement of this section and the West Virginia Code as amended, provided that they are accompanied by a manufacturers certificate of origin.

SECTION 12-207 IMPROPER USE OF EVIDENCE OF REGISTRATION

No person shall lend to another any certificate of title, registration card, registration plate, special plate, or permit issued to him if the person desiring to borrow the same would not be entitled to he use thereof, not shall any person knowingly permit the use of any of the same by one not entitled thereto, not any person display upon a vehicle any registration card, registration plates, or permit not issued for such vehicle or not otherwise lawfully used thereon under this code. Any violation of this section is a misdemeanor.

SECTION 2-208 OPERATORS AND CHAUFFEURS MUST BE LICENSED

No person except those expressly exempted by Chapter 17-B, Article 2, Section 2 of the West Virginia Code as amended and as follows, shall drive any motor vehicle upon a street or highway in the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ when the use of such street is generally used by the public unless the person has a valid license as an operator or chauffeur under the provisions of this title.

No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeurs license. No person shall receive a chauffeur’s license unless and until he surrenders to the department any operators license issued to him or an affidavit that he does not possess an operator’s license.

SECTION 12-209 THE FOLLOWING PERSONS ARE EXEMPT FROM LICENSURE REQUIREMENTS BY THE WEST VIRGNIA CODE AS AMENDED

The following persons are exempted from license hereunder:

1. Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties.
2. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator’s license issued to him in his home state or country may operate a motor vehicle in this state only as an operator for a period not to exceed ninety days in any one calendar year.
3. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operators license issued to him in his home state or country and who is employed in this state, or owns, maintains, or operates a place or places of business in this state, or engages in any trade, profession or occupation in this state, in addition to the driving privilege extended under subdivision (b) of this section, may operate a motor vehicle in this state only as an operator traveling to and from his place or places at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the state of West Virginia over the age of eighteen years such resident would not be required under the provisions of this title to be licensed as a chauffeur.
4. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur’s license issued to him in his home state or country may operate a motor vehicle in this state, either as a chauffeur subject to the age limits applicable to chauffeurs in this state, or as an operator subject to the limitations imposed on nonresident operators in subdivisions (b) and (c) above in this section.
5. Any person who is a student, properly enrolled and registered in an accredited school, college or university in this state, who is at least sixteen years of age and who has In his immediate possession a valid operators license issued to him in his home state, notwithstanding the limitations of subdivisions (b) and (c) in the above section may operate a motor vehicle in this town as an operator. Provided that the state on which he is a resident shall extend the same privileges to residents of this state. This exemption shall be cancelled immediately when such student is graduated from school, college or university or is expelled or ceases to be a student.

SECTION 12-210 LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND

Every licensee shall have his operators or chauffeurs license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace (magistrate), a peace officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operators or chauffeurs license theretofore issued to him and valid at the time of his arrest.

SECTION 12-211 RESTRICTED LICENSES

The department may either issue a special restricted license or may set forth such restrictions upon the usual license form according to licensees driving ability with respect to the type of or special mechanical control devices required on a motor vehicle as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

It is a misdemeanor for any person to operate a motor vehicle in any manner in the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in violation of the restrictions imposed in a restricted license issued to him.

SECTION 12-212 UNLAWFUL USE OF LICENSE

It Is a misdemeanor for any person to commit any one of the following acts:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operators of chauffeur’s license.
2. To lend his operators or chauffeurs license to any other person or knowingly permit the use thereof by another.
3. To display or represent as one’s own any operators or chauffeurs license not issued to him.
4. To permit any unlawful use of an operator’s or chauffeur’s license issued to him.

SECTION 12-213 PERMITTING UNAUTHORIZED PERSON TO DRIVE

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway or street of this town by any person who is not authorized by Chapter 17-B of the West Virginia Code as amended or hereunder or in violation of any provision hereunder.

SECTION 12-214 RENTING MOTOR VEHICLE TO ANOTHER

No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under Chapter 17-B of the West Virginia Code as amended or , in the case of a nonresident, then duly licensed under the laws of the state or country of his residence.

No person shall rent a motor vehicle to another until he has inspected the operators or chauffeurs license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer.

CHAPTER 3 – OPERATION OF VEHICLES

SECTION 12-301 RECKLESS DRIVING; PENALITIES

1. Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private, or upon the ways of any state institution, or upon the property of any county boards of education, or upon any property within the state park and public recreation system established by the director of the department of natural resources pursuant to Chapter 20, Article 4, Section 3 of the West Virginia Code as amended in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
2. The provisions of subsection (a) of this section shall not apply to those areas which have been temporarily closed for racing sprot events or which may be set aside by the director of the department of natural resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

SECTION 12-302 SPEED RESTRICITONS

1. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards, then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.
2. Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.
3. No vehicle of any kind shall be operated on the streets or alleys of the town at a greater rate of speed than the miles per hour posted .
4. No person shall drive a vehicle upon any street or alley or other public way in the town at a speed in excess of fifteen miles per hour when passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours.
5. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
6. In every charge of violation of any speed regulations in this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the town or at the location and in the event charge shall also be made a violation of any other provision of this title, the complaint and the summons or notice to appear shall also specify such other offense alleged to have been committed.

SECTION 12-303 RACING ON STREET AND HIGHWAYS

The council of the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ determines and finds that the racing of motor vehicles on the public streets and highways of this town, whether within or in excess of the lawful speed limit (much of which racing is commonly referred to as “drag racing”), is extremely dangerous to life, limb, and property, and that such racing is an ever-increasing problem. It is, therefore, hereby declared to be the public policy of this town to prohibit all forms of such racing on the public streets and highways of this town, and to provide criminal penalties therefore.

1. It shall be unlawful for any person to engage in, or aid or abet by serving as lookout or timer or in any other capacity whatever, any speed race, as defined herein, on any town street or highway. For the purpose of this subdivision, “speed race” means:
2. The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or
3. The operation of a motor vehicle in speed acceleration competitive against time; or
4. The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.
5. Any person who violates the provisions of subdivision (a) of this section shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished for a first offense by a fine not less than fifty dollars nor more than one hundred dollars, for a second offense by a fine not less than fifty dollars nor more than five hundred dollars.

SECTION 12-304 SPECIAL SPEED LIMITATION

1. No person shall drive any vehicle equipped with other than pneumatic tires as a speed greater than a maximum of ten miles per hour.
2. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is signposted by the state road commission. (Department of Highways).
3. Upon the trial of any person charged with a violation of this section, proof of the state road commission (department of highways) determination of the maximum speed and the existence of said signs shall constitute conclusive evidence of the maximum safe speed which can be maintained with safety to such bridge or structure.

SECTION 12-305 SLOW-MOVING VEHICLE EMBLEM

All farm machinery and other machinery including all road construction machinery except when guarded by flagmen or flares, designed to operate at twenty-five miles per hour or less, traveling on a public highway during the day or night shall display a triangular slow-moving emblem on the rear of the vehicle.

SECTION 12-306 SLOW MOVING VEHICLES

The driver of a slow-moving vehicle shall keep as close as practicable to the right-hand curb or edge of the roadway, and such vehicles shall not be driven abreast upon the streets or highways of this town, but one much follows the other.

SECTION 12-307 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS

1. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
2. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
3. When the right half of the roadway is closed to traffic while under construction or repair.
4. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon: or
5. Upon a roadway designated and signposted for one-way traffic.

SECTION 12-308 PASSING VEHICLE PROCEEDING IN OPPOSITE DIRECTIONS

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one half of the main-traveled portion of the roadway as nearly as possible.

SECTION 12-309 OVERTAKING AND PASSING VEHICLES PROCEEDING IN SAME DIRECTION PASSIN ON THE LEFT GENERALLY

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules hereinafter stated.

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 12-310 SAME-WHEN OVERTAKING ON THE RIGHT IS PERMITTED

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
2. When the vehicle overtaken is making or about to make a left turn.
3. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction.
4. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
5. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

SECTION 12-311 SAME- LIMITATIONS ON OVERTAKING ON THE LEFT

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

SECTION 12-312 SAME- FURTHER LIMITATIONS ON DRIVING TO THE LEFT OF CENTER OF ROADWAY

1. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
2. When approaching the crest of a grade or upon a curve in the highway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
3. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing.
4. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
5. The foregoing limitations shall not apply upon a one-way roadway.

SECTION 12-313 SAME- NO-PASSING ZONES

Both the Town of \_\_\_\_\_\_\_\_\_\_\_\_ and the state road commission (department of highways) are authorized to determine those portions of any city highway or street where overtaking and passing or driving to the left of the roadway would be especially hazardous and may be appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle should obey the direction thereof.

SECTION 12-314 DRIVING ON ROADWAYS LANED FOR TRAFFIC

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply;

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle at a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey and the directions of every such sign.

SECTION 12-315 FOLLOWING TOO CLOSELY

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. It shall be unlawful for the operator of any motor truck, registered for a gross weight of more than eight thousand pounds, bus, special mobile equipment or any motor vehicle drawing another vehicle operating upon any roadway outside of a business or residence district, to follow within two hundred feet of another vehicle: Provided, that this provision shall not be construed to (1) prevent overtaking and passing, (2) apply upon any lane especially designated for the use of motor trucks or combinations of vehicles, or within any section of roadway posted or marked as a “no-passing zone” , (3) apply to any convoy of vehicles of the military service of the United States or of this state and (4) apply to funeral processions.
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to (1) funeral procession’s; or(2) any convoy of vehicles of the military service of the United States or of this state.

SECTION 12-316 DRVING ON DIVIDED HIGHWAYS

Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

SECTION 12-317 CONTOLLED-ACCESS ROADWAY-DRIVING ONTO OR FROM

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exists as are established by public authority.

SECTION 12-318 RIGHT TURNS

Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

SECTION 12-319 LEFT TRUNS ON TWO-WAY ROADWAYS

At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

SECTION 12-320 LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS

At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

SECTION 12-321 TURNING ON CURVE OR CREST OF GRADE PROHIBITED

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

SECTION 12-322 TURNING MOVEMENTS AND REQUIRED SIGNALS

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 318, 319, 320, or 321 of this chapter, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

SECTION 12-323 SIGNALS TO BE GIVEN BY HAND AND ARM OR SIGNLA DEVICE

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamp or mechanical signal device, but when a vehicle is so constructed or loaded that hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

SECTION 12-324 METHOD OF GIVING HAND-AND-ARM SIGNALS

All signals herein required given by hand and arm shall be given from the left side of the vehicle. In the following manner and such signals shall indicate as follows:

1. Left Turn- hand and arm extended horizontally.
2. Right Turn- hand and arm extended upward.
3. Stop or decrease speed- hand and arm extended downward .

SECTION 12-325 VEHICLE APPROACHING OR ENTERING INTERSECTION

1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
2. When two vehicles enter an intersection from a different highway at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
3. The right-of-way rules declared in subsections (a) and (b) are modified at through highways and otherwise as hereinafter stated in this chapter.

SECTION 12-326 VEHICLE TURNS LEFT AT INTERSECTION

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute and immediate hazard, but said driver, having so yielded and having given a signal when and as required by this title, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicles making the left turn.

SECTION 12- 327 VEHICLE ENTERING THROUGH HIGHWAY OR STOP INTERSECTIONS

1. The driver of a vehicle shall stop as required by Section 12-334 at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highways or which are approaching so closely on said through highway as a constitute an immediate hazard, but said driver having so yielded may proceed.
2. The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

SECTION 12-328 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

SECTION 12-329 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

1. Upon immediate approach of an authorized emergency vehicle equipped with at least one flashing lighted lamp of a color authorized by Section 12-108 of Chapter 1 which is visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 12-330 DRIVERS TO EXERCISE DUE CARE

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or a confused or incapacitated person upon a roadway.

SECTION 12-335 STOPPING BEFORE EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of a vehicle within a business or residence district emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 12-336 OVERTAKING AND PASSIN SCHOOL BUS; SIGNS AND WARNING LIGHTS UPON BUSES; REMOVAL OF WARNING LIGHTS, LETTERING, ETC., UPON SALE OF BUSES; HIGHWAYS WITH SEPARATE ROADWAYS

1. The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus flashing warning lights, and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.
2. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words “school bus” in letter not less than eight inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating “school bus” shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency, or individual, shall have all flashing warning lights removed; all lettering removed or permanently obscured; and such bus shall be painted a color other than chrome yellow before sale or transfer is made except when sold or transferred for the transportation of school children.
3. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

SECTION 12-337 STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.
2. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

SECTION 12-338 OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this chapter such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.
2. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

SECTION 12-339 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

1. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
2. On a sidewalk
3. In front of a public or private driveway
4. Within an intersection
5. Within fifteen feet of a fire hydrant
6. On a crosswalk
7. Within twenty feet of a crosswalk at an intersection
8. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway
9. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs of markings
10. Within fifty feet of the nearest rail of a railroad crossing
11. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance (when properly signposted)
12. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic
13. On the roadway side of any vehicle stopped or parked at the edge or curb of a street
14. Upon any bridge or other elevated structure upon a highway or within a highway tunnel
15. At any place where official signs prohibit stopping
16. Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay In the carriers schedule
17. Upon any controlled-access highway
18. At any place on any highway where the safety and convenience of the traveling public is thereby endangered.
19. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

SECTION 12-340 RIGHT AND LEFT PARALELL PARKING; ANGLE PARKING

1. A vehicle stopped or parked upon a roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb or edge of the roadway.
2. A vehicle stopped or parked upon a roadway shall not stand backed up at any angle to the curb or edge of the roadway except while actually loading or unloading.

SECTION 12-341 PARKING PRIVILEGES AND “NO PARKING SPACES”

1. Parking privileges and spaces designated as “no parking space” may be granted upon consent of the Council of the Town of Danville and when granted must be definitely marked. No person may, without the consent of the Council, designate the space bordering along a parallel with the streets, alleys and highways of the Town of Danville as “no parking spaces”.
2. Parking privileges upon the streets, alleys and highways of the Town of Danville may be temporarily suspended by any police officer in time of unusual congestion, but only upon the placement of official signs in conspicuous places upon said street, alley or highway sufficient to give timely notice of the temporary suspension of said privilege, to he recipient of such a privilege or upon the giving of oral or written to each affected individual recipient of such privilege, and the owner or person in charge of any vehicle parked in designated parking area.
3. If the owner or person in charge of any vehicle shall fail or neglect to remove such vehicle before or between the time specified on the sign, or by the time specified in the oral or written notice he shall be guilty of a misdemeanor and subject to the penalties prescribed in this chapter.

SECTION 12-342 REMOVAL OF VEHICLES PARKED, ETC., ON CONTROLLED ACCESS HIGHWAY: LIABILITY FOR COSTS OF REMOVAL AND STORAGEL LIENS FOR TOWING AND STORAGE

Whenever a vehicle has been stopped, parked, or left standing upon any part of a controlled-access highway any police officer shall have the authority to remove or order the removal of the vehicle, by towing or otherwise, to the nearest available established garage or parking lot for storage until called for by the owner or his agent. The owner shall be liable for the reasonable cost of such removal and storage, and until payment of such cost the garage or parking lot operator may retain a lien for the amount due. The garage or parking lot operator may enforce his lien for towing and storage in the manner provided in Section 14, Article 11, Chapter 38 of the West Virginia Code as amended for the enforcement of other liens.

SECTION 12-343 STOPPING, STANDING OR PARKING PRIVILEGES FOR DISABLED QUALIFICATION; APPLICATION; VIOLATION; REVOCATION

A physically disabled person who displays upon a motor vehicle stopped, left standing either attended or unattended, or parked by him, or a vehicle under his direction and for his use, a distinguishing insignia provided for in this section may exercise the stopping, standing, or parking privileges provided in this section. The distinguishing insignia shall be displayed on the motor vehicle in the manner prescribed by the commissioner of motor vehicles.

A person desiring to have distinguishing insignia issued to him under this section shall submit to the commissioner.

1. An application therefore on a from prescribed and furnished by the commissioner.
2. A certificate issued by a person licensed to practice medicine in this state stating that the applicant is physically disabled within the meaning of this section; and
3. A fee of one dollar.

Upon receipt of the application, the physician’s certificate, and the registration fee if the commissioner finds that the applicant qualifies for stopping, standing or parking privileges provided for in this section, the commissioner may issue to such applicant either, as the case may warrant.

1. A temporary insignia to be used by persons who are temporarily disabled, such insignia to be valid for such period of time as the aforementioned physician determines the applicant will be disabled, or
2. A permanent insignia to be used by persons who are certified as permanently disabled by the aforementioned physician.

The two types of insignia shall be identical in size and form while being clearly distinguished by color and lettering from each other for identification purposes.

Free stopping, standing or parking places marked “reserved for disabled persons” shall be designated in close proximity to all state, county, and municipal buildings or other public facilities. Such places shall be reserved solely for physically disabled persons during the hours that such buildings are open for business.

In this section, “physically disabled person” means any person who has sustained a permanent disability rendering it difficult and burdensome for such person to walk, or any person who is similarly disabled for a temporary period of time.

Any person who is not disabled permanently or temporarily and who applies for the stopping, standing or parking privileges provided for in this section, or any person who upon having been granted such privileges wrongfully uses or abuses them or any person who falsely certifies that a person is disabled permanently or temporarily in order that such person may be granted such privileges shall be guilty of a misdemeanor, and, upon conviction thereof, in addition to any other penalty he may otherwise incur or have imposed upon him by law, shall be fined not less than fifty dollars nor more than one hundred dollars.

SECTION 12-344 UNATTENDED MOTOR VEHICLE

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

SECTION 12-345 LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonably safety and without interfering with other traffic.

SECTION 12-346 OBSTRUCTION TO DRIVERS VIEW OR DRIVING MECHANISM

1. No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver’s control over the driving mechanism of the vehicle.
2. No passenger in a vehicle shall ride in such position as to interfere with the drivers or motorman’s view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

SECTION 12-347 PASSENGERS IN SEAT WITH OPERATOR

No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while said motor vehicle is being operated on the streets or highways of this town. Provided, however, that the limitation of this section shall not apply to a trick cab or truck crew compartment properly designed for the occupancy of four persons including the operator, and so designated on the registration card by the department of motor vehicles.

SECTION 12-348 PASSENGERS ON RUNNING BOARD

No passenger shall ride, nor shall the operator permit any passenger to ride on the running board of any motor vehicle while such vehicle is being operated on the streets or highways of this state.

SECTION 12-349 COASTING PROHIBITED

1. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
2. The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

SECTION 12-350 FOLLOWING FIRE APPARATUS

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 12-351 CROSSNG FIRE HOSE

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any time or alarm of fire, without the consent of the fire department official in command.

SECTION 12-352 PUTTING GLASS, ETC., ON HIGHWAY

1. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.
2. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

SECTION 12-353 VEHICLES PARKED ON PRIVATE PROPERTY

It shall be unlawful for any driver of a vehicle to stop, park, or leave standing unattended any vehicle on a private road or driveway or on private property without having express or implied permission from the owner, tenant, or lessee of such land. The owner, tant or lessee of such private road or driveway or private property may move, or have moved, and vehicle stopped, parked or left standing unattended on his private road, driveway, or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he be liable to the owner of the vehicle for any damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all removal costs. Any person who removes any vehicle under the provisions of this section shall notify the department of public safety of such action, and shall, in addition, notify the police department of this town.

SECTION 12-354 AUTHORITY OF CHIEF OF POLICE TO USE SINGS OR DEVICES IN REGULATING TRAFFIC: MOVING, DAMAGING OR DESTROYING SIGNS

In regulating traffic and the use of the streets, avenues, alleys and public throughfares of the town by motor vehicles, the Chief of Police, with the approval of the Mayor and Town Council, is herby authorized to use such signs or devices upon such streets as he may deem necessary, and the failure to comply with any sign, device or instructions so displayed shall be in violation of this title.

Any person who shall move, damage, or destroy any such sign or device shall be deemed guilty of a violation of this title.

SECTION 12-355 OBEDIENCE TO TRAFFIC-CONTROL DEVICES; OFFICIAL SIGNS TO BE IN PROPER POSITION, ETC.

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this code, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of any authorized emergency vehicle in this code.
2. No provision of this code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state the signs are required, such section shall be effective even though no signs are erected or in place.

SECTION 12-356 OBEDIENCE TO TRAFFIC-CONTROL INSTRUCTIONS AT THE SITE OF STREET OR HIGHWAY CONSTRUCTION OR MAINTENANCE

The driver of any vehicle shall obey the traffic-control instructions of persons authorized by this town to operate traffic-control devices, act as flagmen, or operate follow-vehicles at or near the site of street or highway construction or maintenance work, for the purpose of regulating, warning, or guiding traffic, subject to the exceptions granted the driver of an authorized emergency vehicle in this code. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor.

SECTION 12-357 TRAFFIC-CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-controlled signals exhibiting the words “Go,” “Caution”, or “Stop” or exhibiting different colored lights successfully one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green alone or “Go”
2. Vehicular traffic facing the signal, except when prohibited under Section 2, Article 12, Chapter 17-C of the West Virginia Code as amended, may proceed straight through, or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
3. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
4. Yellow alone or “CAUTION” when shown following the green or “GO” signal
5. Vehicular traffic facing the signal is thereby warned that the red or “Stop” signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or “Stop” signal is exhibited.
6. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
7. Red along or “Stop”:
8. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or “Go” is shown alone.
9. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
10. Red with green arrow:
11. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
12. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
13. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made a ta sign or making on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

SECTION 12-358 PEDESTRIAN WALK AND WAIT SIGNALS

Whenever special pedestrian-control signals exhibiting the words “Walk” or “Wait” are in place such signals shall indicate as follows:

1. Walk- Pedestrian facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. Wait- No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

SECTION 12-359 FLASHING SIGNALS

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal) – When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed through the intersection or past such signal only with caution.

SECTION 12-360 DISPLAY OF UNAUTHORIZED DEVIES, SIGNS, ETC., SUCH DEVICES, ETC., DECLARED NUISANCE AND SUBJECT TO REMOVAL

1. No person shall place, maintain, or display upon or in view of any highway any unauthorized traffic-control device or traffic-control signal, or any unauthorized, sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or rail road sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic-control device bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highway of signs giving useful directional information of a type that cannot be mistaken for official signs.
2. Every such prohibited device, signal, sign, or marking is hereby declared to be a public nuisance and the Chief of Police or other authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

SECTION 12-361 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SINGS OR SIGNALS

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

SECTION 12-362 ACCIDENTS INVOLVING DAMAGE TO VEHICLE

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 12-363 of this chapter. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

SECTION 12-363 DUTY TO GIVE INFORMATION AND RENDER AID

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request if available exhibit his operators or chauffeurs license to the person struck or the driver or occupant of a person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

SECTION 12-364 DUTY UPON STRIKING UNATTENDED VEHICLE

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

SECTION 12-365 IMMEDIATE REPORTS OF ACCIDENTS

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communications, whether oral or written, give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the department of public safety.

SECTION 12-366 UNLAWFUL TAKING OF VEHICLE

Any person who drives a vehicle, not his own, without consent of the owner thereof, and with intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same, is guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner’s consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in or is a party or accessory to or an accomplice in any such unauthorized taking or driving is guilty of a misdemeanor.