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## PART THREE — TRAFFIC CODE

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### ARTICLE 307 Driving on Right; Passing

- 307.01 Driving on right side of roadway; exceptions.
- 307.02 Passing to right when proceeding in opposite directions.
- 307.03 Overtaking, passing to left; driver's duties.
- 307.04 Overtaking, passing upon right.
- 307.05 Overtaking, passing to left of center.
- 307.06 Additional restrictions on driving upon left side of roadway.
- 307.07 Hazardous or no-passing zones.
- 307.08 One-way roadways and rotary traffic islands.
- 307.09 Driving in marked lanes or continuous lines of traffic.
- 307.10 Following too closely.
- 307.11 Driving upon divided roadways.
- 307.12 Entering and exiting controlled-access highway.
- 307.99 Penalty.

#### CROSS REFERENCES

See sectional histories for similar State law.  
Authority to establish one-way streets – see WV Code 17C-2-8(4)

#### **307.01 Driving on right side of roadway; exceptions.**

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
  - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  - (2) When the right half of a roadway is closed to traffic while under construction or repair;
  - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - (4) Upon a roadway designated and signposted for one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (WV Code 17C-7-1. Ord. 2013-01, passed 02-11-2013.) <sup>[307.01]</sup>

#### **307.02 Passing to right when 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. (WV Code 17C-7-2. Ord. 2013-01, passed 02-11-2013.) <sup>[307.02]</sup>

#### **307.03 Overtaking, passing to left; driver's duties.**

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.

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#### FOOTNOTES:

- 307.01 This section was previously codified as 337.01.
- 307.02 This section was previously codified as 337.02.

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- (a) 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.
- (b) 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 or her vehicle until completely passed by the overtaking vehicle. (WV Code 17C-7-3. Ord. 2013-01, passed 02-11-2013.) <sup>[307.03]</sup>

### **307.04 Overtaking, passing upon right.**

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (1) When the vehicle overtaken is making or about to make a left turn;
  - (2) 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;
  - (3) 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.
- (b) 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. (WV Code 17C-7-4. Ord. 2013-01, passed 02-11-2013.) <sup>[307.04]</sup>

### **307.05 Overtaking, passing to left of center.**

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 100 feet of any vehicle approaching from the opposite direction. (WV Code 17C-7-5. Ord. 2013-01, passed 02-11-2013.) <sup>[307.05]</sup>

### **307.06 Additional restrictions on driving upon left side of roadway.**

- (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
  - (1) When approaching the crest of a grade or upon a curve in the street or 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;
  - (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;
  - (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway. (WV Code 17C-7-6. Ord. 2013-01, passed 02-11-2013.) <sup>[307.06]</sup>

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#### **FOOTNOTES:**

- 307.03 This section was previously codified as 337.03.
- 307.04 This section was previously codified as 337.04.
- 307.05 This section was previously codified as 337.05.

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### 307.07 Hazardous or no-passing zones.

When signs or markings are in place and clearly visible to an ordinarily observant person indicating that overtaking and passing or driving to the left of the roadway would be especially hazardous, every driver of a vehicle shall obey the directions thereof. (WV Code 17C-7-7. Ord. 2013-01, passed 02-11-2013.) <sup>[307.07]</sup>

### 307.08 One-way roadways and rotary traffic islands.

- (a) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (WV Code 17C-7-8[b-c]. Ord. 2013-01, passed 02-11-2013.) <sup>[307.08]</sup>

### 307.09 Driving in marked lanes or continuous lines of 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:

- (a) 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.
- (b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane which is clearly marked as a left turn lane except 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.
- (c) 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 the directions of every such sign. (WV Code 17C-7-9. Ord. 2013-01, passed 02-11-2013.) <sup>[307.09]</sup>

### 307.10 Following too closely.

- (a) 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 street or highway.
- (b) No operator of any motor truck, registered for a gross weight of more than 8,000 pounds, bus, special mobile equipment or any motor vehicle drawing another vehicle operating upon roadway outside of a business or residence district, shall follow within 200 feet of another motor truck, bus, special mobile equipment or any motor vehicle drawing another vehicle; provided, that this provision shall not be construed to:
  - (1) Prevent overtaking and passing;
  - (2) Apply upon any lane specially designated for the use of motor trucks or combinations of vehicles, or within any section of a 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.
- (c) 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

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#### FOOTNOTES:

- 307.06 This section was previously codified as 337.06.
- 307.07 This section was previously codified as 337.07.
- 307.08 This section was previously codified as 337.08.
- 307.09 This section was previously codified as 337.09.

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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 processions; or
- (2) Any convoy of vehicles of the military service of the United States or of this State. (WV Code 17C-17-10. Ord. 2013-01, passed 02-11-2013.) <sup>[307.10]</sup>

### **307.11 Driving upon divided roadways.**

Whenever any street or 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. (WV Code 17C-7-11. Ord. 2013-01, passed 02-11-2013.) <sup>[307.11]</sup>

### **307.12 Entering and exiting controlled-access highway.**

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority. (WV Code 17C-7-12. Ord. 2013-01, passed 02-11-2013.) <sup>[307.12]</sup>

### **307.99 Penalty.**

Whoever violates any provision of this article shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00). (Ord. 2013-01, passed 02-11-2013.)

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#### **FOOTNOTES:**

- 307.10 This section was previously codified as 337.10.  
307.11 This section was previously codified as 337.11.  
307.12 This section was previously codified as 337.12.