

Sec. 11-109. Driving on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

For similar state law, see W. Va. Code, § 17C-14-7.

Sec. 11-110. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

For similar state law, see W. Va. Code, § 17C-14-8.

Sec. 11-111. 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.

*For similar state law, see W. Va. Code, § 17C-14-9.
As to fire prevention generally, see ch. 7 of this Code.*

Sec. 11-112. Crossing fire hose.

No streetcar or 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 fire or alarm of fire, without the consent of the fire department official in command.

For similar state law, see W. Va. Code, § 17C-14-10.

Sec. 11-113. Putting glass, etc., on highway.

(a) 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.

(b) 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.

(c) 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.

For similar state law, see W. Va. Code, § 17C-14-11.

Sec. 11-114. 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, tenant or lessee of such private road or driveway or private property may move, or have moved, any 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, if such vehicle is removed within a municipality, shall, in addition notify the police department of such municipality.

For similar state law, see W. Va. Code, § 17C-14-13.

Sec. 11-115. Disposition of abandoned motor vehicles.

(a) Definition. The term "abandoned motor vehicle" in this section shall mean any motor vehicle parked or left on any public street or alley in violation of the maximum period of eighteen hours and which either bears no current registration plates or tags or, if it does bear such plates or tags, is not removed from the public streets and alleys within twenty-four hours after a violation ticket has been placed thereon.

(b) Removal by police. The city police are authorized and directed to transport and remove every abandoned motor vehicle from the public streets and alleys to any junk yard, junk pile or other place of disposal.

(c) Vehicle claimed by owner. The owner of such abandoned motor vehicle shall not thereafter take possession thereof or salvage therefrom, without first paying to the city its costs and expense of removal and storing or disposal and also the fine for violation of parking regulations as provided by other ordinances, and any violation hereof shall be punished by fine and/or jail sentence as provided by section 11-118.

(d) Disposal of unclaimed vehicles. In case the owner of such abandoned vehicle does not appear and comply with subsection (c) of this section for retaking possession of, or salvage from, such vehicle within ten days after its removal from the public streets and alleys, the same shall be treated as property permanently and conclusively abandoned and the mayor shall sell such vehicle or salvage therefrom, if sale therefor can be had, and shall deposit the proceeds therefrom in the city treasury. (11-17-49, §§ 1 to 4.)

As to nuisances generally, see ch. 13 of this Code.

Sec. 11-116. 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 by any person who is not authorized to drive pursuant to chapter 17B of the Code of West Virginia.

For similar state law, see W. Va. Code, § 17B-4-4.

Sec. 11-117. Vehicles not to operate without required equipment or in unsafe condition.

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required by section 17C-16-1 et seq. of the Code of West Virginia and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon any highway.

For similar state law, see W. Va. Code, § 17C-16-1.

Sec. 11-117.1. Certificate of inspection required.

No person shall operate, or permit to be operated, a vehicle without having displayed thereon a current and valid certificate of inspection. (11-5-81.)

Sec. 11-117.2. Operation of motorcycles, motor-driven cycles or mopeds.

(a) No person shall operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than fifteen inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(b) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator shall carry any other person nor shall any other person ride on such a vehicle unless the vehicle is designed to carry more than one person, in which event a passenger may ride behind the

operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger, or in a sidecar firmly attached to the vehicle. No more than two persons, the operator and one passenger, shall ride the same vehicle at the same time. No person shall ride sidesaddle on a seat.

(c) Every motorcycle, motor-driven cycle or moped shall be equipped with a rearview mirror affixed to the handlebars and adjusted so that the operator shall have a clear view of the road and condition of traffic behind him for a distance of at least two hundred feet. (11-19-81.)

Division 15. Penalties.

Sec. 11-118. Violations of chapter; penalties for misdemeanor.

(a) It is a misdemeanor for any person to violate any of the provisions of this chapter.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this article for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both such fine and imprisonment.

For similar state law, see W. Va. Code, § 17C-18-1.



Sec. 11-125. Disposition and records of traffic citations.

(a) Every traffic-enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with the municipal court of the city.

(b) Upon the deposit of the original or a copy of such traffic citation with the municipal court of the city as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail by the person to whom such traffic citation has been issued by the traffic-enforcement officer.

(c) It shall be unlawful and official misconduct for any traffic-enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

(d) The chief administrative officer of every traffic-enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the traffic citation was deposited.

For similar state law, see W. Va. Code, § 17C-19-7.

Sec. 11-126. Record of traffic cases.

The municipal court of the city shall keep or cause to be kept a record of every traffic complaint, or other legal form of traffic charge deposited with or presented to said court, and shall keep a record of every official action by said court in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint deposited with or presented to said court.

For similar state law, see W. Va. Code, § 17C-19-8.

Sec. 11-127. Guaranteed arrest bond certificates as cash bail.

Any guaranteed arrest bond certificate of any surety company licensed to do business by the insurance commissioner, shall, when presented by the person whose signature appears thereon, be accepted in lieu of cash bail in

an amount not to exceed five hundred dollars, as a bail bond, to guarantee the appearance of such person in the municipal court of the city at such time as may be required by the court when such person is arrested for violation of any motor vehicle law of this state or traffic ordinance of any municipality in this state (except for the offenses of reckless driving, driving while intoxicated or for any felony) committed prior to the date of expiration shown on such guaranteed arrest bond certificate; provided, that any such guaranteed arrest bond certificate so presented as a bail bond in any court in this state shall be subject to the same forfeiture and enforcement provisions as any other bail bond.

The term "guaranteed arrest bond certificate," as used herein, means any printed card or other certificate issued by an automobile club or association to any of its members, which said card or certificate is signed by such member and contains a printed statement that such automobile club or association and a surety company guarantee the appearance of the person whose signature appears on the card or certificate and that they will in the event of failure of said person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed five hundred dollars.

For similar state law, see W. Va. Code, § 17C-19-10.

Article III. Vehicle Registration.

Sec. 11-128. Registration card to be signed, carried and exhibited on demand; valid registration required.

(a) Every owner, upon receipt of a registration card, shall write his signature thereon in ink in the space provided. Every such registration card shall be carried at all times in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle.

(b) Every person driving or in control of such vehicle shall display the registration card upon the demand of a police officer.

(c) No person shall operate or permit the operation of such vehicle without a valid registration. (11-5-81.)

Sec. 11-129. Display of registration plates.

Registration plates issued for vehicles required to be registered 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, at a height of not less than twelve inches from the ground, measuring 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. (11-5-81.)