

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 73

BY SENATORS YOST AND MILLER

[Originating in the Committee on the Judiciary;

reported on February 9, 2016.]

1 A BILL to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating
2 to crashes involving death or physical injuries; creating crimes of leaving scene of a crash
3 resulting in serious bodily injury and leaving the scene of a crash; defining terms; clarifying
4 knowledge requirement; and providing criminal penalties of fine and imprisonment.

Be it enacted by the Legislature of West Virginia:

1 That §17C-4-1 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries; Erin’s Law.

1 (a) The driver of any vehicle involved in a crash resulting in injury to or death of any person
2 shall immediately stop the vehicle at the scene of the crash, or as close to the scene as possible,
3 and return to and remain at the scene of the crash until he or she has complied with the
4 requirements of section three of this article: *Provided*, That the driver may leave the scene of the
5 crash as may reasonably be necessary for the purpose of rendering assistance to an injured
6 person as required by ~~said~~ section three ~~Every such~~ of this article. The stop shall be made without
7 obstructing traffic more than is necessary. Except as provided in subsections (b), (c) and (d) of
8 this section, any person knowingly violating the provisions of this subsection is guilty of a
9 misdemeanor and, upon conviction, shall be confined in jail for not less than one nor more than
10 ten days and fined not more than \$1000, or both fined and confined.

11 ~~(b) Any person knowingly violating the provisions of subsection (a) of this section after~~
12 ~~being involved in a crash resulting in the death of any person is guilty of a felony and, upon~~
13 ~~conviction thereof, shall be fined by not more than \$5,000 or imprisoned in a correctional facility~~
14 ~~for not less than one year nor more than five years, or both fined and confined. Any person~~
15 knowingly violating the provisions of subsection (a) of this section after being involved in a crash
16 which results in physical injury to any person and he or she knows or reasonably should know
17 results in bodily injury given the nature of the accident is guilty of a misdemeanor and, upon

18 conviction thereof, shall be punished by confinement in jail for not more than one year or fined
19 not more than \$1,000, or both.

20 (c) Any person violating the provision of subsection (a) of this section after being involved
21 in a crash which results in serious bodily injury to any person and which he or she knows or
22 reasonably should know results in serious bodily injury given the nature of the accident, is guilty
23 of a felony and, upon conviction thereof, shall be punished by imprisonment in a correctional
24 facility for not less than one year nor more than three years or fined not more than \$2,500, or both
25 fined and imprisoned.

26 ~~(c) (d) Any person knowingly violating the provisions of subsection (a) of this section after~~
27 ~~being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and,~~
28 ~~upon conviction thereof, shall be punished by confinement in jail for not more than one year, or~~
29 ~~fined not more than \$1,000, or both.~~ Any person violating the provisions of subsection (a) of this
30 section after being involved in a crash which results in the death of any person and which he or
31 she knows or reasonably should know results in death given the nature of the accident is guilty of
32 a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a
33 correctional facility for not less than one year nor more than five years, or both fined and confined.

34 (e) As used in this section:

35 (1) "Bodily injury" means substantial physical pain or impairment of one's physical
36 condition; and

37 (2) "Serious bodily injury" means bodily injury which creates a substantial risk of death
38 which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged
39 use of a bodily organ or the less thereof.

40 ~~(d) (f)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive
41 of any resident or nonresident person convicted pursuant to the provisions of this section for a
42 period of one year from the date of conviction or the date of release from incarceration, whichever
43 is later.

44 ~~(e) (g)~~ (g) This section may be known and cited as Erin's Law.