

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 105

SENATOR WOELFEL, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on February 23, 2019]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17C-5-2c, relating to creating the new criminal offense of impaired operation
3 of a motor vehicle placing nonpassengers at risk of physical injury; clarifying that offense
4 is separate and distinct from operating a motor vehicle under the influence; and
5 establishing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2c. Endangering persons by impaired operating of a motor vehicle.

1 (a) Any person who, while operating a motor vehicle in violation of the provisions of §17C-
2 5-2 of this code, places a nonpassenger at risk of physical injury, shall be guilty of a misdemeanor
3 and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, confined in
4 jail for not more than one year, or both fined and confined.

5 (b) A violation of the provisions of this section is a separate and distinct offense from a
6 violation of §17C-5-2 of this code.