

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2820

FISCAL
NOTE

BY DELEGATE SHOTT

[Introduced February 1, 2019; Referred
to the Committee on Technology and Infrastructure
then the Judiciary.]

1 A BILL to amend and reenact § 17C-5-3 of the Code of West Virginia, 1931, as amended, relating
2 to establishing criminal penalties for reckless driving resulting in death, and increasing
3 criminal penalties for reckless driving resulting in serious bodily injury.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-3. Reckless driving; penalties.

1 (a) Any person who drives any vehicle upon any street or highway, or upon any residential
2 street, or in any parking area, or upon the ways of any institution of higher education, whether
3 public or private, or upon the ways of any state institution, or upon the property of any county
4 boards of education, or upon any property within the state park and public recreation system
5 established by the Director of the Division of Natural Resources pursuant to section three, article
6 four, chapter twenty of this code in willful or wanton disregard for the safety of persons or property
7 is guilty of reckless driving.

8 (b) The provisions of subsection (a) of this section shall not apply to those areas which
9 have been temporarily closed for racing sport events or which may be set aside by the Director
10 of the Division of Natural Resources within the state park and recreation system for exclusive use
11 by motorcycles or other recreational vehicles.

12 (c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first
13 conviction thereof, shall be confined in jail for a period of not less than five days nor more than
14 ninety days, or fined not less than \$25 nor more than \$500, or both, and upon conviction of a
15 second or subsequent conviction thereof, shall be confined in jail not less than ten days nor more
16 than six months, or fined not less than \$50 nor more than \$1,000, or both.

17 (d) Notwithstanding the provisions of subsection (c) of this section, any person convicted
18 of a violation of subsection (a) of this section who in doing so proximately causes the death of any
19 person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional
20 facility for not less than three nor more than fifteen years and shall be fined not less than \$1,000

21 nor more than \$3,000.

22 (d) (e) Notwithstanding the provisions of subsection (c) of this section, any person
23 convicted of a violation of subsection (a) of this section who in doing so proximately causes
24 another to suffer serious bodily injury shall, upon conviction, be ~~confined in jail~~ not less than ten
25 ~~days~~ two nor more than ~~six months or ten years~~ and fined not less than ~~\$50~~ \$1000 nor more than
26 ~~\$1,000, \$3000.~~ or both

27 (e) (f) For purposes of subsection (d) of this section, "serious bodily injury" means bodily
28 injury which creates a substantial risk of death, which causes serious or prolonged disfigurement,
29 prolonged impairment of health or prolonged loss or impairment of the function of any bodily
30 organ.

NOTE: The purpose of this bill is to increase the penalties associated with reckless driving resulting in death or serious bodily injury.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.