

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4281

BY DELEGATES PINSON, B. WARD, D. KELLY, KEATON,

FAST, D. JEFFRIES, AND HONAKER

[Introduced January 19, 2022; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §17C-24-1, relating to the operation of vehicles on a roadway covered by
3 water, creating a criminal and civil penalty upon conviction of such act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 24. OPERATION OF VEHICLE ON ROADWAY COVERED BY WATER.

§17C-24-1. OPERATION OF VEHICLE ON ROADWAY COVERED BY WATER.

1 (a) No person shall operate a vehicle on or onto a public street or highway that is
2 temporarily covered by a rise in water level, including groundwater or an overflow of water, and
3 that is clearly marked by a sign that specifies that the road is closed due to the rise in water level.
4 Any person who uses the closed portion of the road and becomes trapped as a result of such use
5 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000;
6 upon a second conviction within one year thereafter, shall be fined not more than \$1,500; and
7 upon a third or subsequent conviction, shall be fined not more than \$2,000.

8 (b) In addition to the financial sanctions authorized or required under this code and to any
9 costs otherwise authorized or required, the court imposing the sentence upon an offender who is
10 convicted of or pleads guilty to a violation of subsection (a) of this section shall order the offender
11 to reimburse any rescuers for the cost any such rescuer incurred in rescuing the person, excluding
12 any cost of transporting the rescued person to a hospital or other facility for treatment of injuries,
13 up to a cumulative maximum of \$2,000. If more than one rescuer was involved in the emergency
14 response, the court shall allocate the reimbursement proportionately, according to the cost each
15 rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the
16 rescuer.

17 (c) As used in this section:

18 “Rescuer” shall mean a state agency, political subdivision, fire-fighting agency, private fire
19 company, or emergency medical service organization.

NOTE: The purpose of this bill is to create a criminal and civil penalty for operating a vehicle on a roadway covered in water.

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