

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2514

FISCAL
NOTE

By Delegates Howell, Crouse, Jennings, Ferrell,
Phillips, Honaker, Linville, Zatezalo, and thorne

[Introduced January 12, 2023; Referred to the Committee
on Technology and Infrastructure then the Judiciary]

1 A BILL to amend and reenact §17C-14-11 of the Code of West Virginia, 1931, as amended,
2 relating to criminal penalties for placing glass or other debris on highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-11. Putting glass, etc., on highway; penalty.

1 (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks,
2 wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such
3 highway.

4 (b) Any person who drops, or permits to be dropped or thrown, upon any highway any
5 destructive or injurious material shall immediately remove the same or cause it to be removed.

6 (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any
7 glass or other injurious substance dropped upon the highway from such vehicle.

8 (d) (1) Any person violating the provisions of this section is guilty of a misdemeanor and,
9 upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one
10 year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall
11 be fined not more than \$500.

12 (2) Any person who violates the provisions of this section and such violation proximately
13 causes damage to the property of any person other than himself or herself, is guilty of a
14 misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor
15 more than one year and shall be fined not less than \$200 nor more than \$1,000, and be compelled
16 to make restitution to the injured person in the amount of such property damage. Any jail term
17 imposed pursuant to this subsection shall include actual confinement of not less than 24 hours:
18 Provided, That a person sentenced pursuant to this subsection shall receive credit for any period
19 of actual confinement he or she served upon arrest for the subject offense.

20 (3) Any person who violates the provisions of this section and such violation proximately
21 causes a bodily injury, as defined in §17C-5-2 of this code, to any person other than himself or

22 herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not
23 less than one day nor more than one year and shall be fined not less than \$200 nor more than
24 \$1,000. Any jail term imposed pursuant to this subsection shall include actual confinement of not
25 less than 24 hours: *Provided*, That a person sentenced pursuant to this subsection shall receive
26 credit for any period of actual confinement he or she served upon arrest for the subject offense.

27 (4) Any person who violates the provisions of this section and such violation proximately
28 causes serious bodily injury, as defined in §17C-5-2 of this code, to any person other than himself
29 or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
30 correctional facility for not less than two nor more than 10 years and shall be fined not less than
31 \$1,000 nor more than \$3,000.

32 (5) Any person who violates the provisions of this section and such violation proximately
33 causes the death of any person, is guilty of a felony and, upon conviction thereof, shall be
34 imprisoned in a state correctional facility for not less than three nor more than 15 years and shall
35 be fined not less than \$1,000 nor more than \$3,000: *Provided*, That any death charged under this
36 subsection must occur within one year of the offense.

NOTE: The purpose of this bill is to create criminal penalties for placing glass or other debris on highways.

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