

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 4503

FISCAL  
NOTE

By Delegate Miller

[Introduced January 10, 2024 ; Referred  
to the Committee on Technology and Infrastructure  
then Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §17C-4-18, relating to requiring blood draws from a driver involved in a motor  
 3 vehicle accident causing bodily injury, physical injury, or serious bodily injury in order to  
 4 determine impairment; to require black boxes on motor vehicles involved in accidents  
 5 involving injury to be examined in order to determine the speed of the driver; and providing  
 6 for an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. ACCIDENTS.**

**§17C-4-18. Requiring blood draw for motor vehicle accidents involving injury; black box examination; effective date.**

1 (a) All drivers of vehicles involved in a motor vehicle accident causing bodily injury,  
 2 physical injury, or serious bodily injury shall submit to a blood draw in order to determine whether  
 3 or not that driver was impaired at the time of the accident.

4 (b) The investigating officer shall include the results of the blood draw of the drivers of  
 5 vehicles involved in an accident causing injury in their final accident report. Pursuant to the notice  
 6 requirement of §17C-4-7 of this section, the final accident report may be supplemented as soon as  
 7 the blood draw information of the drivers becomes available to the investigating officer.

8 (c) Any medications taken by all parties at the time of the motor vehicle accident shall be  
 9 included in the investigating officer's report.

10 (d) The motor vehicle "black box" of all vehicles involved in a motor vehicle wreck causing  
 11 bodily injury, physical injury, or serious bodily injury shall be examined by the investigating officer,  
 12 and the results of the examination shall be included in the accident report. The police department  
 13 may contract with a third-party company for the purposes of conducting the examination of the  
 14 black box, if necessary. The black box of all vehicles shall be removed by the investigating law  
 15 enforcement agency and secured as evidence to the prosecuting attorney.

16 (e) The law enforcement agency conducting the investigation shall not discard of or

17 destroy any evidence of drug use or drug paraphernalia recovered at the accident site. All drug  
18 paraphernalia, including, but not limited to, medication bottles, loose pills, hypodermic needles,  
19 and otherwise, shall be collected by the investigating officer and included in the report. If the drug  
20 paraphernalia cannot be tested at the hospital, a third-party company shall be utilized to collect  
21 results of any drug use, and a proper chain of custody shall be established for purposes of  
22 including the results in the police report and for any criminal investigation.

23 (f) This section shall take effect on July 31, 2024.

NOTE: The purpose of this bill is to require drivers involved in a motor vehicle accident causing injury to submit to a blood draw to determine any level of impairment. The bill requires an examination of the black box of vehicles involved in accidents causing injury. Finally, the bill provides for an effective date.

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