

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5068

By Delegates E. Pritt, Kump, and Brooks

[Introduced January 25, 2024; 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 reckless driving offenses; and providing that driving at speeds that exceed 25 miles per
 3 hour over posted speed limits is a reckless driving offense; and criminal penalties.

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 §21-4-3 of this code in
 6 willful or wanton disregard for the safety of persons or property, or who operates any vehicle at
 7 speeds in excess of 25 miles per hour over the posted speed limit, is guilty of reckless driving.

8 (b) The provisions of subsection (a) of this section shall may not apply to those areas which
 9 have been temporarily closed for racing sport events or which may be set aside by the Director of
 10 the Division of Natural Resources within the state park and recreation system for exclusive use by
 11 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 10 days nor more
 16 than six months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

17 (d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of
 18 a violation of subsection (a) of this section who in doing so proximately causes another to suffer
 19 serious bodily injury shall, upon conviction, be confined in jail not less than 10 days nor more than
 20 six months or fined not less than \$50 nor more than \$1,000, or both fined and confined.

21 (e) For purposes of subsection (d) of this section, "serious bodily injury" means bodily
22 injury which creates a substantial risk of death, which causes serious or prolonged disfigurement,
23 prolonged impairment of health or prolonged loss or impairment of the function of any bodily
24 organ.

NOTE: The purpose of this bill is to provide that operating any vehicle at speeds in excess of 25 miles per hour over the posted speed limit is reckless driving.

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