WEST VIRGINIA CODE: §17C-4-1

§17C-4-1. Crashes involving death or personal injuries; Erin's Law.

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of §17C-4-3 of this code: Provided, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to any person injured in the crash, as required by §17C-4-3 of this code.

(b) Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, confined in jail for not more than one year, or both fined and confined.

(c) Notwithstanding the provisions of §17C-4-1(b) of this code, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than $2,500, or imprisoned in a state correctional facility for not less than one year nor more than three years, or both fined and imprisoned.

(d) Notwithstanding the provisions of §17C-4-1(b) or §17C-4-1(c) of this code, any driver who is involved in a crash that proximately causes the death of another person who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned: Provided, That any death underlying a prosecution under this subsection must occur within one year of the crash.

(e) As used in this section:

(1) "Bodily injury" means injury that causes substantial physical pain, illness, or any impairment of physical condition;

(2) "Physical injury" means bodily injury, serious bodily injury or death; and

(3) "Serious bodily injury" means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or

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mortality occurring because of a preterm delivery.

(f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.

(g) This section may be known and cited as Erin's Law.

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