WEST VIRGINIA CODE: §17c-5B-1

§17C-5B-1. Blood test for alcohol in drivers and adult pedestrians killed in motor vehicle crashes; time limit for conducting test; who may conduct test; express consent to withdraw blood from dead body granted; granting civil and criminal immunity to person conducting test; fee for test.

(a) When any motor vehicle driver or adult pedestrian dies in a motor vehicle crash in this state or dies within four hours after having been involved in a motor vehicle crash in this state, the physician in attendance, or law-enforcement officer having knowledge of such death, or the funeral director, or any other person present when such death occurred, shall immediately report such death to the medical examiner of the county in which such death occurred. Upon receipt of such notice, the medical examiner shall take charge of the dead body and shall conduct, or shall cause to be conducted, within 12 hours after receiving such notice and before the dead body is embalmed, a blood test to determine the presence and percentage concentration of alcohol in the blood of such dead body.

(b) The blood test required under this section shall be conducted only by a person qualified to conduct an autopsy under §61-12-3 *et seq*. of this code or by a doctor of medicine, doctor of osteopathy, registered nurse, trained medical technician at the place of his or her employment or county coroner who is deemed qualified by the office of medical examinations to conduct such blood test.

(c) Any person who is to conduct a blood test under the provisions of this section is hereby expressly authorized to withdraw blood from the dead body in the quantity necessary to conduct such blood test. Any person withdrawing blood from the dead body and testing such blood and any hospital or clinic in which such blood is withdrawn and tested under the provisions of this section shall be immune from all civil and criminal liability which might otherwise be imposed.

(d) Any person conducting a blood test under the provisions of this section shall receive a standardized fee in the amount determined by the office of medical examinations, which fee shall be paid from funds appropriated to the office of medical examinations.

(e) Nothing contained in this section shall be construed to preclude the taking of a blood test by any other person having the right to take any such test or cause such test to be taken while the medical examiner has charge of the body.

WV Legislature