WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

SENATE BILL NO. 424

(By Senator Wooton, ET AL.)

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PASSED APRIL 10, 1997

In Effect FROM Passage
ENROLLED

Senate Bill No. 424

(By Senators Wooton, Ball, Bowman, Dittmar, Fanning, Hunter, Oliverio, Ross, Snyder, White, Buckalew, Kimble and Scott)

[Passed April 10, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to granting the superintendent the right of subrogation for medical expenses incurred against persons injuring an officer during the performance of his or her duties; limiting medical expenditures to an amount specified by the bureau of employment programs; and directing the payment of funds received by subrogation to a special revenue account.

Be it enacted by the Legislature of West Virginia:

That section ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-10. Uniforms; authorized equipment, weapons and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

(a) The standard uniform to be used by the West Virginia state police after the effective date of this article shall be as follows: Forestry green blouse with West Virginia state police emblem on sleeve; black shoulder strap, one-inch black stripe around sleeve, four inches from end of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks) with one-inch black stripe down the side for officers and clerks regularly enlisted in the department; forestry green shirts with West Virginia state police emblem on sleeve; black shoulder straps; forestry green mackinaw with West Virginia state police emblem on sleeve; black shoulder straps; one-inch black stripe around sleeve four inches from end of sleeve; campaign hat of olive drab color; black Sam Browne belt with holster; black leggings and shoes; the officer's uniform will have one and one-quarter inch black stripe around the sleeve of blouse and mackinaw four inches from end of sleeve circumscribed with one-half inch gold braid, also black collars on blouse, with two silver shoulder bars for captains, one silver shoulder bar for first lieutenant, one gold shoulder bar for second lieutenant. For noncommissioned officers the uniform blouse and shirt will have thereon black chevrons of the appropriate rank.

(b) The superintendent shall establish the weapons and enforcement equipment which shall be authorized for use by members of the department, and shall provide for periodic inspection of such weapons and equipment. He shall provide for the discipline of members using other than authorized weapons and enforcement equipment.

(c) The superintendent shall provide the members of the department with suitable arms and weapons, and, when he deems it necessary, with suitably equipped automobiles,
motorcycles, watercraft, airplanes and other means of conveyance, to be used by the West Virginia state police, the governor, and other officers and executives in the discretion of the governor, in times of flood, disaster and other emergencies, for traffic study and control, criminal and safety work, and in other matters of official business. He shall also provide the standard uniforms for all members of the department, for officers, noncommissioned officers and troopers herein provided for. All uniforms and all arms, weapons and other property furnished the members of the department by the state of West Virginia shall be and remain the property of the state.

(d) The superintendent is authorized to purchase and maintain on behalf of members group life insurance not to exceed the amount of five thousand dollars on behalf of each member.

(e) The superintendent is authorized to contract and furnish at department expense medical and hospital services for treatment of illness or injury of a member which shall be determined by the superintendent to have been incurred by such member while engaged in the performance of duty and from causes beyond control of such members. Notwithstanding any other provision of this code, the superintendent shall have the right of subrogation in any civil action or settlement brought by or on behalf of a member in relation to any act by another which results in the illness, injury or death of a member. To this end, the superintendent is hereby authorized to initiate such an action on behalf of the department in order to recover the costs incurred in providing medical and hospital services for the treatment of a member resulting from injury or illness originating in the performance of official duties. This subsection shall not affect the power of a court to apply ordinary equitable defenses to the right of subrogation.

The superintendent is further empowered to consult with the commissioner of the bureau of employment programs in an effort to defray the cost of medical and hospital services. In no case will the compensation rendered to health care providers for medical and hospital
services exceed the then current rate schedule in use by
the bureau of employment programs, workers' compensa-
tion division.

Third-party reimbursements received by the superinten-
dent after the expiration of the fiscal year in which the
injury, illness or death occurred will be deposited to a
nonexpiring special revenue account. Funds deposited to
this account may be used solely for defraying the costs of
medical or hospital services rendered to any sworn
members as a direct result of an illness, injury or death
resulting from the performance of official duties.

(f) The superintendent shall establish and maintain local
headquarters at such places in West Virginia as are in his
judgment suitable and proper to render the West Virginia
state police most efficient for the purpose of preserving
the peace, protecting property, preventing crime, appre-
hending criminals and carrying into effect all other
provisions of this article. The superintendent shall
provide, by lease or otherwise, for housing and quarters
for the accommodation of the members of the West
Virginia state police, and shall provide all equipment and
supplies necessary for them to perform their duties.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 23rd day of April, 1997.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date 4/17/97
Time 3:40pm