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FILED

2006 MAR 23 P 4: 27

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Regular Session, 2004

**ENROLLED**

Committee Substitute for

SENATE BILL NO. 473

(By Senator Unger, et al )

PASSED March 9, 2006

In Effect July 1, 2006 Passage

FILED

2006 MAR 23 P 4: 27

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 473**

(SENATORS UNGER, HUNTER AND KESSLER, *original sponsors*)

[Passed March 9, 2006; to take effect July 1, 2006.]

AN ACT to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to creating the criminal offense of reckless driving causing serious bodily injury; defining serious bodily injury; and penalties.

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

That §17C-5-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**

**§17C-5-3. Reckless driving; penalties.**

- 1 (a) Any person who drives any vehicle upon any street or
- 2 highway, or upon any residential street, or in any parking
- 3 area, or upon the ways of any institution of higher educa-

4 tion, whether public or private, or upon the ways of any  
5 state institution, or upon the property of any county  
6 boards of education, or upon any property within the state  
7 park and public recreation system established by the  
8 Director of the Division of Natural Resources pursuant to  
9 section three, article four, chapter twenty of this code in  
10 willful or wanton disregard for the safety of persons or  
11 property is guilty of reckless driving.

12 (b) The provisions of subsection (a) of this section shall  
13 not apply to those areas which have been temporarily  
14 closed for racing sport events or which may be set aside by  
15 the Director of the Division of Natural Resources within  
16 the state park and recreation system for exclusive use by  
17 motorcycles or other recreational vehicles.

18 (c) Every person convicted of reckless driving is guilty of  
19 a misdemeanor and, upon a first conviction thereof, shall  
20 be confined in jail for a period of not less than five days  
21 nor more than ninety days, or fined not less than twenty-  
22 five dollars nor more than five hundred dollars, or both,  
23 and upon conviction of a second or subsequent conviction  
24 thereof, shall be confined in jail not less than ten days nor  
25 more than six months, or fined not less than fifty dollars  
26 nor more than one thousand dollars, or both.

27 (d) Notwithstanding the provisions of subsection (e) of  
28 this section, any person convicted of a violation of subsec-  
29 tion (a) of this section who in doing so proximately causes  
30 another to suffer serious bodily injury shall, upon convic-  
31 tion, be confined in jail not less than ten days nor more  
32 than six months or fined not less than fifty dollars nor  
33 more than one thousand dollars, or both.

34 (e) For purposes of subsection (d) of this section, "serious  
35 bodily injury" means bodily injury which creates a sub-  
36 stantial risk of death, which causes serious or prolonged  
37 disfigurement, prolonged impairment of health or pro-  
38 longed loss or impairment of the function of any bodily  
39 organ.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy White*  
.....  
Chairman Senate Committee

*R. B. ...*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2006.

*David ...*  
.....  
Clerk of the Senate

*Bruce M. ...*  
.....  
Clerk of the House of Delegates

*Carl ...*  
.....  
President of the Senate

*Robert ...*  
.....  
Speaker House of Delegates

The within is approved this the 22<sup>nd</sup>  
Day of March, 2006.

*Paul ...*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 17 2006

Time 11:15