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
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-
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(4) Any person who makes any discharge, whether public or private, or upon the ways of any
state institution, or upon the property of any county
boards of education, or upon any property within the state
park and public recreation system established by the
Director of the Division of Natural Resources pursuant to
section three, article four, chapter twenty of this code in
willful or wanton disregard for the safety of persons or
property is guilty of reckless driving.

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

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

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

(e) For purposes of subsection (d) of this section, "serious
bodily injury" means bodily injury which creates a sub-
stantial risk of death, which causes serious or prolonged
disfigurement, prolonged impairment of health or pro-
longed loss or impairment of the function of any bodily
organ.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2006.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ................. approved.............. this the ................. Day of ................., 2006.

Governor