

SB 354

FILED

2010 MAR 18 PM 3:39

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

WEST VIRGINIA
SECRETARY OF STATE

—•—
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 354

(SENATORS KESSLER AND UNGER, *original sponsors*)

[Passed March 8, 2010; in effect ninety days from passage.]

FILED
2010 MAR 18 PM 3: 39
CLERK OF THE SENATE
WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 354

(SENATORS KESSLER AND UNGER, *original sponsors*)

[Passed March 8, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-4-1, §17C-4-2, §17C-4-3, §17C-4-5, §17C-4-6, §17C-4-7, §17C-4-8, §17C-4-9, §17C-4-10, §17C-4-11, §17C-4-14, §17C-4-15 and §17C-4-16 of the Code of West Virginia, 1931, as amended, all relating to reporting crashes to a law-enforcement agency; updating certain terminology; increasing property damage notification threshold; setting penalties for certain crashes; updating law-enforcement reporting requirements; and changing responsibility for receiving reports and preparation of reports to the Division of Highways.

Be it enacted by the Legislature of West Virginia:

That §17C-4-1, §17C-4-2, §17C-4-3, §17C-4-5, §17C-4-6, §17C-4-7, §17C-4-8, §17C-4-9, §17C-4-10, §17C-4-11, §17C-4-14, §17C-4-15 and §17C-4-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries.

1 (a) The driver of any vehicle involved in a crash resulting
2 in injury to or death of any person shall immediately stop
3 the vehicle at the scene of the crash or as close thereto as
4 possible but shall then forthwith return to and shall
5 remain at the scene of the crash until he or she has com-
6 plied with the requirements of section three of this article:
7 *Provided*, That the driver may leave the scene of the crash
8 as may reasonably be necessary for the purpose of render-
9 ing assistance to an injured person as required by said
10 section three. Every such stop shall be made without
11 obstructing traffic more than is necessary.

12 (b) Any person violating the provisions of subsection (a)
13 of this section after being involved in a crash resulting in
14 the death of any person is guilty of a felony and, upon
15 conviction thereof, shall be punished by confinement in a
16 correctional facility for not more than three years or fined
17 not more than \$5,000, or both.

18 (c) Any person violating the provisions of subsection (a)
19 of this section after being involved in a crash resulting in
20 physical injury to any person is guilty of a misdemeanor
21 and, upon conviction thereof, shall be punished by con-
22 finement in a regional jail for not more than one year, or
23 fined not more than \$1,000, or both.

24 (d) The commissioner shall revoke the driver's license or
25 permit to drive and any nonresident operating privilege of
26 any person convicted pursuant to the provisions of this
27 section for a period of one year.

§17C-4-2. Crashes involving damage to vehicle.

1 The driver of any vehicle involved in a crash resulting
2 only in damage to a vehicle which is driven or attended by
3 any person shall immediately stop such vehicle at the

4 scene of such crash or as close thereto as possible but shall
5 forthwith return to and in every event shall remain at the
6 scene of such crash until he has fulfilled the requirements
7 of section three of this article. Every such stop shall be
8 made without obstructing traffic more than is necessary.
9 Any person failing to stop or comply with said require-
10 ments under such circumstances is guilty of a misde-
11 meanor and, subject to the penalties prescribed in section
12 one, article eighteen of this chapter.

§17C-4-3. Duty to give information and render aid.

1 The driver of any vehicle involved in a crash resulting in
2 injury to or death of any person or damage to any vehicle
3 which is driven or attended by any person shall give his or
4 her name, address and the registration number of the
5 vehicle he or she is driving and shall upon request and if
6 available exhibit his or her driver's license to the person
7 struck or the driver or occupant of or person attending any
8 vehicle collided with and shall render to any person
9 injured in such crash reasonable assistance, including the
10 carrying, or the making arrangements for the carrying of
11 such person to a physician, surgeon or hospital for medical
12 or surgical treatment if it is apparent that such treatment
13 is necessary or if such carrying is requested by the injured
14 person.

§17C-4-5. Duty upon striking fixtures upon a highway.

1 The driver of any vehicle involved in a crash resulting
2 only in damage to fixtures or other property legally upon
3 or adjacent to a highway shall take reasonable steps to
4 locate and notify the owner or person in charge of such
5 property of such fact and of his or her name and address
6 and of the registration number of the vehicle he or she is
7 driving and shall upon request and if available exhibit his
8 or her driver's license and shall make report of such crash
9 when and as required in section seven of this article. Any

10 person failing to make the notification required by this
11 section is guilty of a misdemeanor and, upon conviction,
12 shall be fined not more than \$150.

§17C-4-6. Immediate notification of crashes.

1 The driver of a vehicle involved in a crash resulting in
2 injury to or death of any person or total property damage
3 to an apparent extent of \$1,000 or more shall immediately
4 by the quickest means of communication, give notice of
5 such crash to the local police department if such crash
6 occurs within a municipality, otherwise to the office of the
7 county sheriff or the nearest office of the West Virginia
8 State Police.

§17C-4-7. Reports of crashes.

1 (a) Every law-enforcement officer who, in the regular
2 course of duty, investigates a motor vehicle crash occur-
3 ring on the public streets or highways of this state result-
4 ing in bodily injury to or death of any person or total
5 property damage to an apparent extent of \$1,000 or more
6 shall, either at the time of and at the scene of the crash or
7 thereafter by interviewing participants or witnesses,
8 within twenty-four hours after completing such investiga-
9 tion, prepare report of such crash either electronically or
10 in writing.

11 (b) The investigating law-enforcement officer shall
12 submit the report electronically or in writing within
13 twenty-four hours after completing the investigation to
14 the Division of Highways in the form and manner ap-
15 proved by the Commissioner of Highways, the Superinten-
16 dent of the West Virginia State Police and the Commis-
17 sioner of Motor Vehicles. The Division of Highways shall
18 supply electronic or paper copies of such form to police
19 departments, sheriffs and other appropriate law-enforce-
20 ment agencies.

21 (c) In the event that the investigating law-enforcement
22 officer can not complete the investigation within ten days
23 of the crash, he or she shall submit a preliminary report of
24 the crash to the Division of Highways on the tenth day
25 after the crash and submit the final report within twenty-
26 four hours of completion of the investigation pursuant to
27 subsection (b) of this section.

§17C-4-8. When driver unable to report.

1 Whenever the driver of a vehicle is physically incapable
2 of making an immediate notification of a crash as required
3 in section six of this article and there was another occu-
4 pant in the vehicle at the time of the crash capable of
5 making a notification, such occupant shall make or cause
6 to be made said notification not made by the driver.

§17C-4-9. Crash report forms.

1 (a) The Division of Highways shall prepare and upon
2 request supply to the State Police, municipal police
3 departments, sheriffs, Division of Natural Resources, and
4 other suitable agencies or individuals, electronic or paper
5 forms for crash reports required hereunder.

6 (b) The format of the crash reports shall provide suffi-
7 ciently detailed information to disclose with reference to
8 a traffic crash the cause, conditions then existing, and the
9 persons and vehicles involved.

10 (c) Every crash report required to be made shall be made
11 in the appropriate form provided by the Division of
12 Highways and shall contain all of the information required
13 therein unless not available.

14 (d) Every such report shall also contain information
15 sufficient to enable the Commissioner of Motor Vehicles to
16 determine whether the requirements for security upon
17 motor vehicles is in effect in accordance with chapter
18 seventeen-d of this code.

§17C-4-10. Penalty for failure to notify law enforcement.

1 The commissioner may suspend the driver's license or
2 permit to drive and any nonresident operating privileges
3 of any person failing to notify law enforcement of a crash
4 as herein provided under section six of this article. Any
5 person convicted of failing to notify law enforcement as
6 required herein shall be punished as provided in section
7 one, article eighteen of this chapter.

§17C-4-11. Coroners to report on crash victims.

1 Every coroner or other official performing like functions
2 shall on or before the tenth day of each month report in
3 writing to the Division of Highways the death of any
4 person within his or her jurisdiction during the preceding
5 calendar month as the result of a traffic crash giving the
6 name of the victim, the date, time and place of the crash
7 and the circumstances relating thereto.

§17C-4-14. Division of Highways to tabulate and analyze crash reports.

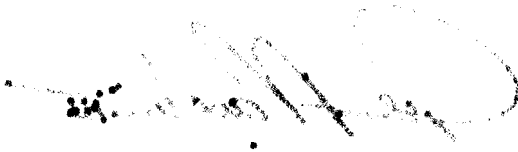
1 The Division of Highways shall tabulate and may
2 analyze all crash reports and shall publish annually, or at
3 more frequent intervals, statistical information based
4 thereon as to the number and circumstances of traffic
5 crashes.

§17C-4-15. Any incorporated city, town, etc., may require crash reports.

1 Any incorporated city, town, village or other municipal-
2 ity may by ordinance require that the driver of a vehicle
3 involved in a crash shall file with a designated city
4 department a report of such crash. All such reports shall
5 be for the confidential use of the city department.

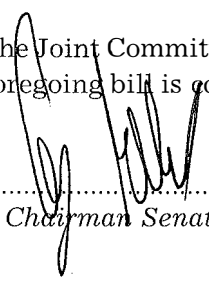
§17C-4-16. Crashes involving state and municipal property; reports to be provided.

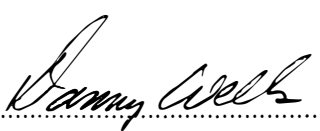
1 Whenever a report of a motor vehicle crash prepared by
2 a member of the West Virginia State Police, conservation
3 officer of the Division of Natural Resources, a member of
4 a county sheriff's department or a municipal police officer,
5 in the regular course of their duties, indicates that as a
6 result of such crash damage has occurred to any bridge,
7 sign, guardrail or other property, exclusive of licensed
8 motor vehicles, a copy of such report shall, in the case of
9 such property belonging to the Division of Highways, be
10 provided to the Commissioner of the Division of High-
11 ways, and, in the case of such property belonging to a
12 municipality, be provided to the mayor of that municipal-
13 ity. The copies of such reports shall be provided to the
14 commissioner or mayor, as applicable, without cost to
15 them.



Enr. Com. Sub. for S. B. No. 354] 8

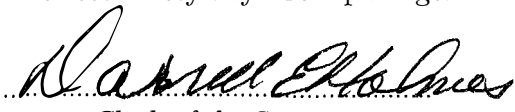
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

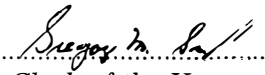

.....
Chairman Senate Committee


.....
Chairman House Committee

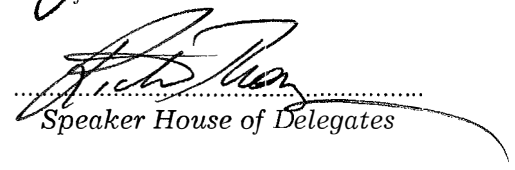
Originated in the Senate.

In effect ninety days from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved..... this the 18th
Day of March....., 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2010

Time 9:13 am