WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 73

SENATORS WELD AND CLINE, original sponsors

[Passed March 5, 2018; in effect 90 days from passage]
WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 73

SENATORS WELD AND CLINE, original sponsors

[Passed March 5, 2018; in effect 90 days from passage]
AN ACT to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating generally to motor vehicle crashes involving death or personal injuries; defining terms; clarifying circumstances under which a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the offenses of leaving the scene of a crash that causes bodily injury, serious bodily injury, or death; creating the felony offense of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties therefor; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. ACCIDENTS.

§17C-4-1. Crashes involving death or personal injuries; Erin’s Law.

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of §17C-4-3 of this code: Provided, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to any person injured in the crash, as required by §17C-4-3 of this code.

(b) Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, confined in jail for not more than one year, or both fined and confined.

(c) Notwithstanding the provisions of §17C-4-1(b) of this code, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has
Enr. CS for SB 73

suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be

fined not more than $2,500, or imprisoned in a state correctional facility for not less than one year

nor more than three years, or both fined and imprisoned.

(d) Notwithstanding the provisions of §17C-4-1(b) or §17C-4-1(c) of this code, any driver

who is involved in a crash that proximately causes the death of another person who intentionally

violates §17C-4-1(a) of this code when he or she knows or has reason to believe that another

person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof,

shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than

one year nor more than five years, or both fined and imprisoned: Provided, That any death

underlying a prosecution under this subsection must occur within one year of the crash.

(e) As used in this section:

(1) “Bodily injury” means injury that causes substantial physical pain, illness, or any

impairment of physical condition;

(2) “Physical injury” means bodily injury, serious bodily injury or death; and

(3) “Serious bodily injury” means bodily injury that creates a substantial risk of death, that

causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or

impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality

occurring because of a preterm delivery.

(f) The commissioner shall revoke the license or permit or operating privilege to drive of

any resident or nonresident person convicted pursuant to the provisions of this section for a period

of one year from the date of conviction or the date of release from incarceration, whichever is

later.

(g) This section may be known and cited as Erin’s Law.
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 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved, this the 27th Day of March, 2018.

Governor
PRESENTED TO THE GOVERNOR

Time 2:00 pm