

1 **H. B. 2207**

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3 (By Delegate Talbott)

4 [Introduced January 12, 2011; referred to the
5 Committee on Roads and Transportation then the
6 Judiciary.]
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10 A BILL to amend and reenact §17C-4-9 of the Code of West Virginia,
11 1931, as amended, relating to crash report forms; and
12 providing that a completed crash report form is conclusive
13 upon the issue as to causation unless a court of competent
14 jurisdiction rules otherwise.

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

16 That §17C-4-9 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 4. ACCIDENTS.**

19 **§17C-4-9. Crash report forms.**

20 (a) The Division of Highways shall prepare and upon request
21 supply to the State Police, municipal police departments, sheriffs,
22 Division of Natural Resources, and other suitable agencies or
23 individuals, electronic or paper forms for crash reports required
24 hereunder.

25 (b) The format of the crash reports shall provide sufficiently
26 detailed information to disclose with reference to a traffic crash

1 the cause, conditions then existing, and the persons and vehicles
2 involved.

3 (c) Every crash report required to be made shall be made in
4 the appropriate form provided by the Division of Highways and shall
5 contain all of the information required therein unless not
6 available.

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

11 (e) Notwithstanding any other provision of law to the
12 contrary, a completed crash report form is conclusive as to the
13 issue of the accident's cause, unless a court of competent
14 jurisdiction rules otherwise.

NOTE: The purpose of this bill is to provide that a completed crash report form is conclusive upon the issue as to causation unless a court of competent jurisdiction rules otherwise.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.