

1 Committee Substitute

2 for

3 **H. B. 4225**

4
5 (By Delegates M. Poling, Perry and Marcum)

6 (Originating in the Committee on the Judiciary)

7
8 [February 21, 2014]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §17B-2-14a, relating
12 to establishing an emergency contact database; allowing
13 holders of a drivers license to designate up to three
14 emergency contact persons; requiring the Division of Motor
15 Vehicles to collect the contact information of the emergency
16 contact persons from the licensee; defining terms; providing
17 rule-making authority; requiring law enforcement to check the
18 emergency contact database when a person in a motor vehicle
19 accident is unable to communicate an emergency contact person;
20 and providing a limitation on liability for inability of law
21 enforcement to contact the emergency contact in certain
22 situations.

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

24 That the Code of West Virginia, 1931, as amended, be amended
25 by adding thereto a new section, designated §17B-2-14a, to read as

1 follows:

2 **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

3 **§17B-2-14a. Emergency Contact Database.**

4 (a) On or before July 1, 2015, the Division of Motor Vehicles
5 shall establish an emergency contact database containing the name,
6 address and telephone number of up to three persons designated as
7 emergency contact persons by the holder of a license issued
8 pursuant to section one of this article. Designation of emergency
9 contact persons for inclusion in the emergency contact database is
10 voluntary for applicants for licenses.

11 (b) For purposes of this section:

12 (1) "Emergency contact person" means a person, eighteen years
13 of age or older, whom the holder of any valid West Virginia drivers
14 license has designated to be contacted by law enforcement personnel
15 when the licensee is rendered unable to communicate due to injuries
16 or incapacitation of the licensee as the result of a motor vehicle
17 accident.

18 (2) "Law enforcement personnel" means a law enforcement
19 officer or an employee of a law enforcement agency that is
20 assisting a law enforcement officer in responding to or
21 investigating a motor vehicle accident.

22 (c) The Commissioner of the Division of Motor Vehicles may
23 propose legislative rules for promulgation in accordance with
24 article three, chapter twenty-nine-a of this code relating to the
25 establishment of the emergency contact database, including the

1 collection of information to be included in the emergency contact
2 database from the licensee and the method by which a person may
3 make changes to their emergency contact persons or information.

4 (d) The emergency contact database will be for the exclusive
5 use of law enforcement personnel and employees of the Division of
6 Motor Vehicles who are designated by the Commissioner of Motor
7 Vehicles, for purposes of discharging any duties required by this
8 section.

9 (1) When a motor vehicle accident results in the
10 incapacitation of, or injury that renders, a driver or any
11 passenger unable to communicate their emergency contact, law
12 enforcement personnel shall attempt to locate an emergency contact
13 person by accessing the emergency contact database. When practical,
14 the law enforcement personnel shall expeditiously notify the
15 emergency contact person of incapacitated or injured persons
16 involved in the accident.

17 (2) No law enforcement personnel, agency that employs the law
18 enforcement personnel or the Division of Motor Vehicles shall be
19 liable for civil damages, or subject to criminal prosecution
20 resulting from or caused by:

21 (A) Any disruption or failure of connection to the emergency
22 contact database caused by any accident, malfunction, act of God or
23 any other circumstance that the Division of Motor Vehicles or law
24 enforcement agency has not directly or indirectly caused that
25 results in the law enforcement personnel's inability to access the

1 emergency contact database;

2 (B) Any misuse of, or the failure or omission to provide
3 accurate and current emergency contact information by any licensee;
4 or

5 (C) The inability of a law enforcement personnel to make
contact with any designated emergency contact person.