

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2099

**FISCAL
NOTE**

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[Introduced February 8, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating
 2 to crashes involving death or personal injuries; creating crime of knowingly leaving scene
 3 of a crash resulting in serious bodily injury; establishing presumption of knowledge based
 4 upon crash conditions; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1 That §17C-4-1 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 4. CRASHES.

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

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

8 (b) Any person knowingly violating the provisions of subsection (a) of this section after
 9 being involved in a crash resulting in the death of any person is guilty of a felony and, upon
 10 conviction, ~~thereof~~, shall be fined by not more than \$5,000, or imprisoned in a correctional facility
 11 for not less than one year nor more than five years, or both fined and ~~confined~~ imprisoned.

12 (c) Any person knowingly violating subsection (a) of this section after being involved in a
 13 crash resulting in serious bodily injury to any person is guilty of a felony and, upon conviction,
 14 shall be imprisoned in a correctional facility for not less than one year nor more than three years,
 15 fined not more than \$2,500, or both fined and imprisoned.

16 ~~(e)~~ (d) Any person knowingly violating the provisions of subsection (a) of this section after
 17 being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and,

18 upon conviction thereof, shall be punished by confinement in jail for not more than one year, or
19 fined not more than \$1,000, or both.

20 (e) For purposes of this article, a driver of a vehicle involved in a crash is presumed to
21 know that death or serious bodily injury was a likely result of the crash under any of the following
22 circumstances:

23 (1) The crash involves a pedestrian or rider of an animal or nonmotorized bicycle and that
24 person is unable to stand immediately after the crash;

25 (2) The crash results in the ejection of a passenger from any vehicle involved in the crash;

26 (3) The crash damage to another vehicle would prevent an occupant of that vehicle from
27 exiting the vehicle without assistance;

28 (4) The crash damage to another vehicle caused a portion of the vehicle frame or body to
29 intrude into the passenger area of the vehicle; or

30 (5) The crash caused another vehicle to leave the roadway to the extent that the vehicle
31 was not visible from the roadway after coming to rest.

32 ~~(d)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive
33 of any resident or nonresident person convicted pursuant to the provisions of this section for a
34 period of one year from the date of conviction or the date of release from incarceration, whichever
35 is later.

36 ~~(e)~~ (g) This section may be known and cited as "Erin's Law".

NOTE: The purpose of this bill is to define the act of leaving the scene of a crash involving death or serious bodily injury as a felony. The bill also establishes certain presumptions of knowledge based on the circumstances of a vehicle crash.

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