

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3026

BY DELEGATE LANE

[Introduced March 14, 2017; Referred
to the Committee on Roads and Transportation then the
Judiciary.]

1 A BILL to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating
 2 to providing that a vehicle driver who injures a “vulnerable road user” is guilty of reckless
 3 driving; defining the term “vulnerable road user;” and imposing misdemeanor penalties.

Be it enacted by the Legislature of West Virginia:

1 That §17C-5-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-3. Reckless driving; penalties.

1 (a) Any person who drives any vehicle upon any street or highway, or upon any residential
 2 street, or in any parking area, or upon the ways of any institution of higher education, whether
 3 public or private, or upon the ways of any state institution, or upon the property of any county
 4 boards of education, or upon any property within the state park and public recreation system
 5 established by the Director of the Division of Natural Resources pursuant to section three, article
 6 four, chapter twenty of this code in willful or wanton disregard for the safety of persons or property
 7 is guilty of reckless driving.

8 (b) Any person who drives any vehicle upon any street or highway, or upon any residential
 9 street, or in any parking area, or upon the ways of any institution of higher education, whether
 10 public or private, or upon the ways of any state institution, or upon the property of any county
 11 boards of education, or upon any property within the state park and public recreation system
 12 established by the Director of the Division of Natural Resources pursuant to section three, article
 13 four, chapter twenty of this code who causes physical injury to a vulnerable road user is guilty of
 14 reckless driving. For the purposes of this subsection “vulnerable road user” includes:

15 (1) A pedestrian, including those persons actively engaged in work upon a highway, or in
 16 work upon utility facilities along a highway, or engaged in providing emergency services within
 17 the right-of-way;

18 (2) A person riding or leading an animal; and

19 (3) A person lawfully operating or riding any of the following on a public right-of-way,
20 crosswalk, or shoulder of the highway:

21 (A) A bicycle, tricycle, or other pedal-powered vehicle;

22 (B) A farm tractor or similar vehicle designed primarily for farm use;

23 (C) A skateboard;

24 (D) Roller skates;

25 (E) In-line skates;

26 (F) A scooter;

27 (G) A moped;

28 (H) A motorcycle;

29 (I) An animal-drawn wheeled vehicle, or farm equipment, or sled;

30 (J) An electric personal assistive mobility device; or

31 (K) A wheelchair.

32 ~~(b)~~ (c) The provisions of ~~subsection (a)~~ subsections (a) and (b) of this section ~~shall do not~~
33 apply to those areas which have been temporarily closed for racing sport events or which may be
34 set aside by the Director of the Division of Natural Resources within the state park and recreation
35 system for exclusive use by motorcycles or other recreational vehicles.

36 ~~(e)~~ (d) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a
37 first conviction thereof, shall be confined in jail for a period of not less than five days nor more
38 than ninety days, or fined not less than \$25 nor more than \$500, or both, and upon conviction of
39 a second or subsequent conviction thereof, shall be confined in jail not less than ten days nor
40 more than six months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

41 ~~(d)~~ (e) Notwithstanding the provisions of subsection ~~(e)~~ (d) of this section, any person
42 convicted of a violation of subsection (a) or (b) of this section who in doing so proximately causes
43 another to suffer serious bodily injury shall, upon conviction, be confined in jail not less than ten
44 days nor more than six months or fined not less than \$50 nor more than \$1,000, or both fined and

45 confined.

46 ~~(e)~~ (f) For purposes of subsection ~~(d)~~ (e) of this section, "serious bodily injury" means
47 bodily injury which creates a substantial risk of death, which causes serious or prolonged
48 disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of
49 any bodily organ.

NOTE: The purpose of this bill is to provide that a vehicle driver who injures a "vulnerable road user" is guilty of reckless driving. The bill defines the term "vulnerable road user." The bill imposes misdemeanor penalties.

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