

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3043

By Delegates Miller, Mallow, Nestor, Zatezalo,
Honaker, Reynolds, Crouse, DeVault, Jennings, and
Barnhart

[Introduced January 25, 2023; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17C-4-18, relating to requiring blood draws from a driver involved in a motor
 3 vehicle accident causing bodily injury, physical injury, or serious bodily injury in order to
 4 determine impairment; to require black boxes on motor vehicles involved in accidents
 5 involving injury to be examined in order to determine the speed of the driver; and providing
 6 for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. ACCIDENTS.

§17C-4-18. Requiring blood draw for motor vehicle accidents involving injury; black box examination; effective date.

1 (a) All drivers of vehicles involved in a motor vehicle accident causing bodily injury,
 2 physical injury, or serious bodily injury shall submit to a blood draw in order to determine whether
 3 or not that driver was impaired at the time of the accident.

4 (b) The investigating officer shall include the results of the blood draw of the drivers of
 5 vehicles involved in an accident causing injury in their final accident report. Pursuant to the notice
 6 requirement of §17C-4-7 of this section, the final accident report may be supplemented as soon as
 7 the blood draw information of the drivers becomes available to the investigating officer.

8 (c) Any medications taken by all parties at the time of the motor vehicle accident shall be
 9 included in the investigating officer's report.

10 (d) The motor vehicle "black box" of all vehicles involved in a motor vehicle wreck causing
 11 bodily injury, physical injury, or serious bodily injury shall be examined by the investigating officer,
 12 and the results of the examination shall be included in the accident report. The police department
 13 may contract with a third-party company for the purposes of conducting the examination of the
 14 black box, if necessary. The black box of all vehicles shall be removed by the investigating law
 15 enforcement agency and secured as evidence to the prosecuting attorney.

16 (e) The law enforcement agency conducting the investigation shall not discard of or

17 destroy any evidence of drug use or drug paraphernalia recovered at the accident site. All drug
18 paraphernalia, including, but not limited to, medication bottles, loose pills, hypodermic needles,
19 and otherwise, shall be collected by the investigating officer and included in the report. If the drug
20 paraphernalia cannot be tested at the hospital, a third-party company shall be utilized to collect
21 results of any drug use, and a proper chain of custody shall be established for purposes of
22 including the results in the police report and for any criminal investigation.

23 (f) This section shall take effect on July 31, 2023.

NOTE: The purpose of this bill is to require drivers involved in a motor vehicle accident causing injury to submit to a blood draw to determine any level of impairment. The bill requires an examination of the black box of vehicles involved in accidents causing injury. Finally, the bill provides for an effective date.

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