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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 424

(By Senator WOOTEN, ET AL)



PASSED APRIL 10, 1997

In Effect FROM Passage

ENROLLED

Senate Bill No. 424

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, FANNING,
HUNTER, OLIVERIO, ROSS, SNYDER, WHITE,
BUCKALEW, KIMBLE AND SCOTT)

[Passed April 10, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to granting the superintendent the right of subrogation for medical expenses incurred against persons injuring an officer during the performance of his or her duties; limiting medical expenditures to an amount specified by the bureau of employment programs; and directing the payment of funds received by subrogation to a special revenue account.

Be it enacted by the Legislature of West Virginia:

That section ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as

amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-10. Uniforms; authorized equipment, weapons and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

1 (a) The standard uniform to be used by the West Virginia
2 state police after the effective date of this article shall be
3 as follows: Forestry green blouse with West Virginia state
4 police emblem on sleeve; black shoulder strap, one-inch
5 black stripe around sleeve, four inches from end of sleeve;
6 forestry green breeches with one-inch black stripe down
7 the side; trousers (slacks) with one-inch black stripe down
8 the side for officers and clerks regularly enlisted in the
9 department; forestry green shirts with West Virginia state
10 police emblem on sleeve; black shoulder straps; forestry
11 green mackinaw with West Virginia state police emblem
12 on sleeve; black shoulder straps; one-inch black stripe
13 around sleeve four inches from end of sleeve; campaign
14 hat of olive drab color; black Sam Browne belt with
15 holster; black leggings and shoes; the officer's uniform
16 will have one and one-quarter inch black stripe around
17 the sleeve of blouse and mackinaw four inches from end of
18 sleeve circumposed with one-half inch gold braid, also
19 black collars on blouse, with two silver shoulder bars for
20 captains, one silver shoulder bar for first lieutenant, one
21 gold shoulder bar for second lieutenant. For noncommis-
22 sioned officers the uniform blouse and shirt will have
23 thereon black chevrons of the appropriate rank.

24 (b) The superintendent shall establish the weapons and
25 enforcement equipment which shall be authorized for use
26 by members of the department, and shall provide for
27 periodic inspection of such weapons and equipment. He
28 shall provide for the discipline of members using other
29 than authorized weapons and enforcement equipment.

30 (c) The superintendent shall provide the members of the
31 department with suitable arms and weapons, and, when he
32 deems it necessary, with suitably equipped automobiles,

33 motorcycles, watercraft, airplanes and other means of
34 conveyance, to be used by the West Virginia state police,
35 the governor, and other officers and executives in the
36 discretion of the governor, in times of flood, disaster and
37 other emergencies, for traffic study and control, criminal
38 and safety work, and in other matters of official business.
39 He shall also provide the standard uniforms for all
40 members of the department, for officers, noncommissioned
41 officers and troopers herein provided for. All uniforms
42 and all arms, weapons and other property furnished the
43 members of the department by the state of West Virginia
44 shall be and remain the property of the state.

45 (d) The superintendent is authorized to purchase and
46 maintain on behalf of members group life insurance not to
47 exceed the amount of five thousand dollars on behalf of
48 each member.

49 (e) The superintendent is authorized to contract and
50 furnish at department expense medical and hospital
51 services for treatment of illness or injury of a member
52 which shall be determined by the superintendent to have
53 been incurred by such member while engaged in the
54 performance of duty and from causes beyond control of
55 such members. Notwithstanding any other provision of
56 this code, the superintendent shall have the right of
57 subrogation in any civil action or settlement brought by or
58 on behalf of a member in relation to any act by another
59 which results in the illness, injury or death of a member.
60 To this end, the superintendent is hereby authorized to
61 initiate such an action on behalf of the department in
62 order to recover the costs incurred in providing medical
63 and hospital services for the treatment of a member
64 resulting from injury or illness originating in the perfor-
65 mance of official duties. This subsection shall not affect
66 the power of a court to apply ordinary equitable defenses
67 to the right of subrogation.

68 The superintendent is further empowered to consult
69 with the commissioner of the bureau of employment
70 programs in an effort to defray the cost of medical and
71 hospital services. In no case will the compensation
72 rendered to health care providers for medical and hospital

73 services exceed the then current rate schedule in use by
74 the bureau of employment programs, workers' compensa-
75 tion division.

76 Third-party reimbursements received by the superinten-
77 dent after the expiration of the fiscal year in which the
78 injury, illness or death occurred will be deposited to a
79 nonexpiring special revenue account. Funds deposited to
80 this account may be used solely for defraying the costs of
81 medical or hospital services rendered to any sworn
82 members as a direct result of an illness, injury or death
83 resulting from the performance of official duties.

84 (f) The superintendent shall establish and maintain local
85 headquarters at such places in West Virginia as are in his
86 judgment suitable and proper to render the West Virginia
87 state police most efficient for the purpose of preserving
88 the peace, protecting property, preventing crime, appre-
89 hending criminals and carrying into effect all other
90 provisions of this article. The superintendent shall
91 provide, by lease or otherwise, for housing and quarters
92 for the accommodation of the members of the West
93 Virginia state police, and shall provide all equipment and
94 supplies necessary for them to perform their duties.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schoonover
.....
Chairman Senate Committee

Nick Fantasia
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Dassel P. Adams
.....
Clerk of the Senate

Gregory W. Day
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Robert L. Williams
.....
Speaker House of Delegates

The within is approved this the *22nd* day of *April*, 1997.

Jeffrey B. Perdue
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/17/97

Time 3:40pm