

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4478

**FISCAL
NOTE**

BY DELEGATE MCGEEHAN

[Introduced February 10, 2016; 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:

That §17C-4-1 of the Code of West Virginia, 1931, as amended, be amended and 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~~ confined in a
11 correctional facility for not less than one year nor more than five years, or both fined and confined.

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 shall
14 be confined in a correctional facility for not less than one year nor more than three years, fined
15 not more than \$2,500, or both fined and confined.

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,

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

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

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

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

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

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

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

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

~~(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.