

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Committee Substitute**

**for**

**Senate Bill 499**

BY SENATORS HELTON, FULLER, M. MAYNARD, ROSE,

RUCKER, DEEDS, AND TAYLOR

[Reported March 2, 2026, from the Committee on

Finance]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §17C-5B-1a, relating to requiring blood, breath, or urine test to be performed  
3 on surviving operators after a fatal motor vehicle accident crash under certain  
4 circumstances; and providing for civil and criminal immunity for persons conducting the  
5 testing.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5B. ~~POSTMORTEM TESTS FOR ALCOHOL IN PERSONS KILLED IN~~  
~~MOTOR VEHICLE ACCIDENTS.~~ DRUG AND ALCOHOL TESTING  
FOLLOWING FATAL MOTOR VEHICLE ACCIDENTS.**

**§17C-5B-1a. Drug and alcohol testing of surviving motor vehicle operator where fatality  
involved.**

1 (a) A blood, breath, or urine sample or the results of blood, breath, or urine testing shall  
2 be obtained from any surviving operator of a motor vehicle involved in an accident resulting in the  
3 death of another person where:

4 (1) A law-enforcement officer has probable cause to believe that the operator was  
5 operating the motor vehicle under the influence of alcohol, drugs, or any other impairing  
6 substance and that such impairment resulted in the accident resulting in the death of another  
7 person;

8 (2) The operator of the motor vehicle voluntarily consents to providing a blood, breath, or  
9 urine sample;

10 (3) A valid search warrant for a blood, breath, or urine sample is obtained in accordance  
11 with §62-1A-1 of this code; or

12 (4) A valid subpoena for any toxicology results of testing performed by a third party is  
13 obtained.

14           (b) Any person conducting a test required under subsection (a) of this section is immune  
15 from all civil and criminal liability which might otherwise be imposed.

16           (c) Nothing in this section shall be construed to abrogate, expand, or otherwise modify the  
17 existing testing requirements for individuals who do not survive motor vehicle accidents as more  
18 fully set forth in §17C-5B-1 of this code.