

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

INTRODUCED

**FISCAL
NOTE**

House Bill 4200

BY DELEGATES GEARHEART, HOUSEHOLDER, ELLINGTON,
AMBLER, COOPER, AZINGER, MCGEEHAN, WAGNER,
SHOTT, HAMRICK AND WESTFALL

[Introduced January 21, 2016; Referred
to the Committee on Roads and Transportation then
Finance.]

1 A BILL to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §17-16A-6a, all relating to
 3 eliminating courtesy patrol programs operated by the Division of Highways and the
 4 Parkways Authority.

Be it enacted by the Legislature of West Virginia:

1 That §17-1-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that said code be amended by adding thereto a new section, designated §17-
 3 16A-6a, all to read as follows:

ARTICLE 1. DEFINITIONS.

§17-1-3. "Road"; "public road"; "highway".

1 The words or terms "road", "public road" or "highway" ~~shall be deemed to include, but shall~~
 2 are not be limited to, the right-of-way, roadbed and all necessary culverts, sluices, drains, ditches,
 3 waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for
 4 the maintenance of travel, dispatch of freight and communication between individuals and
 5 communities; and ~~such public road or highway shall be taken to include~~ includes any road to
 6 which the public has access and which it is not denied the right to use, or any road or way leading
 7 from any other public road over the land of another person, and which ~~shall have~~ has been
 8 established pursuant to law. Any road ~~shall be~~ is conclusively presumed to have been established
 9 when it has been used by the public for a period of ten years or more, and public moneys or labor
 10 have been expended thereon, whether there ~~be~~ is any record of its conveyance, dedication or
 11 appropriation to public use or not. In the absence of any other mark or record, the center of the
 12 traveled way shall be taken as the center of the road and the right-of-way shall be designated
 13 therefrom an equal distance on each side, but a road may be constructed on any part of the
 14 located right-of-way when it is ~~deemed~~ considered advisable so to do.

15 The Legislature notes that there are public highways that run over the surface of this land,
 16 over and through the navigable streams, rivers and waterways on this earth and above the surface

17 of this earth in the form of highways in the sky, commonly known as airways. The Legislature
18 finds that each of these types of public highways are essential to the development of this state
19 and that the health and safety of each of the citizens of this state are affected daily by the
20 availability of each of these three types of public highways, and that it is the best interests of the
21 people of this state that each of these be recognized and included within the meaning of public
22 highways. The Legislature further recognizes that airports are an important and integral part of
23 the public highways existing above the surface of this state, and that airports are necessary to
24 access such highways, and therefore airports, including runways, taxiways, parking ramps,
25 access roads and air traffic control facilities located at airports, are hereby declared to be part of
26 the public highway system of this state.

27 ~~The Legislature finds that a courtesy patrol program providing assistance to motorists on~~
28 ~~the state's highways is one of a most beneficial public safety service to residents of the state using~~
29 ~~public highways and serves as a showing of the state's hospitality and good will to tourists visiting~~
30 ~~the state. For that reason, on July 1, 2015:~~

31 ~~(1) The administration of the courtesy patrol program shall be transferred to the Division~~
32 ~~of Highways and expenditures made by the division to fund the courtesy patrol program providing~~
33 ~~assistance to motorists on the state's highways shall be made pursuant to appropriation of the~~
34 ~~Legislature from the State Road Fund or as otherwise provided by law; and~~

35 ~~(2) The administration of the special revenue account in the State Treasury known as the~~
36 ~~Courtesy Patrol Fund shall be transferred to the Division of Highways: *Provided*, That any~~
37 ~~balances remaining in the Courtesy Patrol Fund at the end of fiscal year 2015 shall be transferred~~
38 ~~and deposited into the Tourism Promotion Fund. After the June 30, 2015, expenditures from the~~
39 ~~Courtesy Patrol Fund shall be used solely to fund the courtesy patrol program providing~~
40 ~~assistance to motorists on the state's highways. Amounts collected in the Courtesy Patrol Fund~~
41 ~~which are found, from time to time, to exceed funds needed for the purposes set forth in this~~
42 ~~subdivision may be transferred to other accounts or funds and redesignated for other purposes~~

43 ~~by appropriation of the Legislature. Moneys paid into the fund may be derived from the following~~
44 ~~sources:~~

45 ~~(A) Any gifts, grants, bequests, transfers, appropriations or other donations which may be~~
46 ~~received from any governmental entity or unit or any person, firm, foundation, corporation or other~~
47 ~~private entity;~~

48 ~~(B) Any appropriations by the Legislature which may be made for the purposes of this~~
49 ~~section; and~~

50 ~~(C) All interest or other return accruing to the fund.~~

51 ~~Any moneys remaining in the fund at the end of a fiscal year shall remain in the fund and~~
52 ~~be available for expenditure during the ensuing fiscal year.~~

53 Upon the effective date of the reenactment of this section in 2016:

54 (1) The courtesy patrol program is terminated;

55 (2) The Courtesy Patrol Fund is abolished; and

56 (3) Any balances remaining in the Courtesy Patrol Fund shall be transferred to the General
57 Revenue Fund for expenditure as provided by the Legislature.

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
TOURISM AUTHORITY.**

§17-16A-6a. Parkways Authority prohibited from operating courtesy patrol program.

1 Notwithstanding any provision of this code, the Parkways Authority may not operate a
2 courtesy patrol program providing assistance to motorists on a highway in connection with any of
3 its projects.

NOTE: The purpose of this bill is to eliminate courtesy patrol programs operated by the Division of Highways and the Parkways Authority.

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