

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3007**

BY DELEGATE ROWE

[Introduced March 14, 2017; Referred  
to the Committee on Roads and Transportation then  
Finance]

1 A BILL to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring paving contracts for state highways to have special requirements to prevent  
 3 potholes.

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

1 That §17-4-18 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 4. STATE ROAD SYSTEM.**

**§17-4-18. Approved types of paving to be determined and advertised; paving contracts to have special requirements to prevent potholes.**

1 (a) Before the State Road Commissioner shall Commissioner of Highways advertises for  
 2 any contract for the paving of any state road, he or she shall determine upon review and approve  
 3 plans and specifications for the construction of standard types of paving suitable for the project  
 4 contemplated. The construction plans and specifications shall provide for reasonable assurances  
 5 that the project will prevent early potholes forming in the paved surface, including requirements  
 6 for painting of lines to prevent potholes on paving seams as may be needed to complete the  
 7 project. The commissioner and shall include in the advertisement and proposals for such this work  
 8 the types of paving approved and line painting, as needed, which will be required for a successful  
 9 bid whether or not the paving and line painting are to be bid separately.

10 (b) All state paving and line painting contracts shall contain provisions that ban the  
 11 placement of paving seams where paint is to be applied for lane dividers, in order to prevent  
 12 freezing of moisture in paving seams sealed under paint which in turn creates potholes, unless  
 13 the painting is specifically approved in writing in advance by the responsible district engineer, or  
 14 his or her designee, who has viewed the place for painting lines on pavement seams and has  
 15 determined that potholes will not form under the painted lines.

NOTE: The purpose of this bill is to require paving contracts for state highways to have

special requirements to prevent potholes.

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