

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 539

BY SENATORS TRUMP, STOLLINGS, AND WOELFEL

[Introduced February 14, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §14-2-17a of the Code of West Virginia, 1931, as amended, relating
2 to increasing the limit for settling claims against the Division of Highways under the
3 shortened procedure for road condition claims.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-17a. Shortened procedure for road condition claims.

1 Notwithstanding the regular and shortened procedures provided for in §14-2-16 and §14-
2 2-17 of this code, there shall be a shortened procedure for road condition claims. The shortened
3 procedure authorized by this section shall apply only to a claim possessing all of the following
4 characteristics:

- 5 (1) The claim does not arise under an appropriation for the current fiscal year.
- 6 (2) The claim alleges that a condition on the state's highways or roads caused property
7 damage.
- 8 (3) The Division of Highways concurs in the claim.
- 9 (4) The amount claimed does not exceed ~~\$1,000~~ \$3,000.

10 The Division of Highways shall prepare a stipulation concerning the claim and file it with
11 the clerk. The commission shall order the claim approved and shall file its statement with the clerk.

NOTE: The purpose of this bill is to increase the amount for stipulated settlement of road condition (potholes) claims from \$1000 to \$3000. Prior to last year's enactment, DOH entered an Omnibus Order stipulating to the payment of these claims. This reduces the need for hearings which reduces the claimants expense and time spent attending the hearings.

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