

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 455

BY SENATORS MAYNARD, ROBERTS, KARNES, ROMANO,

AND RUCKER

[Introduced February 25, 2021; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17-19-16, relating to creating a process to facilitate the reporting and removal
3 of illegal gates on public roads; creating a means by which members of the public may
4 report illegal gates; creating a method of verification; creating a process by which to notify
5 law enforcement of the gates so that they may be removed; and providing an effective
6 date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 19. GENERAL CRIMINAL PROVISIONS.

§17-19-16. Illegal gates on public roads; reporting mechanism; effective date.

1 (a) This code section shall establish a system by which members of the public of West
2 Virginia may report any instances of gates or blockages being illegally placed or fixated upon
3 public roadways in West Virginia.

4 (b) The West Virginia Division of Highways shall establish a toll-free hotline or telephone
5 number which the public can call to report any illegal gating or blocking and shall also establish a
6 webpage with an online procedure to report the illegal gating and blocking of roads, including a
7 means to attach pictures of the gate. The reporting individual should include their contact
8 information and include the county and roadway which is being blocked, and if possible, the GPS
9 coordinates of the blockage, so that the West Virginia Division of Highways may be able to
10 determine the exact location.

11 (c) When the West Virginia Division of Highways confirms that a public road is being
12 blocked, then it shall establish a process of in-person verification by district Division of Highways
13 personnel. After this process is completed, and if there is found to be an illegal gate or obstruction,
14 then the Division of Highways shall report the blockage to local law enforcement in the county of
15 the blockage for removal of the illegal obstruction. After receiving a report from the public, the
16 Division of Highways must confirm the existence of the blockage within thirty (30) days, and if

- 17 there is a confirmed blockage, then the Division shall have five (5) days to report the blockage to
18 local law enforcement for their removal.
19 (d) This section shall become effective on July 31, 2021.

NOTE: The purpose of this bill is to create a reporting procedure in which members of the public can report illegal gates on public roadways, to create a means to take down the illegal gates, and to provide an effective date.

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