WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2084

By Delegate Walker

[Introduced January 11, 2023; Referred to the Committee on Banking and Insurance then Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2-12a, relating to claims against the state for damages due to the condition of a road or highway; providing that during a state of emergency lasting 6 months or more, awards to vehicle owners for damages resulting from the design or condition of a roadway shall include the amount that would otherwise be excluded as auto insurance deductibles.

Be it enacted by the Legislature of West Virginia:

§14-2-12a. Special provision for road claims incurred during state of emergency.

If a claimant prevails in a claim against the Division of Highways for damage resulting from negligence or defect in the design, condition, or maintenance of a state road or road structure, and the damage occurred during a declared state of emergency covering the area where the pertinent section of roadway is located, and that state of emergency lasted for more than six months, the total amount of the award determined by the Legislative Claims Commission shall include the amount specified as a deductible amount in the vehicle owner's insurance policy.

NOTE: The purpose of this bill is to include reimbursement for insurance deductible amounts to a vehicle owner prevailing in a claim against the state for damage due to the condition of state roads when that claim arises during a declared state of emergency.

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