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WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2484

**FISCAL
NOTE**

By Delegate Rowe

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

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

Be it enacted by the Legislature of West Virginia:

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 the Division of Highways
 2 advertises for any contract for the paving of any state road, he ~~or she shall determine upon~~ review
 3 and approve plans and specifications for the construction of ~~standard~~ types of paving suitable for
 4 the project contemplated. The construction plans and specifications shall provide for reasonable
 5 assurances that the project will prevent early potholes forming in the paved surface, including
 6 requirements for painting of lines to prevent potholes on paving seams as may be needed to
 7 complete the project. The commissioner and shall include in the advertisement and proposals for
 8 ~~such~~ this work the types of paving ~~approved~~ and line painting, as needed, which will be required
 9 for a successful 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 the
 13 painting is specifically approved in writing in advance by the responsible district engineer, or his or
 14 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.