

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4040**

By Delegate Mallow

[Introduced January 14, 2026; referred to the  
Committee on Energy and Public Works then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article  
2 designated §8-13B-1, §8-13B-2, §8-13B-3, §8-13B-4, §8-13B-5, §8-13B-6 ,and §8-13B-7,  
3 relating to non-state owned road repair by municipalities; providing a short title; providing  
4 definitions; establishing authority for municipalities to improve non-state owned roads;  
5 clarifying legal protection against litigation; establishing public notification and  
6 transparency; authorizing funding; and providing an effective date.

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

**ARTICLE 13B. NON-STATE OWNED ROADS IMPROVEMENT ACT.**

**§8-13B-1. Short title.**

1 This act may be cited as the "Non-State Owned Roads Improvement Act".

**§8-13B-2. Definitions.**

1 For the purpose of this article

2 "Municipality" means any local government entity, including cities, towns, and counties.

3 "Non-state owned roads" means roads that are not owned or maintained by the state or  
4 federal government.

**§8-13B-3. Authority to improve non-state owned roads.**

1 Municipalities are hereby granted the authority to undertake improvements on non-state  
2 owned roads within their jurisdiction, which includes but is not limited to:

3 (1) Paving and resurfacing;

4 (2) Repairing potholes;

5 (3) Installing signage and traffic signals;

6 (4) Enhancing drainage systems; and

7 (5) Making road safety improvements.

**§8-13B-4. Legal protection against litigation.**

1 (a) No municipality shall be held liable in civil court for damages resulting from  
2 improvements made to non-state owned roads: *Provided, That:*

- 3       (1) The municipality undertook improvements in good faith;  
4       (2) The improvements complied with applicable standards and regulations; and  
5       (3) There was no gross negligence or willful misconduct involved in the improvement  
6 process.

**§8-13B-5. Public notification and transparency.**

- 1       (a) Prior to undertaking any improvements, municipalities shall provide public notification  
2 of proposed improvements, which may include:  
3       (1) Posting a notice at municipal offices;  
4       (2) Utilizing local media; or  
5       (3) Engaging community meetings.  
6       (b) Municipalities shall maintain transparency by publishing project details, timelines, and  
7 funding sources on their official websites.

**§8-13B-6. Funding.**

- 1       Municipalities are authorized to make improvements on non-state owned roads and may  
2 do so using:  
3       (1) Existing municipal funds authorized for infrastructure development;  
4       (2) State and federal grants dedicated to infrastructure development; and  
5       (3) Partnerships with private entities.

**§8-13B-7. Effective date.**

- 1       This act shall take effect immediately upon its passage and approval.

NOTE: The purpose of this bill is to facilitate the improvement of non-state owned roads by municipalities while providing legal safeguards against litigation, ensuring that local governments can enhance infrastructure and ensure public safety effectively.

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