

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.