

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5562

FISCAL
NOTE

By Delegate Lewis

[Introduced February 16, 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 section,
 2 designated §17-4-56, relating to establishing a process for the Department of Highways to
 3 receive complaints from the public relating to public road hazards; directs that a notification
 4 system be created for reporting and tracking hazardous conditions; requiring reporting to
 5 the Legislature; providing liability to the state if the hazardous conditions in certain
 6 circumstances; and providing rulemaking authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-56. Highway hazard reporting and monitoring system.

1 (a) Establishment of system. The Division of Highways shall establish and maintain a
 2 highway hazard reporting and monitoring system to receive, record, and track reports of
 3 dangerous conditions on the state highway system.

4 (b) Reporting methods. The division shall provide multiple methods for reporting
 5 dangerous highway conditions, including but not limited to: a toll-free telephone hotline available
 6 24 hours per day; an online reporting portal accessible through the Division of Highways' website;
 7 and a mobile application or web-based interface allowing location-based submissions and
 8 photographs of hazardous conditions.

9 (c) Types of conditions to be reported. Reports may include, but are not limited to, hazards
 10 such as open potholes, pavement failures or washouts; missing or damaged guardrails, damaged
 11 bridge decking, traffic control signs; obstructed roadways; or any other condition that poses a
 12 significant risk to public safety.

13 (d) Referral to proper authority. When a reported hazard is located on a county or
 14 municipal roadway, the division shall promptly forward the report to the local authority responsible
 15 and record the referral.

16 (e) Tracking and response. The division shall:

17 (1) Record each report with a unique tracking number;

- 18 (2) Classify the condition by severity and assign a priority response level;
- 19 (3) Track the date the condition is verified, the date repairs are initiated and the date the
20 hazard is resolved; and
- 21 (4) Maintain a publicly accessible online dashboard displaying the number of reports
22 received, average response times, and status of open and resolved reports.
- 23 (f) *Annual report.* On or before December 31 of each year, the commissioner shall submit
24 to the Joint Committee on Government and Finance a report summarizing:
- 25 (1) The total number of reports received by type and district; the average response time for
26 hazard verification and repair; and
- 27 (2) Recommendations for improving the responsiveness and safety of the state highway
28 system.
- 29 (g) *Notice to Division of Highways.* A report submitted through the system constitutes
30 written notice to the Division of Highways of the condition described, for purposes of any duty the
31 division to maintain the state highway system in reasonably safe condition.
- 32 (h) *State duty and liability.* Notwithstanding any provision of this code to the contrary when
33 the Division of Highways has received actual notice of a hazardous condition on a state road or
34 highway pursuant to the provisions of this section and negligently fails to correct or repair the
35 hazardous condition within a reasonable period of time, the State of West Virginia shall be liable
36 for damages proximately caused by the hazardous condition. Any liability arising under this
37 section shall be paid within the policy limitations of the Board of Risk and Insurance Management
38 pursuant to §29-12-1 et seq. of this code. Nothing in this section creates strict liability or waives
39 sovereign immunity except to the extent expressly provided herein.
- 40 (i) *Rule-making authority.* The commissioner may propose legislative rules pursuant to
41 §29A-3-1 et seq. of the code to implement this section, including but not limited to procedures for
42 classifying hazards and maintaining records. The commissioner shall protect personally
43 identifiable information of any person reporting hazardous road conditions.

NOTE: The purpose of this bill is to establish a reporting and monitoring system for dangerous highway conditions and to require the Division of Highways to track, report and address dangerous highway conditions; provides limited liability to the state for acts of negligence; and provides rulemaking authority.

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