

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4223

**FISCAL
NOTE**

BY DELEGATES TRECOST, BOGGS, GUTHRIE,

LONGSTRETH, HAMRICK AND LYNCH

[Introduced January 22, 2016; Referred

to the Committee on Roads and Transportation then the

Judiciary]

1 A BILL to amend and reenact §17-1-3 of the Code of West Virginia, 1931 as amended relating to
 2 authorizing individuals and business concerns to purchase sponsorship relative to
 3 courtesy patrol vehicles in exchange for advertisement displays on courtesy patrol
 4 vehicles.

Be it enacted by the Legislature of West Virginia:

1 That §17-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 1. DEFINITIONS.

§17-1-3. "Road"; "public road"; "highway".

1 The words or terms "road", "public road" or "highway" shall be deemed to include, but shall
 2 not be limited to, the right-of-way, roadbed and all necessary culverts, sluices, drains, ditches,
 3 waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for
 4 the maintenance of travel, dispatch of freight and communication between individuals and
 5 communities; and such public road or highway shall be taken to include any road to which the
 6 public has access and which it is not denied the right to use, or any road or way leading from any
 7 other public road over the land of another person, and which shall have been established pursuant
 8 to law. Any road shall be conclusively presumed to have been established when it has been used
 9 by the public for a period of ten years or more, and public moneys or labor have been expended
 10 thereon, whether there be any record of its conveyance, dedication or appropriation to public use
 11 or not. In the absence of any other mark or record, the center of the traveled way shall be taken
 12 as the center of the road and the right-of-way shall be designated therefrom an equal distance on
 13 each side, but a road may be constructed on any part of the located right-of-way when it is deemed
 14 advisable so to do.

15 The Legislature notes that there are public highways that run over the surface of this land,
 16 over and through the navigable streams, rivers and waterways on this earth and above the surface
 17 of this earth in the form of highways in the sky, commonly known as airways. The Legislature

18 finds that each of these types of public highways are essential to the development of this state
19 and that the health and safety of each of the citizens of this state are affected daily by the
20 availability of each of these three types of public highways, and that it is the best interests of the
21 people of this state that each of these be recognized and included within the meaning of public
22 highways. The Legislature further recognizes that airports are an important and integral part of
23 the public highways existing above the surface of this state, and that airports are necessary to
24 access such highways, and therefore airports, including runways, taxiways, parking ramps,
25 access roads and air traffic control facilities located at airports, are hereby declared to be part of
26 the public highway system of this state.

27 The Legislature finds that a courtesy patrol program providing assistance to motorists on
28 the state's highways is one of a most beneficial public safety service to residents of the state using
29 public highways and serves as a showing of the state's hospitality and good will to tourists visiting
30 the state. For that reason, on July 1, 2015:

31 (1) The administration of the courtesy patrol program shall be transferred to the Division
32 of Highways and expenditures made by the division to fund the courtesy patrol program providing
33 assistance to motorists on the state's highways shall be made pursuant to appropriation of the
34 Legislature from the State Road Fund or as otherwise provided by law; and

35 (2) The administration of the special revenue account in the State Treasury known as the
36 Courtesy Patrol Fund shall be transferred to the Division of Highways: *Provided*, That any
37 balances remaining in the Courtesy Patrol Fund at the end of fiscal year 2015 shall be transferred
38 and deposited into the Tourism Promotion Fund. After the June 30, 2015, expenditures from the
39 Courtesy Patrol Fund shall be used solely to fund the courtesy patrol program providing
40 assistance to motorists on the state's highways. Amounts collected in the Courtesy Patrol Fund
41 which are found, from time to time, to exceed funds needed for the purposes set forth in this
42 subdivision may be transferred to other accounts or funds and redesignated for other purposes
43 by appropriation of the Legislature. Moneys paid into the fund may be derived from the following

44 sources:

45 (A) Any gifts, grants, bequests, transfers, appropriations or other donations which may be
46 received from any governmental entity or unit or any person, firm, foundation, corporation or other
47 private entity;

48 (B) Any appropriations by the Legislature which may be made for the purposes of this
49 section; ~~and~~

50 (C) All interest or other return accruing to the fund; and

51 (D) Moneys received from individuals or business concerns for sponsorship in exchange
52 for advertisements displayed on courtesy patrol vehicles. The commissioner of the Division of
53 Highways shall make and propose legislative rules governing eligibility and other requirements
54 related to sponsoring the courtesy patrol in exchange for advertising displays on courtesy patrol
55 vehicles.

56 Any moneys remaining in the fund at the end of a fiscal year shall remain in the fund and
57 be available for expenditure during the ensuing fiscal year.

NOTE: The purpose of this bill is to authorize individuals and business concerns to purchase sponsorship relative to courtesy patrol vehicles in exchange for advertisement displays on courtesy patrol vehicles.

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