

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2007

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HAMRICK AND WESTFALL

[Originating in the Committee on Finance.]

1 A BILL to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §17-16A-6a, all relating to
3 eliminating courtesy patrol programs operated by the Division of Highways and the
4 Parkways Authority.

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
2 reenacted; and that said code be amended by adding thereto a new section, designated §17-
3 16A-6a, all to read as follows:

ARTICLE 1. DEFINITIONS.

§17-1-3. “Road”; “public road”; “highway”.

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

15 (b) The Legislature notes that there are public highways that run over the surface of
16 this land, over and through the navigable streams, rivers and waterways on this earth and above

17 the surface of this earth in the form of highways in the sky, commonly known as airways. The
18 Legislature finds that each of these types of public highways are essential to the development of
19 this state and that the health and safety of each of the citizens of this state are affected daily by
20 the availability of each of these three types of public highways, and that it is the best interests of
21 the 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 (c) ~~The Legislature finds that a courtesy patrol program providing assistance to~~
28 ~~motorists on the state's highways is one of a most beneficial public safety service to residents of~~
29 ~~the state using public highways and serves as a showing of the state's hospitality and good will~~
30 ~~to tourists visiting 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 Division of Highways shall administer administration of the special revenue~~
36 ~~account in the State Treasury known as the Courtesy Patrol Fund shall be transferred to the~~
37 ~~Division of Highways. Provided, That any balances remaining in the Courtesy Patrol Fund at the~~
38 ~~end of fiscal year 2015 shall be transferred and deposited into the Tourism Promotion Fund. After~~
39 ~~the June 30, 2015, expenditures Expenditures from the Courtesy Patrol Fund shall be used solely~~
40 ~~to fund the courtesy patrol program providing assistance to motorists on the state's highways and~~
41 ~~pursuant to appropriation of the Legislature from the State Road Fund or as otherwise provided~~
42 ~~by law. Amounts collected in the Courtesy Patrol Fund which are found, from time to time, to~~

43 exceed funds needed for the purposes set forth in this subdivision may be transferred to other
44 accounts or funds and redesignated for other purposes by appropriation of the Legislature.
45 Moneys paid into the fund may be derived from the following sources:

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

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

51 (C) All interest or other return accruing to the fund.

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

54 (d) Effective July 1, 2017:

55 (1) The provisions of subsection (c) of this section expire and are no longer of any force
56 and effect;

57 (2) The courtesy patrol program is terminated;

58 (3) The Courtesy Patrol Fund is abolished; and

59 (4) Any balances remaining in the Courtesy Patrol Fund shall be transferred to the State
60 Road Fund for expenditure as provided by the Legislature.

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
TOURISM AUTHORITY**

**§17-16A-6A. PARKWAYS AUTHORITY PROHIBITED FROM OPERATING
COURTESY PATROL PROGRAM**

1 Notwithstanding any provision of this code, the Parkways Authority may not operate a
2 courtesy patrol program providing assistance to motorists on a highway in connection with any of
3 its projects.