

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2084

FISCAL
NOTE

By Delegate Walker

[Introduced January 11, 2023; Referred to the
Committee on Banking and Insurance then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §14-2-12a, relating to claims against the state for damages due to the condition
3 of a road or highway; providing that during a state of emergency lasting 6 months or more,
4 awards to vehicle owners for damages resulting from the design or condition of a roadway
5 shall include the amount that would otherwise be excluded as auto insurance deductibles.

Be it enacted by the Legislature of West Virginia:

§14-2-12a. Special provision for road claims incurred during state of emergency.

1 If a claimant prevails in a claim against the Division of Highways for damage resulting from
2 negligence or defect in the design, condition, or maintenance of a state road or road structure, and
3 the damage occurred during a declared state of emergency covering the area where the pertinent
4 section of roadway is located, and that state of emergency lasted for more than six months, the
5 total amount of the award determined by the Legislative Claims Commission shall include the
6 amount specified as a deductible amount in the vehicle owner's insurance policy.

NOTE: The purpose of this bill is to include reimbursement for insurance deductible amounts to a vehicle owner prevailing in a claim against the state for damage due to the condition of state roads when that claim arises during a declared state of emergency.

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