

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5595

FISCAL  
NOTE

By Delegates Hanshaw (Mr. Speaker), Phillips,

Cannon, Kelly, and Hott

[Introduced February 12, 2024; Referred to the

Committee on Finance]

1 A BILL to amend and reenact §14-2-17a of the Code of West Virginia, as amended, all relating to  
 2 the shortened procedure for road condition claims; establishing process by which the Clerk  
 3 of the Claims Commission, the Claims Commission, and the Division of Highways expedite  
 4 certain road condition claims; and requiring the Division of Highways create a line item in  
 5 the budget to expediate payment for certain road condition claims.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. CLAIMS AGAINST THE STATE.**

**§14-2-17a. Shortened procedure for road condition claims.**

1 (a) Notwithstanding the regular and shortened procedures provided for in §14-2-16 and  
 2 §14-2-17 of this code, there shall be a shortened procedure for road condition claims. The  
 3 shortened procedure authorized by this section shall apply only to a claim possessing all of the  
 4 following characteristics:

- 5 (1) The claim does not arise under an appropriation for the current fiscal year.
- 6 (2) The claim alleges that a condition on the state's highways or roads caused property  
 7 damage.
- 8 (3) The Division of Highways concurs in the claim and informs the clerk that it will stipulate  
 9 to the entire amount of the claims or to a specific amount of the claim.
- 10 (4) The stipulated amount claimed does not exceed \$3,000.

11 ~~The Division of Highways shall prepare a stipulation concerning the claim and file it with the~~  
 12 ~~clerk. The commission shall order the claim approved and shall file its statement with the clerk.~~

13 (b) The clerk shall prepare a stipulation concerning the claim to be approved by the  
 14 commission. When approved by the commission the clerk shall mail a release to the claimant and  
 15 inform the claimant that once the release is signed and returned to the commission, the clerk will  
 16 notify the Division of Highways that the executed release has been received. Upon receipt from  
 17 the clerk of confirmation that an executed release has been received from the claimant, the  
 18 Division of Highways shall certify each approved claim and award, and requisition relating thereto,

19 to the State Auditor. The State Auditor thereupon shall issue his or her warrant to the Treasurer in  
20 favor of the claimant. The State Auditor shall issue his or her warrant without further examination  
21 or review of the claim except for the question of a sufficient unexpended balance in the  
22 appropriation.

23 (c) Effective for fiscal year 2024-2025, the division shall establish a line item in its annual  
24 budget in an amount of not less than \$ \_\_\_\_\_ for the expedited payment of stipulated road condition  
25 claims. Any amount remaining at the end of a fiscal year shall be carried forward to the following  
26 fiscal year. If the amount allocated for the expedited payment of such claims is exhausted before  
27 the end of the fiscal year, all remaining approved claims shall be paid promptly at the beginning of  
28 the \_\_\_\_\_ following \_\_\_\_\_ fiscal \_\_\_\_\_ year.

NOTE: The purpose of this bill is to modify the shortened process for certain road condition claims to expedite the process; and for the Division of Highways to establish a line item in its budget for the expedited payment of certain stipulated road condition claims.

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