

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5595

By Delegates Hanshaw (Mr. Speaker), Phillips,

Cannon, and Kelly

[Originating in the Committee on Finance; Reported

on February 22, 2024]

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.