

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5617

By Delegate Linville

(By Request of the Public Service Commission)

[Originating in the Committee on the Judiciary;

Reported on February 23, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
2 designated §24-2-1r, relating to authorizing the Public Service Commission to promulgate
3 rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water
4 utilities; providing for resolution by Public Service Commission whenever portions of
5 standards may conflict; providing a public water utility may use its cash working capital
6 reserve for inspection, testing, maintenance, or replacement of fire hydrants to comply with
7 the standards and rules adopted in this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. POWERS AND DUTIES OF THE PUBLIC SERVICE COMMISSION.

§24-2-1r. Authority of commission to adopt and enforce water hydrant practices.

1 The Legislature finds that it is in the public interest of the citizens of West Virginia for public
2 water utilities to follow the National Fire Protection Association's Recommended Practice for Fire
3 Flow Testing and Marking of Hydrants (Standard 291) and the American Water Works
4 Association's Fire Hydrants, Installation, Field Testing and Maintenance (Manual M17) to ensure
5 that all installed fire hydrants are working properly and to follow the provisions of 64 WV CSR 77,
6 Public Water Systems Design Standards, to ensure proper design and placement of water
7 systems generally, including hydrants. Therefore, those standards are hereby adopted, and the
8 Public Service Commission may promulgate rules in accordance with the provisions of §29A-1-3
9 et seq. of this code on the inspection, flushing, flow testing, and marking of fire hydrants owned by
10 public water utilities as set forth in those standards. In instances where the Public Service
11 Commission determines that any provision of Standard 291, Manual M17, or 64 WV CSR 77 are in
12 conflict or where, to promote the proper functioning of fire hydrants and the operation of the
13 utilities, the adoption of either Standard 291, Manual M17, or 64 WV CSR 77 in preference to
14 another is in the public interest, the Public Service Commission may do so.

15 All public water utilities shall comply with these standards and any rules the commission
16 may promulgate. A public water utility may use its cash working capital reserve for inspection,

- 17 testing, maintenance, or replacement of fire hydrants to comply with the standards and rules
18 adopted in this section.

NOTE: The purpose of this bill is to adopt standards and authorize the Public Service Commission to promulgate rules on the testing, flushing, flow testing, and marking of fire hydrants owned by water utilities.

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