# WEST VIRGINIA CODE: §17-2A-8D

**§17-2A-8d. Reimbursement for volunteer fire departments.**

(a) In addition to the other powers given and assigned to him or her in this chapter, the Commissioner of the Division of Highways may enter into reimbursement agreements, based upon reasonable actual costs incurred, with volunteer or part-volunteer fire departments for services provided by volunteer or part-volunteer fire departments relating to tree or debris removal from state highways and rights-of-way when the commissioner requests such services.

(b) A volunteer or part-volunteer fire department may be reimbursed without a prior request by the commissioner when the traveled way of a state highway is obstructed by a fallen tree or other debris and the volunteer or part-volunteer fire department is the first responder: Provided, That the volunteer or part-volunteer fire department subsequently enters into a reimbursement agreement with the commissioner to recoup only the costs actually incurred to clear the traveled way of the state highway to permit the public to safely travel upon it.

(c) The commissioner shall retain authority to properly remove and dispose of any cleared trees, debris, or other obstructions cleared from the traveled way by a volunteer or part-volunteer fire department, and the commissioner shall not reimburse a volunteer or part-volunteer fire department for any final disposal of any cleared debris or obstruction.

(d) The commissioner shall not reimburse a volunteer or part-volunteer fire department for services contracted out by the volunteer or part-volunteer fire department.

(e) The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to effectuate the purposes of the section. Any rule promulgated pursuant to this section shall include provisions establishing minimum reporting, auditing, and other necessary documentation requirements to approve reimbursement requests submitted to the commissioner.

WV Legislature