WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED
Committee Substitute for
SENATE BILL NO. 444

(By Senator Bradmanick, et al)

PASSED March 10, 1990
In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 441

(By Senators Brackenrich, Holliday and Rundle, original sponsors)

[Passed March 10, 1990; in effect from passage.]

AN ACT to establish the Fayette County New River Gorge Bridge Day Commission to sanction and coordinate activities associated with the annual bridge day at the New River Gorge Bridge in Fayette County, to authorize the commission to license vendors and otherwise oversee bridge day activities, to require the promulgation of rules and regulations by the department of highways respecting the closing of certain highways during bridge day activities, and to limit the liability of the state and its political subdivisions respecting such activities.

Be it enacted by the Legislature of West Virginia:

FAYETTE COUNTY NEW RIVER GORGE BRIDGE DAY COMMISSION.

§1. Bridge day commission created; terms of members; vacancies.

1 (a) The Fayette County New River Gorge Bridge Day Commission is hereby created, which bridge day commission shall consist of six members who shall
serve without compensation. The members shall be appointed by the county commission of Fayette County with one member representing each of the following: The county commission of Fayette County, the Fayette County chamber of commerce, the town of Fayetteville, the sheriff of Fayette County, the secretary of the department of transportation and the secretary of the department of public safety.

(b) The terms of office for the bridge day commission members first appointed shall be two years for two members, four years for two members and six years for two members, and the successor of each appointed member shall be appointed for a term of six years in the same manner as the original appointments were made, except that any person appointed by the county commission to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Each bridge day commission member shall serve until the appointment of his or her successor.

§2. Office space and staff support; officers; meeting; reimbursement for expenses.

(a) The county commission of Fayette County shall supply the bridge day commission with such office space and staff support as may be necessary for the efficient conduct of the business of the bridge day commission.

(b) The county commission of Fayette County shall appoint a chairman of the bridge day commission. The bridge day commission shall then elect such other officers as it deems appropriate for the conduct of its business.

(c) The bridge day commission shall hold a regular monthly meeting on the day of each month as a majority of the members of the bridge day commission shall designate. Special meetings may be convened on the call of the chairman or a majority of the members. A majority of the members of the bridge day commission shall constitute a quorum for the conduct of
business and a majority of the members present at a meeting shall be required to determine any issues brought before it.

(d) Each member of the bridge day commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his or her duties as a member of the commission. Requisition for such expenses shall be accompanied by a sworn and itemized statement which shall be filed with the county commission.

§3. Commission powers; rules and regulations promulgated by the county commission.

(a) The bridge day commission shall be and is hereby designated as the official public body to sanction and coordinate all bridge day activities in accordance with the rules and regulations promulgated by the county commission as hereinafter provided.

(b) The county commission of Fayette County shall promulgate rules and regulations governing the planning, implementation and oversight of bridge day activities by the bridge day commission, which rules and regulations shall include, but not necessarily be limited to, provisions:

(1) Designated the third Saturday in October of each year, or any other day as may reasonably be recommended by the bridge day commission, as Bridge Day in Fayette County, which day shall be the official day for activities on and associated with the New River Gorge Bridge;

(2) Requiring the licensure of all vendors desiring to conduct vending operations in conjunction with bridge day activities and the payment of a licensure fee therefore;

(3) Requiring the timely application and approval by the bridge day commission of any activity or event in which any person, firm, organization, corporation or other entity desires to operate or participate in conjunction with bridge day activities;
(4) Requiring the execution of a release of liability by all persons who participate in any such event or activity as set forth in subdivision (3) hereof;

(5) Authorizing the imposition of a civil penalty not to exceed one thousand dollars or the denial of participation in any bridge day activities, or both, against any person, firm, organization, corporation, or other entity who fails to obtain a vendor’s license or approval of an activity from the bridge day commission; and

(6) Providing for the maintenance and use of all funds received by the bridge day commission, whether received through private contributions, grants, donations, or licensing fees.

§4. Restriction on use of public highways.

The department of highways, in cooperation with the bridge day commission, shall promulgate rules and regulations governing the closure to motor vehicular traffic of the New River Gorge Bridge, parts of United States route nineteen and such other adjacent roads as may be necessary for the proper and safe implementation of bridge day activities.

§5. Limitation of liability.

(a) The bridge day commission is hereby declared to be a political subdivision within the intent and meaning of section three, article twelve-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and as such, is subject to all the rights, privileges and immunities afforded such political subdivisions under the provisions of article twelve-a, chapter twenty-nine of said code.

(b) Any person who desires to base jump, parachute, rappel or otherwise participate in any similar activity on bridge day shall, prior to participation in such activity, execute a release of liability releasing the bridge day commission, the state of West Virginia and all of its political subdivisions from any liability associated with such activity, and the bridge day...
commission, the state of West Virginia and all other political subdivisions thereof, shall be immune from liability for any and all injuries suffered or damages sustained by any person engaging in such activities, notwithstanding that such release may not have been duly executed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1990.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/40
Time 10:39 a.m.