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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



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COMMITTEE SUBSTITUTE
FOR
House Bill No. 4063

(By Delegates Flanigan and Prunty)



Passed March 9, 2000

In Effect Ninety Days from Passage

WEST VIRGINIA
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LEGISLATIVE BLDG
CHARLESTON, WV

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COMMITTEE SUBSTITUTE

FOR

H. B. 4063

(BY DELEGATES FLANIGAN AND PRUNTY)

[Passed March 9, 2000; in effect ninety days from passage.]

AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty, relating to authorizing legislative rules providing for the placement of roadside memorial markers or other tributes within state highway rights-of-way to memorialize people who have died as a result of vehicle related accidents; provisions of rules; and removal of markers or tributes.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty, to read as follows:

ARTICLE 20. ROADSIDE MEMORIAL MARKERS.

§17-20-1. Roadside memorial markers authorized.

1 Notwithstanding any provision of section one, article
2 nineteen of this chapter to the contrary, the commissioner of
3 highways is authorized to propose legislative rules for promul-
4 gation in accordance with the provisions of chapter twenty-
5 nine-a of this code providing for the placement of memorial
6 markers or other tributes within state highway rights-of-way to
7 memorialize people who have died as a result of vehicle related
8 accidents.

§17-20-2. Roadside memorial marker criteria.

1 (a) Legislative rules proposed pursuant to section one of
2 this article shall provide for the placement of markers in a
3 manner that increases public awareness of highway safety and
4 promotes the safe use of the highways and their rights-of-way.
5 The rules shall prescribe circumstances under which:

6 (1) Memorial markers may be placed near to where a fatal
7 accident occurred, considering available space, property owner
8 complaints or other constraints; and

9 (2) Decorations, flowers or other memorial ornaments or
10 tributes may be placed on the right-of-way by family members.

11 (b) Notwithstanding any provision of the rules to the
12 contrary, the commissioner may direct or cause the removal of
13 any memorial marker or tribute from a state highway right-of-
14 way, without notice, upon the determination by the commis-
15 sioner that the removal is necessary for construction, mainte-
16 nance, safety or other purpose. The state of West Virginia, its
17 agencies and subdivisions, and their officers and employees
18 shall not be liable for any claims arising as a result of the
19 removal of a marker or tribute.

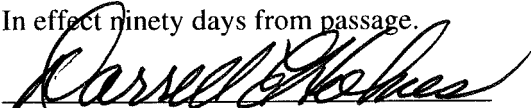
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

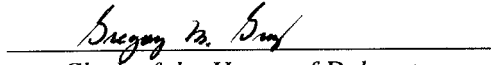

Chairman Senate Committee

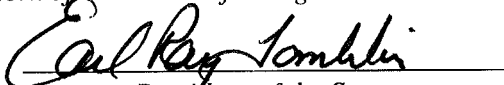

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

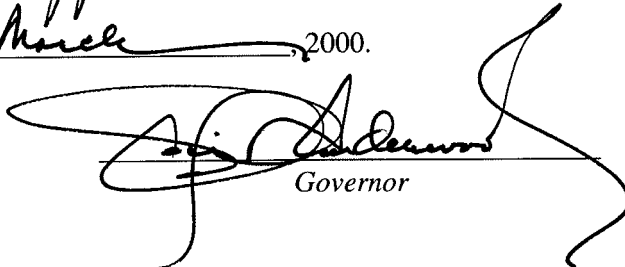

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 20th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/15/00

Time

10:08am