

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4464

BY DELEGATES KYLE, MCCORMICK, AND LEAVITT

[Passed March 9, 2026; in effect 90 days from
passage (June 7, 2026)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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19 (2) A condition that requires immediate correction to assure continuity of service provided
20 by or through an underground facility or to assure the safety of the general public or operator
21 personnel.

22 "Equipment operator" means any individual in physical control of powered equipment or
23 explosives when being used to perform excavation work or demolition work.

24 "Excavate" or "excavation" means any operation in which earth, rock, or other material in
25 the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or
26 explosives, and includes, without limitation, boring, backfilling, grading, trenching, trenchless
27 technology, digging, ditching, dredging, drilling, auguring, tunneling, moleing, scraping, cable or
28 pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass
29 of material, but does not include underground or surface mining operations or related activities or
30 the tilling of soil for agricultural purposes or for domestic gardening. Further, for purposes of this
31 article, the terms "excavate", and "excavation" do not include routine maintenance of paved public
32 roads or highways, where all work is confined to the traveled portion of the paved public way and
33 does not exceed a depth greater than 12 inches measured from the top of the paved road surface.

34 "Excavator" means any person intending to engage or engaged in excavation or
35 demolition work.

36 "Fund" or "Underground Damage Prevention Fund" means the fund created in §24C-1-2b
37 of this code.

38 "Member" means a member of the one-call system as authorized by this article.

39 "One-call system" means a communication system that receives notification from
40 excavators of intended excavation work and prepares and transmits such notification to operators
41 of underground facilities in accordance with this article.

42 "Operator" means any person who operates an underground facility.

43 "Person" means any individual, firm, joint venture, partnership, corporation, association,
44 state agency, county, municipality, cooperative association, or joint stock association, and any
45 trustee, receiver, assignee, agency, or personal representative thereof.

46 "Powered equipment" means any equipment energized by an engine, motor or hydraulic,
47 pneumatic, or electrical device and used in excavation or demolition work.

48 "Underground facility" means any underground pipeline facility owned by a utility and
49 regulated by the Public Service Commission, which is used in the transportation or distribution of
50 gas, oil, or a hazardous liquid; any underground pipeline facility, owned by a company subject to
51 the jurisdiction of the federal energy regulatory commission, which is used in the gathering,
52 transportation, or distribution of gas, oil, or a hazardous liquid; any underground production or
53 gathering pipeline for gas, oil, or any hazardous substance with a nominal inside diameter in
54 excess of four inches and that is not otherwise subject to one-call reporting requirements under
55 federal or state law; any underground facility used as a water main, storm sewer, sanitary sewer,
56 or steam line; any underground facility used for electrical power transmission or distribution; any
57 underground cable, conductor, waveguide, glass fiber, or facility used to transport
58 telecommunications, optical, radio, telemetry, television, or other similar transmissions; and any
59 facility used in connection with any of the foregoing facilities on a bridge, a pole or other span, or
60 on the surface of the ground, any appurtenance, device, cathodic protection system, conduit,
61 protective casing, or housing used in connection with any of the foregoing facilities: *Provided*,
62 That "underground facility" does not include underground or surface coal mine operations.

63 "Workday" means any day except Saturday, Sunday, or a federal or state legal holiday.

64 "Work site" means the location of excavation or demolition work as described by an
65 excavator, operator, or person or persons performing the work.

§24C-1-2a. Underground Facilities Damage Prevention Board.

1 (a) There is hereby created an Underground Facilities Damage Prevention Board for the
2 purpose of enforcing this article.

3 (b) It is the intent of the Legislature that the board and its enforcement activities shall not
4 be funded by appropriations from the state budget. All civil penalties imposed and collected by
5 the board shall not revert to the General Fund but shall be retained for the exclusive use of the
6 board pursuant to this article.

7 (c) The board shall have the power and authority to investigate damage to underground
8 facilities caused by an excavator, make findings, assess penalties and require training in
9 accordance with §24C-1-9 of this code, and to obtain liens on the real and personal property of
10 those persons who have failed to pay penalties assessed by the board. The board may consult
11 with the Public Service Commission as needed regarding investigation of damages to
12 underground facilities under its jurisdiction. The commission shall collect from the board any
13 expenses incurred during the consultation. The board shall furnish to the commission at least
14 annually electronic copies of all reports of investigations and enforcement activities conducted by
15 or on behalf of the board.

16 (d) The board shall be composed of 10 voting members who shall be appointed by the
17 Governor to serve four-year terms in accordance with West Virginia law. The board shall be
18 empowered to establish one or more subcommittees in performing its tasks. Appointments to the
19 board shall be made as follows:

- 20 (1) The President of Miss Utility of West Virginia or the president's designee;
21 (2) One representative of the excavation, utility, or site construction industry;
22 (3) One representative of the natural resource extraction industry;
23 (4) The Executive Director of the West Virginia Municipal League or its designee;
24 (5) The Executive Director of the West Virginia Rural Water Association or its designee;
25 (6) One representative of the natural gas transmission or distribution or hazardous liquid
26 industry;
27 (7) One representative of the electric, cable, or communications industry;
28 (8) One representative of the privately owned water and/or wastewater services industry;

(9) One representative from the general public; and

(10) The Chairman of the Public Service Commission or the chairman's designee.

(e) The board shall meet not less than twice per year, with a date and time to be set by its chairman upon at least five days' notice provided by United States mail, electronic mail, or personal delivery to every board member. The board may hold meetings and vote by telephone, video connection, computer, or other electronic means.

(f) Six members of the board shall constitute a quorum, and a majority vote of those present and voting at any one meeting shall be necessary to transact business.

(g) In the absence of willful misconduct, the members of the board shall be immune, individually and jointly, from civil liability for any act or omission done or made in the performance of their duties while serving as members of the board.

(h) Members of the board shall serve without compensation and without reimbursement for expenses. Nothing contained in this section shall be construed to prevent any sponsoring organization for compensating its representative on the board for salary, expenses, or other compensation considered as a condition for their employment.

(i) Every two years, the board shall elect a chair and other officers from among its members as the board deems necessary.

§24C-1-3. Duties and responsibilities of operators of underground facilities; failure of operator to comply.

(a) Each operator of an underground facility in this state shall be a member of a one-call system for the area in which the underground facility is located.

(b) Each member shall provide the following information to the one-call system on forms developed and provided for that purpose by the one-call system:

(1) The name of the member;

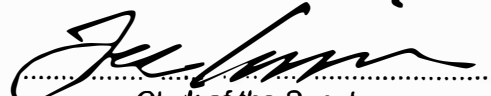
(2) The geographic location of the member's underground facilities as prescribed by the one-call system; and

23 (e)(1) If the person to whom the citation is issued under this section does not pay the
24 citation or submit to training as ordered or both, within 30 days, the board shall appoint a hearing
25 officer to conduct a hearing and issue an initial order pursuant to the State Administrative
26 Procedures Act. The hearing shall be held at the time and place set forth in the citation notice of
27 hearing in the county where excavation referenced in the citation occurred unless otherwise
28 agreed to by the person to whom the citation was issued.

29 (2) A person aggrieved by the final order may, within 30 days, file a petition for judicial
30 review by the intermediate court of appeals pursuant to §29A-1-1 *et seq.* of this code.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


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Clerk of the House of Delegates


.....
Clerk of the Senate

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the House of Delegates.

In effect 90 days from passage.


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Speaker of the House of Delegates


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President of the Senate

The within is approved this the 1st
Day of April, 2026.


.....
Governor