



SPONSOR: Rep. Shupe

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 297

1 AMEND House Bill No. 297 on line 11 by deleting “to the public use,” and inserting in lieu thereof “to ~~the~~ this
2 State for public use,”.

3 FURTHER AMEND House Bill No. 297 on line 25 by deleting “the”.

4 FURTHER AMEND House Bill No. 297 on line 42 by deleting “in the amount of 100% of the estimated cost of
5 ~~such the~~ construction as approved by” and inserting in lieu thereof “in the amount of 150% of the estimated cost of ~~such~~
6 ~~construction top coat~~ as approved by”.

7 FURTHER AMEND House Bill No. 297 by deleting lines 46 through 55 in their entirety and inserting in lieu
8 thereof the following:

9 “(2)a. If top coat is not underway 7 years from the date the bond, certified check, letter of credit, or other form
10 of security acceptable to the Department is posted with the Department under paragraph (b)(1) or (b)(3) of this section,
11 the estimate to complete top coat must be revised to reflect current costs and the developer must post any security the
12 Department deems necessary to meet the requirements of paragraph (b)(1) or (b)(3) of this section.”

13 b. The process under paragraph (b)(2)a. of this section is to be repeated every 5 years until the developer
14 complies with the written agreement entered into under paragraph (a)(6) of this section.”.

15 FURTHER AMEND House Bill No. 297 by deleting lines 66 through 68 in their entirety and inserting in lieu
16 thereof the following:

17 “~~judgment, discretion and approval thereof by the Department,~~ highway, street, or road, the Department shall do
18 all of the following:

19 a. ~~so notify~~ Notify the developer that the ~~new~~ road or street has been accepted into the state maintenance
20 system and that the dedicated right-of-way has been accepted according to the terms of ~~such the~~ acceptance.

21 b. Release to the developer the bond, certified check, letter of credit, or other security acceptable to the
22 Department posted by the developer under subsection (b) of this section.

SYNOPSIS

This Amendment does all of the following:

- (1) Clarifies that the road or street is intended to be dedicated to this State for public use.
- (2) Increases the bond, certified check, letter of credit, or other form of security acceptable to the Department that is required to be posted to 150% and limits that bond, certified check, letter of credit, or other form of security acceptable to the Department to the costs associated with applying top coat to a road or street.
- (3) Requires the bond, certified check, letter of credit, or other form of security acceptable to the Department to be reassessed and reposted by the developer if top coat is not underway 7 years from the date the security is posted with the Department, and then requires the same reassessment and reposting every 5 years until the developer complies with the written agreement entered into under this Act.
- (4) Requires the Department, on dedication of the right-of-way to the public use and satisfactory completion of the road or street construction, to release to the developer the bond, certified check, letter of credit, or other security acceptable to the Department posted by the developer under this Act.
- (5) Makes a technical correction to line 25.