

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4245**

4 (By Delegates Overington, Butcher, Barill, Barker, Caputo,

5 Sobonya, Frazier, Michael, and Purdue)

6 (Originated in the Committee on the Judiciary)

7
8 [February 15, 2012]

9
10 A BILL to amend and reenact §17C-15-23 and §17c-15-44 of the Code
11 of West Virginia, 1931, as amended, all relating to motorcycle
12 safety equipment; permitting permit certain auxiliary lighting
13 on motorcycles; and removing reference to federal helmet
14 safety standard.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §17C-15-23 and §17C-15-44 of the Code of West Virginia,
17 1931, as amended, be amended and reenacted, all to read as follows:

18 **ARTICLE 15. EQUIPMENT.**

19 **§17C-15-23. Lighting equipment on motorcycles, motor-driven cycles**
20 **and mopeds.**

21 The head lamp or head lamps upon every motorcycle, motor-
22 driven cycle and moped may be of the single-beam or multiple-beam
23 type but in either event shall comply with the requirements and
24 limitations as follows:

1 (1) Every ~~said~~ head lamp or head lamps shall be of sufficient
2 intensity to reveal a person or a vehicle at a distance of not less
3 than one hundred feet when the motorcycle, motor-driven cycle or
4 moped is operated at any speed less than twenty-five miles per hour
5 and at a distance of not less than two hundred feet when it is
6 operated at a speed of twenty-five or more miles per hour.

7 (2) ~~In the event~~ If the motorcycle, motor-driven cycle or
8 moped is equipped with a multiple-beam type head lamp or head lamps
9 the upper beam shall meet the minimum requirements set forth above
10 and ~~shall~~ not exceed the limitations set forth in section twenty
11 (a) of this article and the lowermost beam shall meet the
12 requirements applicable to a lowermost distribution of light as set
13 forth in section twenty (b) of this article.

14 (3) ~~In the event~~ If the motorcycle, motor-driven cycle or
15 moped is equipped with a single-beam lamp or lamps, ~~said~~ the lamp
16 or lamps shall be so aimed that when the vehicle is loaded none of
17 the high-intensity portion of light, at a distance of twenty-five
18 feet ahead, shall project higher than the level of the center of
19 the lamp from which it comes.

20 (4) (A) Subject to paragraph (B) of this subdivision, a
21 motorcycle may be equipped with, and an operator of a motorcycle
22 may use, the following auxiliary lighting:

23 (I) Amber and white illumination;

24 (ii) Standard bulb running lights; or

1 (iii) Light-emitting diode pods and strips added to protect
2 the driver.

3 (B) Lighting under this subdivision shall be:

4 (I) Nonblinking;

5 (ii) Nonflashing;

6 (iii) Nonoscillating; and

7 (iv) Directed toward the engine and the drive train of the
8 motorcycle.

9 **§17C-15-44. Safety equipment and requirements for motorcyclists,**
10 **motorcycles, motor-driven cycles and mopeds; motorcycle safety**
11 **standards and education committee.**

12 (a) No person shall operate or be a passenger on any
13 motorcycle or motor-driven cycle unless the person is wearing
14 securely fastened on his or her head by either a neck or chin strap
15 a protective helmet designed to deflect blows, resist penetration
16 and spread impact forces. Any helmet worn by an operator or
17 passenger shall meet the current performance specifications
18 established by the American National Standards Institute Standard,
19 Z 90.1, ~~the United States Department of Transportation Federal~~
20 ~~Motor Vehicle Safety Standard No. 218~~ or Snell Safety Standards for
21 Protective Headgear for Vehicle Users.

22 (b) No person shall operate or be a passenger on any
23 motorcycle or motor-driven cycle unless the person is wearing
24 safety, shatter-resistant eyeglasses (excluding contact lenses), or

1 eyegoggles or face shield that complies with the performance
2 specifications established by the American National Standards
3 Institute for Head, Eye and Respiratory Protection, Z 2.1. In
4 addition, if any motorcycle, motor-driven cycle or moped is
5 equipped with a windshield or windscreen, the windshield or
6 windscreen shall be constructed of safety, shatter-resistant
7 material that complies with the performance specifications
8 established by Department of Transportation Federal Motor Vehicle
9 Safety Standard No. 205 and American National Standards Institute,
10 Safety Glazing Materials for Glazing Motor Vehicles Operated on
11 Land Highways, Standard Z 26.1.

12 (c) No person shall operate a motorcycle, motor-driven cycle
13 or moped on which the handlebars or grips are more than fifteen
14 inches higher than the uppermost part of the operator's seat when
15 the seat is not depressed in any manner.

16 (d) A person operating a motorcycle, motor-driven cycle or
17 moped shall ride in a seated position facing forward and only upon
18 a permanent operator's seat attached to the vehicle. No operator
19 shall carry any other person nor shall any other person ride on the
20 vehicle unless the vehicle is designed to carry more than one
21 person, in which event a passenger may ride behind the operator
22 upon the permanent operator's seat if it is designed for two
23 persons, or upon another seat firmly attached to the vehicle to the
24 rear of the operator's seat and equipped with footrests designed

1 and located for use by the passenger or in a sidecar firmly
2 attached to the vehicle. No person shall ride side saddle on a
3 seat. An operator may carry as many passengers as there are seats
4 and footrests to accommodate those passengers. Additional
5 passengers may be carried in a factory produced sidecar provided
6 that there is one passenger per seat. Passengers riding in a
7 sidecar shall be restrained by safety belts.

8 (e) Every motorcycle, motor-driven cycle and moped shall be
9 equipped with a rearview mirror affixed to the handlebars or
10 fairings and adjusted so that the operator shall have a clear view
11 of the road and condition of traffic behind him or her for a
12 distance of at least two hundred feet.

13 (f) There is hereby created a six member motorcycle safety and
14 education committee consisting of: The superintendent of the State
15 Police or a designee; the Commissioner of Motor Vehicles or a
16 designee; the director of the West Virginia safety council or a
17 designee; a licensed motorcycle operator; an owner of a motorcycle
18 dealership; and a supplier of aftermarket nonfranchised motorcycle
19 supplies. The nongovernmental representatives shall be appointed
20 by the Governor with the advice and consent of the Senate, shall
21 serve without compensation, and the terms shall be for three years,
22 except that as to the members first appointed, one shall be
23 appointed for a term of one year, one shall be appointed for a term
24 of two years and one shall be appointed for a term of three years.

1 Members may be reappointed to the committee.

2 The committee shall continue to exist pursuant to the
3 provisions of article ten, chapter four of this code until July 1,
4 1999, to allow for the completion of a preliminary performance
5 review by the joint committee on government operations.

6 The committee is hereby authorized to recommend to the
7 superintendent of public safety types and makes of protective
8 helmets, eye protection devices and equipment offered for sale,
9 purchased or used by any person. The committee is authorized to
10 make recommendations to the Commissioner of Motor Vehicles
11 regarding the use of the moneys in the motorcycle safety fund
12 created under section seven, article one-d, chapter seventeen-b of
13 this code.