

COMMITTEE SUBSTITUTE

FOR

H. B. 4245

(BY DELEGATES OVERINGTON, BUTCHER,
BARILL, BARKER, CAPUTO, SOBONYA,
FRAZIER, MICHAEL, AND PURDUE)

(Originated in the Committee on the Judiciary)
[February 15, 2012]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15. EQUIPMENT.

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

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

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

12 (2) ~~In the event~~ If the motorcycle, motor-driven cycle or
13 moped is equipped with a multiple-beam type head lamp or
14 head lamps the upper beam shall meet the minimum
15 requirements set forth above and ~~shall~~ not exceed the
16 limitations set forth in section twenty (a) of this article and

17 the lowermost beam shall meet the requirements applicable
18 to a lowermost distribution of light as set forth in section
19 twenty (b) of this article.

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

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

29 (i) Amber and white illumination;

30 (ii) Standard bulb running lights; or

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

33 (B) Lighting under this subdivision shall be:

34 (i) Nonblinking;

35 (ii) Nonflashing;

36 (iii) Nonoscillating; and

37 (iv) Directed toward the engine and the drive train of the

38 motorcycle.

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

1 (a) No person shall operate or be a passenger on any
2 motorcycle or motor-driven cycle unless the person is
3 wearing securely fastened on his or her head by either a neck
4 or chin strap a protective helmet designed to deflect blows,
5 resist penetration and spread impact forces. Any helmet
6 worn by an operator or passenger shall meet the current
7 performance specifications established by the American
8 National Standards Institute Standard, Z 90.1, ~~the United~~
9 ~~States Department of Transportation Federal Motor Vehicle~~
10 ~~Safety Standard No. 218~~ or Snell Safety Standards for
11 Protective Headgear for Vehicle Users.

12 (b) No person shall operate or be a passenger on any
13 motorcycle or motor-driven cycle unless the person is
14 wearing safety, shatter-resistant eyeglasses (excluding
15 contact lenses), or eyegoggles or face shield that complies
16 with the performance specifications established by the
17 American National Standards Institute for Head, Eye and
18 Respiratory Protection, Z 2.1. In addition, if any motorcycle,
19 motor-driven cycle or moped is equipped with a windshield
20 or windscreen, the windshield or windscreen shall be
21 constructed of safety, shatter-resistant material that complies
22 with the performance specifications established by
23 Department of Transportation Federal Motor Vehicle Safety
24 Standard No. 205 and American National Standards Institute,
25 Safety Glazing Materials for Glazing Motor Vehicles
26 Operated on Land Highways, Standard Z 26.1.

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

31 (d) A person operating a motorcycle, motor-driven cycle
32 or moped shall ride in a seated position facing forward and
33 only upon a permanent operator's seat attached to the vehicle.
34 No operator shall carry any other person nor shall any other
35 person ride on the vehicle unless the vehicle is designed to
36 carry more than one person, in which event a passenger may
37 ride behind the operator upon the permanent operator's seat
38 if it is designed for two persons, or upon another seat firmly
39 attached to the vehicle to the rear of the operator's seat and
40 equipped with footrests designed and located for use by the
41 passenger or in a sidecar firmly attached to the vehicle. No
42 person shall ride side saddle on a seat. An operator may
43 carry as many passengers as there are seats and footrests to
44 accommodate those passengers. Additional passengers may
45 be carried in a factory produced sidecar provided that there
46 is one passenger per seat. Passengers riding in a sidecar shall
47 be restrained by safety belts.

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

53 (f) There is hereby created a six member motorcycle
54 safety and education committee consisting of: The
55 superintendent of the State Police or a designee; the
56 Commissioner of Motor Vehicles or a designee; the director
57 of the West Virginia safety council or a designee; a licensed
58 motorcycle operator; an owner of a motorcycle dealership;
59 and a supplier of aftermarket nonfranchised motorcycle
60 supplies. The nongovernmental representatives shall be
61 appointed by the Governor with the advice and consent of the
62 Senate, shall serve without compensation, and the terms shall
63 be for three years, except that as to the members first
64 appointed, one shall be appointed for a term of one year, one
65 shall be appointed for a term of two years and one shall be

66 appointed for a term of three years. Members may be
67 reappointed to the committee.

68 The committee shall continue to exist pursuant to the
69 provisions of article ten, chapter four of this code until July
70 1, 1999, to allow for the completion of a preliminary
71 performance review by the joint committee on government
72 operations.

73 The committee is hereby authorized to recommend to the
74 superintendent of public safety types and makes of protective
75 helmets, eye protection devices and equipment offered for
76 sale, purchased or used by any person. The committee is
77 authorized to make recommendations to the Commissioner
78 of Motor Vehicles regarding the use of the moneys in the
79 motorcycle safety fund created under section seven, article
80 one-d, chapter seventeen-b of this code.