

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 30**

4 (By Senator Snyder)

5 \_\_\_\_\_  
6 [Originating in the Committee on Transportation and  
7 Infrastructure;  
8 reported February 12, 2014.]  
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10  
11 A BILL to amend and reenact §17B-1-1 of the Code of West Virginia,  
12 1931, as amended; to amend and reenact §17B-2-7b of said code;  
13 to amend said code by adding thereto a new section, designated  
14 §17C-1-69; and to amend and reenact §17C-15-44 of said code,  
15 all relating to autocycles; defining "autocycle"; creating an  
16 autocycle exemption from motorcycle examination, licensing and  
17 endorsement requirements; allowing a person with a valid  
18 driver's license to operate an autocycle; creating an  
19 autocycle exemption from helmet and certain other safety  
20 requirements; and deleting obsolete language regarding the  
21 motorcycle safety and education committee.

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

23 That §17B-1-1 of the Code of West Virginia, 1931, as amended,  
24 be amended and reenacted; that §17B-2-7b of said code be amended  
25 and reenacted; that said code be amended by adding thereto a new  
26 section, designated §17C-1-69; and that §17C-15-44 of said code be  
27 amended and reenacted, all to read as follows:

28 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

1 **§17B-1-1. Definitions.**

2 The following words and phrases when used in this chapter  
3 shall, for the purpose of this chapter, have the meanings  
4 respectively ascribed to them in this article:

5 (a) *Vehicle*. -- Every device in, upon, or by which any person  
6 or property is or may be transported or drawn upon a public  
7 highway, excepting devices moved by human power or used exclusively  
8 upon stationary rails or tracks;

9 (b) *Motor vehicle*. -- Every vehicle which is self-propelled  
10 and every vehicle which is propelled by electric power obtained  
11 from overhead trolley wires, but not operated upon rails;

12 (c) *Motorcycle*. -- Every motor vehicle having a seat or saddle  
13 for the use of the rider and designed to travel on not more than  
14 three wheels in contact with the ground, but excluding a farm  
15 tractor as defined herein, a moped as defined in section five-a,  
16 article one, chapter seventeen-c of this code, a snowmobile as  
17 defined in section one-mm, article one, chapter seventeen-a of this  
18 code and an all-terrain vehicle as defined in section one-ii,  
19 article one, chapter seventeen-a of this code;

20 (d) *Farm tractor*. -- Every motor vehicle designed and used  
21 primarily as a farm implement for drawing plows, mowing machines,  
22 and other implements of husbandry;

23 (e) *School bus*. -- Every motor vehicle owned by a public  
24 governmental agency and operated for the transportation of children  
25 to or from school or privately owned and operated for compensation  
26 for the transportation of children to or from school;

27 (f) *Person*. -- Every natural person, firm, copartnership,  
28 association or corporation;

1 (g) *Operator*. -- Every person, other than a chauffeur, who  
2 drives or is in actual physical control of a motor vehicle upon a  
3 highway or who is exercising control over or steering a vehicle  
4 being towed by a motor vehicle;

5 (h) *Chauffeur*. -- Every person who is employed by another for  
6 the principal purpose of driving a motor vehicle and every person  
7 who drives a school bus transporting school children or any motor  
8 vehicle when in use for the transportation of persons or property  
9 for compensation;

10 (i) *Driver*. -- Means any person who drives, operates or is in  
11 physical control of a motor vehicle, in any place open to the  
12 general public for purposes of vehicular traffic, or who is  
13 required to hold a driver's license;

14 (j) *Driver's License*. -- Means any permit or license issued by  
15 this state to a person which authorizes the person to drive a motor  
16 vehicle of a specific class or classes subject to any restriction  
17 or endorsement contained thereon;

18 (k) *Owner*. -- A person who holds the legal title of a vehicle  
19 or in the event a vehicle is the subject of an agreement for the  
20 conditional sale or lease thereof with the right of purchase upon  
21 performance of the conditions stated in the agreement and with an  
22 immediate right of possession vested in the conditional vendee or  
23 lessee, or in the event a mortgagor of a vehicle is entitled to  
24 possession, then such conditional vendee or lessee or mortgagor  
25 shall be deemed the owner for the purpose of this chapter;

26 (l) *Nonresident*. -- Every person who is not a resident of this  
27 state;

28 (m) *Street or highway*. -- The entire width between the

1 boundary lines of every way publicly maintained when any part  
2 thereof is open to the use of the public for purposes of vehicular  
3 travel;

4 (n) *Commissioner*. -- The Commissioner of Motor Vehicles of  
5 this state;

6 (o) *Division*. -- The Division of Motor Vehicles of this state  
7 acting directly or through its duly authorized officers or agents;

8 (p) *Suspension*. -- Suspension means that the driver's license  
9 and privilege to drive a motor vehicle on the public highways are  
10 temporarily withdrawn but only during the period of such  
11 suspension;

12 (q) *Revocation*. -- Revocation means that the driver's license  
13 and privilege to drive a motor vehicle on the public highways are  
14 terminated and shall not be renewed or restored, except that an  
15 application for a new license may be presented and acted upon by  
16 the division after the expiration of at least one year after the  
17 date of revocation, except as otherwise provided in section two,  
18 article five-a, chapter seventeen-c of this code;

19 (r) *Cancellation*. -- Cancellation means that a driver's  
20 license is annulled and terminated because of some error or defect  
21 or because the licensee is no longer entitled to such license, but  
22 the cancellation of a license is without prejudice and application  
23 for a new license may be made at any time after such cancellation;

24 (s) 9-1-1 system. -- "9-1-1 system" means an emergency  
25 telephone system or enhanced emergency telephone system as defined  
26 in section two, article six, chapter twenty-four of this code;

27 (t) Wireless communication device. -- "Wireless communication  
28 device" means a handheld device used to access a wireless telephone

1 service or a text messaging device;

2 (u) Autocycle. -- "Autocycle" means an enclosed motorcycle  
3 that is equipped with safety belts, a roll bar, a windshield,  
4 wipers, a steering wheel, and equipment otherwise required on a  
5 motorcycle, and which has no more than three wheels in contact with  
6 the roadway at any one time.

7 **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

8 **§17B-2-7b. Separate examination and endorsement for a license**  
9 **valid for operation of motorcycle; exception for**  
10 **autocycles.**

11 (a) The state police shall administer a separate motorcycle  
12 examination for applicants for a license valid for operation of a  
13 motorcycle. On and after July 1, 2000 the Division of Motor  
14 Vehicles shall administer the examination provided ~~for~~ in this  
15 section. Any applicant for a license valid for operation of a  
16 motorcycle shall be required to successfully complete the  
17 motorcycle examination, which is in addition to the examination  
18 administered pursuant to section seven of this article and, if  
19 under the age of eighteen, shall be required to complete the  
20 requirements for a level two intermediate driver's license set  
21 forth in paragraphs (B), (C), and (D), subdivision (1), subsection  
22 (j), section three-a of this article: *Provided*, That the  
23 commissioner may exempt an applicant for a motorcycle driver  
24 license or endorsement from all or part of the motorcycle license  
25 examination as provided in section six, article one-d of this  
26 chapter. The motorcycle examination shall test the applicant's  
27 knowledge of the operation of a motorcycle and of any traffic laws  
28 specifically relating to the operation of a motorcycle and shall

1 include an actual demonstration of the ability to exercise ordinary  
2 and reasonable control in the operation of a motorcycle. An  
3 applicant for a license valid for the operation of only a  
4 motorcycle shall be tested as provided in this section and in  
5 section seven of this article, but need not demonstrate actual  
6 driving ability in any vehicle other than a motorcycle. The  
7 examination provided in this section shall not be made a condition  
8 upon the renewal of the license of any person under this section.  
9 For an applicant who successfully completes the motorcycle  
10 examination, upon payment of the required fee, the division shall  
11 issue a motorcycle endorsement on the driver's license of the  
12 applicant, or shall issue a special motorcycle-only license if the  
13 applicant does not possess a driver's license: *Provided, however,*  
14 That any holder of a motorcycle-only license under the age of  
15 eighteen shall be subject to the provisions of paragraphs (A), (B),  
16 (E), (F), (G) and (H), subdivision (2), subsection (j), section  
17 three-a of this article.

18 Every person, including those holding a valid driver's  
19 license, is required to take the examination specified in this  
20 section to obtain a motorcycle license or endorsement, unless  
21 exempted under the provisions of subsection (b) of this section.

22 (b) Notwithstanding any provision to the contrary, a person  
23 with a valid driver's license who is operating an autocycle is  
24 exempt from the motorcycle examination, licensing and endorsement  
25 requirements set forth in article two, chapter seventeen-b of this  
26 code.

27 **CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

28 **ARTICLE 1. WORDS AND PHRASES DEFINED.**

1 **§17C-1-69. AUTOCYCLE.**

2 "Autocycle" means an enclosed motorcycle that is equipped  
3 with safety belts, a roll bar, a windshield, wipers, a steering  
4 wheel, and equipment otherwise required on a motorcycle, and which  
5 has no more than three wheels in contact with the roadway at any  
6 one time.

7 **ARTICLE 15. EQUIPMENT.**

8 **§17C-15-44. Safety equipment and requirements for motorcyclists,**  
9 **motorcycles, motor-driven cycles and mopeds;**  
10 **exception for autocycles.**

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

21 (b) No person shall operate or be a passenger on any  
22 motorcycle or motor-driven cycle unless the person is wearing  
23 safety, shatter-resistant eyeglasses (excluding contact lenses), or  
24 ~~eyegoggles~~ eye goggles or face shield that complies with the  
25 performance specifications established by the American National  
26 Standards Institute for Head, Eye and Respiratory Protection, Z  
27 2.1. In addition, if any motorcycle, motor-driven cycle or moped

1 is equipped with a windshield or windscreen, the windshield or  
2 windscreen shall be constructed of safety, shatter-resistant  
3 material that complies with the performance specifications  
4 established by Department of Transportation Federal Motor Vehicle  
5 Safety Standard No. 205 and American National Standards Institute,  
6 Safety Glazing Materials for Glazing Motor Vehicles Operated on  
7 Land Highways, Standard Z 26.1.

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

12 (d) A person operating a motorcycle, motor-driven cycle or  
13 moped shall ride in a seated position facing forward and only upon  
14 a permanent operator's seat attached to the vehicle. No operator  
15 shall carry any other person nor shall any other person ride on the  
16 vehicle unless the vehicle is designed to carry more than one  
17 person, in which event a passenger may ride behind the operator  
18 upon the permanent operator's seat if it is designed for two  
19 persons, or upon another seat firmly attached to the vehicle to the  
20 rear of the operator's seat and equipped with footrests designed  
21 and located for use by the passenger or in a sidecar firmly  
22 attached to the vehicle. No person shall ride side saddle on a  
23 seat. An operator may carry as many passengers as there are seats  
24 and footrests to accommodate those passengers. Additional  
25 passengers may be carried in a factory produced sidecar provided  
26 that there is one passenger per seat. Passengers riding in a  
27 sidecar shall be restrained by safety belts.

28 (e) Every motorcycle, motor-driven cycle and moped shall be



1 equipped with a rearview mirror affixed to the handlebars or  
2 fairings and adjusted so that the operator shall have a clear view  
3 of the road and condition of traffic behind him or her for a  
4 distance of at least two hundred feet.

5 (f) Notwithstanding any provision to the contrary, a person  
6 with a valid driver's license who is operating an autocycle is  
7 exempt from the provisions of this section. ~~There is hereby created~~  
8 ~~a six member motorcycle safety and education committee consisting~~  
9 ~~of: The superintendent of the State Police or a designee; the~~  
10 ~~Commissioner of Motor Vehicles or a designee; the director of the~~  
11 ~~West Virginia safety council or a designee; a licensed motorcycle~~  
12 ~~operator; an owner of a motorcycle dealership; and a supplier of~~  
13 ~~aftermarket nonfranchised motorcycle supplies. The nongovernmental~~  
14 ~~representatives shall be appointed by the Governor with the advice~~  
15 ~~and consent of the Senate, shall serve without compensation, and~~  
16 ~~the terms shall be for three years, except that as to the members~~  
17 ~~first appointed, one shall be appointed for a term of one year, one~~  
18 ~~shall be appointed for a term of two years and one shall be~~  
19 ~~appointed for a term of three years. Members may be reappointed to~~  
20 ~~the committee.~~

21 ~~— The committee shall continue to exist pursuant to the~~  
22 ~~provisions of article ten, chapter four of this code until July 1,~~  
23 ~~1999, to allow for the completion of a preliminary performance~~  
24 ~~review by the joint committee on government operations.~~

25 ~~— The committee is hereby authorized to recommend to the~~  
26 ~~superintendent of public safety types and makes of protective~~  
27 ~~helmets, eye protection devices and equipment offered for sale,~~  
28 ~~purchased or used by any person. The committee is authorized to~~

1 ~~make recommendations to the Commissioner of Motor Vehicles~~  
2 ~~regarding the use of the moneys in the motorcycle safety fund~~  
3 ~~created under section seven, article one-d, chapter seventeen-b of~~  
~~this code.~~

NOTE: The purpose of this bill is to create an exemption for autocycles, which are enclosed three-wheel motorcycles that are equipped with safety belts, a roll bar, a windshield, wipers and a steering wheel. A person may operate an autocycle with a valid driver's license and is exempt from the motorcycle examination, licensing and endorsement requirements set forth in article two, chapter seventeen-b of this code. The bill would also exempt autocycles from helmet and certain other safety requirements set forth in §17C-15-44. The bill also strikes obsolete language.

§17C-1-69 is new; therefore, strike-throughs and underscoring have been omitted.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.