

Senate Bill No. 17

(By Senators Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano)

[Introduced January 14, 2015; referred to the Committee on Natural Resources; and then to the
Committee on Government Organization.]

A BILL to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating
to authorization and regulation of unlicensed off-road motorcycles upon public streets, roads
and highways by municipalities and counties within the Hatfield-McCoy Recreation Area.

Be it enacted by the Legislature of West Virginia:

That §17F-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.

§17F-1-3. Local government authority to regulate.

Notwithstanding any provision of this article to the contrary:

(1) The governing body of a municipality may regulate in any manner or prohibit, by lawfully
enacted ordinance, the operation of all-terrain vehicles upon any street, road or avenue within the
municipal corporate limits.

(2) Homeowner associations may petition the county commission of the county in which the

1 area regulated by the homeowner association is located for an ordinance to regulate or prohibit the
2 operation of all-terrain vehicles upon any street, road or avenue within the area regulated by the
3 homeowner association. County commissions ~~are hereby authorized~~ may, upon receipt of a petition
4 authorized by the provisions of this section, ~~to~~ enact an ordinance regulating or prohibiting the
5 operation of all-terrain vehicles.

6 (3) The county commission of any county which has in effect and is operating under a
7 countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation
8 of all-terrain vehicles on any road in the county, except interstate highways: *Provided*, That any
9 county which enacts any such ordinance shall notify the West Virginia State Police and all
10 law-enforcement agencies in the county of its action in writing, together with a copy of the
11 ordinance.

12 (4) The governing body of a municipality located within a county participating in the
13 Hatfield-McCoy recreational trail project may regulate in any manner the use of unlicensed off-road
14 motorcycles operated in compliance with legislative rules promulgated by the Hatfield-McCoy
15 Regional Recreation Authority upon any street, road or avenue within the municipal corporate limits.

16 (5) The county commission of a county participating in the Hatfield-McCoy recreational trail
17 project may regulate in any manner the use of unlicensed off-road motorcycles operated in
18 compliance with legislative rules promulgated by the Hatfield-McCoy Regional Recreation Authority
19 when traveling to and from a Hatfield-McCoy trailhead to a place for fuel, service, food or lodging
20 on any road in the county, except interstate highways: *Provided*, That any county which enacts any
21 such ordinance shall notify the West Virginia State Police and all law-enforcement agencies in the
22 county of its action in writing, together with a copy of the ordinance.

NOTE: The purpose of this bill is to authorize the regulation of unlicensed off road motorcycles upon public streets, roads and highways by municipalities and counties within the Hatfield-McCoy recreation area. The current code allows cities and counties to permit and regulate all-terrain vehicles upon public streets, roads and highways, but not unlicensed off-road motorcycles. The amendment would allow municipalities and counties within the Hatfield McCoy recreation area to permit and regulate unlicensed off-road motorcycles upon public streets, roads and highways, but only if they are properly permitted by the Hatfield-McCoy Regional Recreation Authority.

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