

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 173

SENATORS BLAIR AND SYPOLT, *original sponsors*

[Passed April 4, 2017; in effect 90 days from passage]

1 AN ACT to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new
3 section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all
4 relating to autocycles; creating an autocycle exemption from motorcycle examination,
5 licensing and endorsement requirements; allowing a person with a valid driver's license to
6 operate an autocycle; creating an autocycle exemption from helmet and certain other
7 motorcycle or motor-driven cycle safety requirements; defining terms; deleting obsolete
8 language regarding the motorcycle safety and education committee; and making technical
9 corrections.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17B-1-1. Definitions.

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

3 *Autocycle.* — Every fully or partially enclosed motorcycle that is equipped with safety belts,
4 rollover protection, a rearview mirror, automotive seating, a steering wheel and equipment
5 otherwise required on a motorcycle and which has no more than three wheels in contact with the
6 roadway at any one time;

7 *Cancellation.* — Means that a driver's license is annulled and terminated because of some
8 error or defect or because the licensee is no longer entitled to that license, but the cancellation of

9 a license is without prejudice and application for a new license may be made at any time after
10 such cancellation;

11 *Chauffeur.* — Every person who is employed by another for the principal purpose of driving
12 a motor vehicle and every person who drives a school bus transporting school children or any
13 motor vehicle when in use for the transportation of persons or property for compensation;

14 *Commissioner.* — The Commissioner of Motor Vehicles of this state;

15 *Division.* — The Division of Motor Vehicles of this state acting directly or through its duly
16 authorized officers or agents;

17 *Driver.* — Means any person who drives, operates or is in physical control of a motor
18 vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required
19 to hold a driver's license;

20 *Driver's license.* — Means any permit or license issued by this state to a person which
21 authorizes the person to drive a motor vehicle of a specific class or classes subject to any
22 restriction or endorsement contained thereon;

23 *Farm tractor.* — Every motor vehicle designed and used primarily as a farm implement for
24 drawing plows, mowing machines and other implements of husbandry;

25 *Motorcycle.* — Every motor vehicle having a seat or saddle for the use of the rider and
26 designed to travel on not more than three wheels in contact with the ground, but excluding a farm
27 tractor as defined herein, a moped as defined in section five-a, article one, chapter seventeen-c
28 of this code, a snowmobile as defined in subsection (mm), section one, article one, chapter
29 seventeen-a of this code and an all-terrain vehicle as defined in subsection (ii), section one of this
30 article;

31 *Motor vehicle.* — Every vehicle which is self-propelled and every vehicle which is propelled
32 by electric power obtained from overhead trolley wires, but not operated upon rails;

33 *9-1-1 system.* — Means an emergency telephone system or enhanced emergency
34 telephone system as defined in section two, article six, chapter twenty-four of this code;

35 *Nonresident.* — Every person who is not a resident of this state;

36 *Operator.* — Every person, other than a chauffeur, who drives or is in actual physical
37 control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle
38 being towed by a motor vehicle;

39 *Owner.* — A person who holds the legal title of a vehicle or in the event a vehicle is the
40 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon
41 performance of the conditions stated in the agreement and with an immediate right of possession
42 vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession,
43 then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter;

44 *Person.* — Every natural person, firm, copartnership, association or corporation;

45 *Revocation.* — Means that the driver's license and privilege to drive a motor vehicle on
46 the public highways are terminated and shall not be renewed or restored, except that an
47 application for a new license may be presented and acted upon by the division after the expiration
48 of at least one year after the date of revocation, except as otherwise provided in section two,
49 article five-a, chapter seventeen-c of this code;

50 *School bus.* — Every motor vehicle owned by a public governmental agency and operated
51 for the transportation of children to or from school or privately owned and operated for
52 compensation for the transportation of children to or from school;

53 *Street or highway.* — The entire width between the boundary lines of every way publicly
54 maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

55 *Suspension.* — Suspension means that the driver's license and privilege to drive a motor
56 vehicle on the public highways are temporarily withdrawn but only during the period of the
57 suspension;

58 *Vehicle.* — Every device in, upon or by which any person or property is or may be
59 transported or drawn upon a public highway, excepting devices moved by human power or used
60 exclusively upon stationary rails or tracks;

61 *Wireless communication device.* — Means a handheld device used to access a wireless
62 telephone service or a text messaging device.

ARTICLE 2. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.

**§17B-2-7b. Separate examination and endorsement for a license valid for operation of
motorcycle.**

1 (a) The State Police shall administer a separate motorcycle examination for applicants for
2 a license valid for operation of a motorcycle. On and after July 1, 2000, the Division of Motor
3 Vehicles shall administer the examination provided for in this section. Any applicant for a license
4 valid for operation of a motorcycle shall be required to successfully complete the motorcycle
5 examination, which is in addition to the examination administered pursuant to section seven of
6 this article and, if under the age of eighteen, shall be required to complete the requirements for a
7 level two intermediate driver's license set forth in paragraphs (B), (C) and (D), subdivision (1),
8 subsection (j), section three-a of this article: *Provided*, That the commissioner may exempt an
9 applicant for a motorcycle driver's license or endorsement from all or part of the motorcycle license
10 examination as provided in section six, article one-d of this chapter. The motorcycle examination
11 shall test the applicant's knowledge of the operation of a motorcycle and of any traffic laws
12 specifically relating to the operation of a motorcycle and shall include an actual demonstration of
13 the ability to exercise ordinary and reasonable control in the operation of a motorcycle. An
14 applicant for a license valid for the operation of only a motorcycle shall be tested as provided in
15 this section and in section seven of this article, but need not demonstrate actual driving ability in
16 any vehicle other than a motorcycle. The examination provided in this section may not be made
17 a condition upon the renewal of the license of any person under this section. For an applicant who
18 successfully completes the motorcycle examination, upon payment of the required fee, the
19 division shall issue a motorcycle endorsement on the driver's license of the applicant, or shall
20 issue a special motorcycle-only license if the applicant does not possess a driver's license:
21 *Provided, however*, That any holder of a motorcycle-only license under the age of eighteen is

22 subject to the provisions of paragraphs (A), (B), (E), (F), (G) and (H), subdivision (2), subsection
23 (j), section three-a of this article.

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

27 (b) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
28 license who is operating an autocycle is exempt from the motorcycle examination, licensing and
29 endorsement requirements set forth in this article.

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-69. Autocycle.

1 "Autocycle" means a fully or partially enclosed motorcycle that is equipped with safety
2 belts, rollover protection, a rearview mirror, automotive seating, a steering wheel and equipment
3 otherwise required on a motorcycle and which has no more than three wheels in contact with the
4 roadway at any one time.

ARTICLE 15. EQUIPMENT.

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

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

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

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

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

35 (f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
36 license who is operating a fully enclosed auticycle, as defined in section sixty-nine, article one of
37 this chapter, is exempt from the provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor