

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Originating

Senate Bill 691

BY SENATORS MAYNARD, KARNES, STOLLINGS, SYPOLT

AND TAKUBO

[Originating in the Committee on Natural Resources;

Reported on March 27, 2017]

1 A BILL to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §17F-1-9 of said code; and to amend and reenact §20-15-2 of said
3 code, all relating to off-highway vehicles; defining “off-highway vehicle” and “off-road
4 vehicle”; creating digital road map for certain roads and vehicles, including off-highway
5 vehicles; and making technical corrections.

Be it enacted by the Legislature of West Virginia:

1 That §17-2A-11 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; that §17F-1-9 of said code be amended and reenacted; and that §20-15-2 of said code
3 be amended and reenacted, all to read as follows:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-11. Road maps; digital road map.

1 (a) The commissioner shall prepare and currently maintain a master road and highway
2 map which will show: ~~(a) All~~ all of the state roads and highways ~~which have been~~ located, created
3 and classified as provided by law; ~~(b) the mileage of each classification of roads and highways;~~
4 and ~~(c) the status of improvement and, insofar as practicable, the travel condition thereof~~
5 improvements; and travel conditions when practical. The commissioner may make economical
6 reproductions of ~~such the map from time to time~~ for official use and public information purposes,
7 including a digital road map. The goal is for the maps to be computerized and searchable by the
8 public to map routes for travel throughout the state.

9 (b) The digital road map shall indicate whether public roads are unpaved and unimproved,
10 unpaved and improved, unlined and paved, or lined and paved. The digital road map shall further
11 indicate the types of vehicles that may use each road, including full-size vehicles and off-highway
12 vehicles, such as all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles.

CHAPTER 17F. ALL-TERRAIN VEHICLES.

ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.

§17F-1-9. Definition of all-terrain and utility terrain vehicle.

1 (a) As used in this chapter:

2 (1) "All-terrain vehicle" or "ATV" means any motor vehicle designed for off-highway use
3 and designed to travel on not less than three low-pressure tires, having a seat or saddle designed
4 to be straddled by the operator and handlebars for steering control and intended by the
5 manufacturer to be used by a single operator or by an operator and no more than one passenger.

6 (2) "Utility-terrain vehicle" means any motor vehicle with four or more low-pressure tires
7 designed for off-highway use having bench or bucket seating for each occupant and a steering
8 wheel for control.

9 (3) "Motorcycle" means any motor vehicle manufactured with no more than two wheels
10 and having a seat or a saddle for the use of the operator.

11 (4) "Off-highway vehicle" means a vehicle intended for off-highway use and includes all-
12 terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles;

13 (5) "Off-road vehicle" means a vehicle that is suitable for off-road use. It includes a four-
14 wheel drive vehicle such as a Jeep, pickup or sport utility vehicle. It also includes a specially
15 designed, modified or customized off-road vehicle that is of a similar size to a vehicle
16 manufactured for highway use.

17 (b) As used in this article, "all-terrain vehicle" and "vehicle", or the plural, mean all-terrain
18 vehicles, utility-terrain vehicles, ~~and~~ motorcycles and off-highway recreational vehicles.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 15. ATV AND OHV RESPONSIBILITY ACT.

§20-15-2. Definitions.

1 The terms in this article have the following meaning, unless the context clearly requires a
2 different meaning:

3 (1) "All-terrain vehicle" or "ATV" means any motor vehicle designed for off-highway use
4 and designed to travel on not less than three low-pressure tires, having a seat designed to be
5 straddled by the operator and handlebars for steering control and intended by the manufacturer
6 to be used by a single operator or by an operator and no more than one passenger.

7 (2) "Authorized outfitter" or "licensee" means a commercial outfitter, which is a person,
8 partnership, limited liability company, corporation, other organization, or any combination thereof,
9 licensed by the Hatfield-McCoy Regional Recreation Authority, who operates from any temporary
10 or permanent camp, private or public lodge, or private home, who provides guided tours or the
11 rental of all-terrain vehicles, utility-terrain vehicles or motorcycles for use on assigned lands for
12 monetary profit or gain.

13 (3) "Low-pressure tire" means every tire in which twenty pounds per square inch or less
14 of compressed air is designed to support the load.

15 (4) "Motorcycle" means any motor vehicle manufactured with no more than two wheels
16 and having a seat or saddle for the use of the operator.

17 (5) "Off-highway vehicle" or "OHV" means a vehicle intended for off-highway use and
18 includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles. All
19 permissible off-highway vehicles, including off-road vehicles, are incorporated by reference in this
20 article.

21 (6) "Off-road vehicle" or "ORV" means a vehicle that is suitable for off-road use. It includes
22 a four-wheel drive vehicle such as a Jeep, pickup or sport utility vehicle. It also includes a specially
23 designed, modified or customized off-road vehicle that is of a similar size to a vehicle
24 manufactured for highway use.

25 ~~(5)~~(7) "Participant" means any person using the land, trails and facilities of the
26 Hatfield-McCoy Regional Recreation Authority.

27 ~~(6)~~(8) “Utility-terrain vehicle” or “UTV” means any motor vehicle with four or more
28 low-pressure tires designed for off-highway use, having bench or bucket seating for each
29 occupant and a steering wheel for control.

NOTE: The purpose of this bill is to define off-highway vehicle and off-road vehicle, and to create a digital road map that may be searched by road and vehicle type.

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