

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 64**

BY SENATOR SYPOLT

[Introduced February 10, 2021; referred  
to the Committee on Transportation and Infrastructure; and  
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended,  
2 relating to allowing out-of-state residents to ride a motorcycle without a helmet if they are  
3 allowed to do so in their state of residence.

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

## **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:  
4 Provided, That a nonresident of this state may ride a motorcycle without a helmet if he or she is  
5 allowed to do so in his or her state of residence. Any helmet worn by an operator or passenger  
6 shall meet the current performance specifications established by the American National  
7 Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal  
8 Motor Vehicle Safety Standard No. 218 or Snell Safety Standards for Protective Headgear for  
9 Vehicle Users.

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

20 (c) No person may operate a motorcycle, motor-driven cycle or moped on which the  
21 handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat  
22 when the seat is not depressed in any manner.

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

34 (e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview  
35 mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of  
36 the road and condition of traffic behind him or her for a distance of at least 200 feet.

37 (f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's  
38 license who is operating a fully enclosed auticycle, as defined in §17C-1-69 of this code, is  
39 exempt from the provisions of this section.

40 (g) The amendment to this section enacted in 2021 shall be known as the "Motorcycle  
41 Tourism Act of 2021".

NOTE: The purpose of this bill is to allow out-of-state residents to ride a motorcycle without a helmet if they are allowed to do so in their state of residence.

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