

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 189

By Senator Phillips

[Introduced January 13, 2023; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17A-13-1 of the Code of West Virginia, 1931, as amended, relating
2 to allowing special purpose vehicles access to any public road that is not a limited access
3 road.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. STREET-LEGAL SPECIAL PURPOSE VEHICLES.

§17A-13-1. Street-legal special purpose vehicles; operation on highways; registration procedures; licensing requirements; equipment requirements.

1 (a) Except as required in subsection (c) of this section, an individual may operate a "street-
2 legal special purpose vehicle" on a street or highway.

3 (b) For the purposes of this section:

4 (1) "Special purpose vehicle" includes all-terrain vehicles, utility terrain vehicles, mini-
5 trucks, pneumatic-tired military vehicles, and full-size special purpose-built vehicles, including
6 those self-constructed or built by the original equipment manufacturer and those that have been
7 modified.

8 (2) "Street-legal special purpose vehicle" is a special purpose vehicle that meets the
9 requirements of this section.

10 (c) An individual may not operate a special purpose vehicle as a street-legal special
11 purpose vehicle on a highway if ~~(1) The~~ the highway is a controlled-access system, including, but
12 not limited to, interstate systems. ~~or~~

13 ~~(2) The county, municipality, or the Division of Natural Resources where the highway is~~
14 ~~located prohibits special purpose vehicles~~

15 (d) Street-legal special purpose vehicles are prohibited from traveling a distance greater
16 than 20 miles on a highway displaying centerline pavement markings.

17 (e) All street-legal special purpose vehicles are subject to the certificate of title provisions
18 of §17A-1-1 *et seq.* of this code.

19 (f) Nothing in this section authorizes the operation of a street-legal special purpose vehicle

20 in an area that is not open to motor vehicle use.

21 (g) A street-legal special purpose vehicle may be registered in the same manner as
22 provided for motorcycles pursuant to this chapter.

23 (h) Upon registration of any street-legal special purpose vehicle pursuant to this section,
24 the Division of Motor Vehicles shall issue a registration plate that is of the same size as Class G
25 special registration plates for motorcycles.

26 (i) Except as otherwise provided in this section, a street-legal special purpose vehicle shall
27 comply with the Division of Motor Vehicles' licensing, fee, and other requirements pursuant to this
28 chapter.

29 (j) The owner of a special purpose vehicle being operated as a street-legal special purpose
30 vehicle shall ensure the vehicle is equipped with:

31 (1) One or more headlamps;

32 (2) One or more tail lamps;

33 (3) One or more brake lamps;

34 (4) A tail lamp or other lamp constructed and placed to illuminate the registration plate with
35 a white light;

36 (5) One or more red reflectors on the rear;

37 (6) Amber electric turn system, one on each side of the front;

38 (7) Amber or red electric turn signals;

39 (8) A braking system, other than a parking brake;

40 (9) A horn or other warning device;

41 (10) A muffler and, if required by an applicable federal statute or rule, an emission control
42 system;

43 (11) Rearview mirrors on the right and left side of the driver;

44 (12) A windshield, unless the operator wears eye protection while operating the vehicle;

45 (13) A speedometer, illuminated for nighttime operation;

(14) For vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and

(15) Tires that have at least 2/32 inches or greater tire tread.

(16) When owners of a street-legal special purpose vehicle have ensured that such vehicles are equipped as required by this subsection, and those owners obtain a valid registration card and certificate of insurance for such vehicles, those vehicles are eligible to apply for a motorcycle trailer sticker.

(k) Mini-trucks may not be operated as street-legal special purpose vehicles on highways that have been constructed pursuant to a federal highways program.

(l) Low-speed vehicles as defined in §17A-1-1 of the code are not considered special purpose vehicles or street-legal special purpose vehicles under this section. However, low-speed vehicles may cross state routes at traffic lights when the state route does not have a posted speed limit greater than 40 miles per hour.

(m) The Division of Motor Vehicles shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section.

NOTE: The purpose of this bill is to permit the operation of special purpose vehicles on certain highways.

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