

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 39

BY SENATORS STOLLINGS AND GAUNCH

[Originating in the Committee on Natural Resources;

reported on January 21, 2016.]

1 A BILL to amend and reenact §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as
2 amended, all relating to regulation of all-terrain vehicles; clarifying circumstances in which
3 all-terrain vehicles may operate and travel; and defining motorcycles as all-terrain
4 vehicles.

Be it enacted by the Legislature of West Virginia:

1 That §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as amended, be
2 amended and reenacted, all to read as follows:

ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.

§17F-1-1. Acts prohibited by operator; penalties for violations.

1 (a) No all-terrain vehicle may be operated in this state:

2 (1) On any interstate highway except by public safety personnel responding to
3 emergencies;

4 (2) On any road or highway with a center line or more than two lanes except for the
5 purpose of crossing the road, street or highway, if:

6 (A) The crossing is made at an angle of approximately ninety degrees to the direction of
7 the highway and at a place where no obstruction prevents a quick and safe crossing;

8 (B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled
9 way of the highway;

10 (C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an
11 immediate potential hazard; and

12 (D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle
13 is so equipped;

14 (3) With more than one passenger unless more passengers are allowed under
15 manufacturers' recommendations;

16 (4) With a passenger under the age of eighteen, unless the operator has at a minimum a
17 level two intermediate driver's license or its equivalent or is eighteen years of age or older;

18 (5) Unless riders under the age of eighteen are wearing size appropriate protective
19 helmets that meet the current performance specifications established by the American National
20 Standards Institute standard, z 90.1, the United States Department of Transportation federal
21 motor vehicle safety standard no. 218 or Snell safety standards for protective headgear for vehicle
22 users;

23 (6) Anytime from sunset to sunrise without an illuminated headlight or lights and taillights;

24 (7) Without a manufacturer-installed or equivalent spark arrester and a manufacturer-
25 installed or equivalent muffler in proper working order and properly connected to the vehicle's
26 exhaust system; or

27 (8) Unless operating in compliance with the provisions of section two of this article.

28 (b) An all-terrain vehicle may, ~~for the sole purpose of getting from one trail, field or area of~~
29 ~~operation to another,~~ be operated upon the shoulder, or as far to the right on the pavement as
30 possible when there is not enough shoulder to safely operate, on of any road, street or highway
31 referred to in subdivision (2), subsection (a) of this section other than an interstate highway for a
32 distance not to exceed ten miles to travel between a residence or lodging and off-road trails, fields
33 and areas of operation, including stops for food, fuel, supplies and restrooms, if:

34 (1) The vehicle is operated at speeds of twenty-five miles per hour or less; and

35 (2) The vehicle is operated at any time from sunset to sunrise the all-terrain vehicle must
36 be equipped with headlights and taillights which must be illuminated.

37 (c) Operation of an all-terrain vehicle in accordance with subsection (b) shall not constitute
38 operation of a motor vehicle on a road or highway of this state as contemplated by the provisions
39 of section seven of this article.

40 (d) Notwithstanding any provision of this chapter to the contrary, a municipality, county or
41 other political subdivision of the state may authorize the operation of all-terrain vehicles on certain
42 specified roads, streets or highways which are marked with centerline pavement markings, other
43 than interstate highways, to allow participation in parades, exhibitions and other special events,
44 in emergencies or for specified purposes.

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

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

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

12 (c) (b) As used in this article, "all-terrain vehicles" and "vehicle", or the plural, ~~shall mean~~
13 mean all-terrain vehicles, ~~and~~ utility-terrain vehicles and motorcycles.

NOTE: The purpose of this bill is to permit all-terrain vehicles to operate as far to the right on the pavement as possible when there is not enough shoulder to safely operate; to travel a distance not to exceed ten miles to travel between a residence or lodging and off-road trails, fields and areas of operation, including stops for food, fuel, supplies and restrooms; and to define motorcycles as ATVs.

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