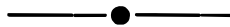


FILED
2001 APR 26 P 12: 43
OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2974**

(By Delegates Butcher, Douglas and Kuhn)



Passed April 12, 2001

In Effect from Passage

FILED

2001 APR 26 P 12: 43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2974

(BY DELEGATES BUTCHER, DOUGLAS AND KUHN)

[Passed April 12, 2001; in effect from passage.]

AN ACT to amend and reenact section three-b, article ten, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections seven, eight and nine, article one-d, chapter seventeen-b; to further amend said article by adding thereto a new section, designated section ten; and to amend and reenact section eight, article two of said chapter, all relating to motorcycles; increasing fees; terminating the motorcycle safety and education committee; creating the motorcycle safety awareness board; membership of the board; and termination date of the board.

Be it enacted by the Legislature of West Virginia:

That section three-b, article ten, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections seven, eight and nine, article

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Enr. Com. Sub. for H. B. 2974] 2

one-d, chapter seventeen-b be amended and reenacted; that said article be further amended by adding thereto a new section, designated section ten; and that section eight, article two of said chapter be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE, AND
ANTITHEFT PROVISIONS.**

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-3b. Motorcycle safety fee.

1 Upon the annual registration of any motorcycle, the
2 division shall collect a motorcycle safety fee of six dollars and
3 fifty cents, in addition to the registration fee specified in section
4 three of this article. The division shall deposit five dollars and
5 fifty cents of the motorcycle safety fee into the state treasury
6 and credit the moneys to the motorcycle safety fund. The
7 division shall deposit the remaining one dollar of the motorcy-
8 cle safety fee into the state treasury and credit the moneys
9 collected to the motorcycle license examination fund estab-
10 lished in section seven-c, article two, chapter seventeen-b of
11 this code.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1D. MOTORCYCLE SAFETY EDUCATION.

§17B-1D-7. Motorcycle safety account.

1 (a) There is hereby created a special fund in the state
2 treasury which shall be designated the "motorcycle safety
3 fund". The fund shall consist of all moneys received from
4 motorcycle driver licensing fees except instruction permit fees,
5 five dollars and fifty cents of the moneys received from the
6 motorcycle safety fee assessed with each motorcycle registra-
7 tion under section three-b, article ten, chapter seventeen-a of

8 this code and any other moneys specifically allocated to the
9 fund. The fund shall not be treated by the auditor and treasurer
10 as part of the general revenue of the state. The fund shall be a
11 special revolving fund to be used and paid out upon order of the
12 commissioner of motor vehicles, based upon the recommenda-
13 tions of the motorcycle safety awareness board created under
14 section eight, article one-d, chapter seventeen-b of this code,
15 solely for the purposes specified in this chapter.

16 (b) The fund shall be used by the division of motor vehicles
17 to defray the cost of implementing and administering the
18 motorcycle safety education program established in section two
19 of this article.

**§17B-1D-8. Motorcycle safety and education committee termi-
nated; motorcycle safety awareness board cre-
ated.**

1 (a) The motorcycle safety and education committee created
2 pursuant to subsection (f), of section forty-four, article fifteen,
3 chapter seventeen-c of this code will terminate on the thirtieth
4 day of June, two thousand one.

5 (b) Effective the first day of July, two thousand one, there
6 is created an eight member motorcycle safety awareness board
7 consisting of four ex officio members and four non-governmen-
8 tal members. The ex officio members are the motorcycle safety
9 program coordinator, as appointed under section two of this
10 article, or a designee; the superintendent of the state police or
11 a designee; the commissioner of the bureau of public health or
12 a designee; and the commissioner of the division of tourism or
13 a designee. The four non-governmental members are a licensed
14 motorcycle operator who will be appointed for an initial term
15 of one year; a member of American bikers aimed toward
16 education (ABATE) or the West Virginia confederation of
17 motorcycle clubs who will be appointed for an initial term of

18 one year; a licensed insurance agent who has a valid motorcycle
19 endorsement who will be appointed for an initial term of two
20 years; and, an owner of a motorcycle dealership or supplier of
21 aftermarket nonfranchised motorcycle supplies who will be
22 appointed for an initial term of three years. The motorcycle
23 safety program coordinator shall serve as chair of the board.
24 The non-governmental members will be appointed by the
25 governor with the advice and consent of the Senate, and will
26 serve without compensation. The terms will be for three years,
27 except for the initial appointments which will be staggered
28 according to the provisions of this article. Members may be
29 reappointed to the board. Any nongovernmental member who
30 is absent without good cause from three consecutive meetings
31 of the board may be removed from the board and a new
32 member appointed by the governor.

33 (c) The board may recommend to the superintendent of the
34 state police types and makes of protective helmets, eye protec-
35 tion devices and equipment offered for sale, purchased or used
36 by any person. The board may make recommendations to the
37 commissioner of motor vehicles regarding the use of the
38 moneys in the motorcycle safety fund created under section
39 seven of this article. The board shall report annually to the
40 Legislature on or before the first day of each regular legislative
41 session.

§17B-1D-9. Authority to promulgate rules.

1 The division shall propose rules for legislative approval in
2 accordance with the provisions of article three, chapter twenty-
3 nine-a of this code, as are necessary to carry out the provisions
4 of this article.

§17B-1D-10. Continuation of motorcycle safety Awareness board.

1 The motorcycle safety awareness board shall terminate on
2 the first day of July, two thousand three, pursuant to the

3 provisions of article ten, chapter four of this code, unless sooner
4 terminated, continued or reestablished pursuant to the provi-
5 sions of that article.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; fees.

1 (a) The division shall, upon payment of the required fee,
2 issue to every applicant qualifying therefor a driver's license,
3 which shall indicate the type or general class or classes of
4 vehicle or vehicles the licensee may operate in accordance with
5 this chapter or chapter seventeen-e of this code, or motorcy-
6 cle-only license. Each license shall contain a coded number
7 assigned to the licensee, the full name, date of birth, residence
8 address, a brief description and a color photograph of the
9 licensee and either a facsimile of the signature of the licensee
10 or a space upon which the signature of the licensee shall be
11 written with pen and ink immediately upon receipt of the
12 license. No license is valid until it has been so signed by the
13 licensee: *Provided*, that the commissioner may issue upon
14 proper documentation, a duplicate or renewed valid without-
15 photo license for resident applicants temporarily out of state. A
16 driver's license which is valid for operation of a motorcycle
17 shall contain a motorcycle endorsement. The division shall use
18 such process or processes in the issuance of licenses that will,
19 insofar as possible, prevent any alteration, counterfeiting,
20 duplication, reproduction, forging or modification of, or the
21 superimposition of a photograph on, the license.

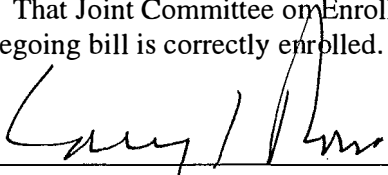
22 (b) The fee for the issuance of a Class E driver's license is
23 two dollars and fifty cents per year for each year the license is
24 issued to be valid. The fee for issuance of a Class D driver's
25 license is six dollars and twenty-five cents per year for each
26 year the license is issued to be valid. An additional fee of fifty
27 cents shall be collected from the applicant at the time of
28 original issuance or each renewal and the additional fee shall be

29 deposited in the “combined voter registration and driver’s
30 licensing fund,” established pursuant to the provisions of
31 section twelve, article two, chapter three of this code. The
32 additional fee for adding a motorcycle endorsement to a
33 driver’s license is one dollar per year for each year the license
34 is issued.

35 The fee for issuance of a motorcycle-only license is two
36 dollars and fifty cents for each year for which the motorcycle
37 license is to be valid. The fees for the motorcycle endorsement
38 or motorcycle-only license shall be paid into a special fund in
39 the state treasury known as the motorcycle safety fund as
40 established in section seven, article one-d of this chapter.

41 (c) On or after the first day of January, two thousand one,
42 the fee for the issuance of either the level one or level two
43 graduated driver’s license as prescribed in section three-a of
44 this article is five dollars.

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



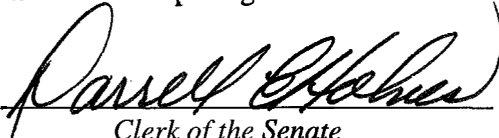
Chairman Senate Committee



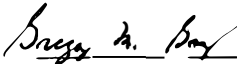
Chairman House Committee

Originating in the House.

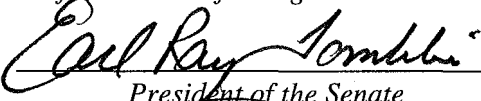
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/21/01

Time 2:15pm