

1                                   **Senate Bill No. 30**

2                                   (By Senator Snyder)

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4           [Introduced January 8, 2014; referred to the Committee on

5 Transportation and Infrastructure; and then to the Committee on

6                                   the Judiciary.]

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11 A BILL to amend and reenact §17B-2-7b of the Code of West Virginia,

12       1931, as amended; and to amend and reenact §17C-15-44 of said

13 code, all relating to creating an exemption for autocycles,

14 which are enclosed three-wheel motorcycles that are equipped

15 with safety belts, a rollbar, a windshield, wipers and a

16 steering wheel; creating an autocycle exemption from

17 motorcycle examination, licensing and endorsement

18 requirements; allowing a person with a valid driver's license

19 to operate an autocycle; creating an autocycle exemption from

20 helmet and certain other safety requirements; and defining

21 "autocycle".

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

23       That §17B-2-7b of the Code of West Virginia, 1931, as amended,

24 be amended and reenacted; and that §17C-15-44 of said code be

1 amended and reenacted, all to read as follows:

2 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

3 **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

4 **§17B-2-7b. Separate examination and endorsement for a license**  
5 **valid for operation of motorcycle.**

6 (a) The state police shall administer a separate motorcycle  
7 examination for applicants for a license valid for operation of a  
8 motorcycle. On and after July 1, 2000 the Division of Motor  
9 Vehicles shall administer the examination provided ~~for~~ in this  
10 section. Any applicant for a license valid for operation of a  
11 motorcycle shall be required to successfully complete the  
12 motorcycle examination, which is in addition to the examination  
13 administered pursuant to section seven of this article and, if  
14 under the age of eighteen, shall be required to complete the  
15 requirements for a level two intermediate driver's license set  
16 forth in paragraphs (B), (C), and (D), subdivision (1), subsection  
17 (j), section three-a of this article: *Provided*, That the  
18 commissioner may exempt an applicant for a motorcycle driver  
19 license or endorsement from all or part of the motorcycle license  
20 examination as provided in section six, article one-d of this  
21 chapter. The motorcycle examination shall test the applicant's  
22 knowledge of the operation of a motorcycle and of any traffic laws  
23 specifically relating to the operation of a motorcycle and shall

1 include an actual demonstration of the ability to exercise ordinary  
2 and reasonable control in the operation of a motorcycle. An  
3 applicant for a license valid for the operation of only a  
4 motorcycle shall be tested as provided in this section and in  
5 section seven of this article, but need not demonstrate actual  
6 driving ability in any vehicle other than a motorcycle. The  
7 examination provided in this section shall not be made a condition  
8 upon the renewal of the license of any person under this section.  
9 For an applicant who successfully completes the motorcycle  
10 examination, upon payment of the required fee, the division shall  
11 issue a motorcycle endorsement on the driver's license of the  
12 applicant, or shall issue a special motorcycle-only license if the  
13 applicant does not possess a driver's license: *Provided, however,*  
14 That any holder of a motorcycle-only license under the age of  
15 eighteen shall be subject to the provisions of paragraphs (A), (B),  
16 (E), (F), (G) and (H), subdivision (2), subsection (j), section  
17 three-a of this article.

18 Every person, including those holding a valid driver's  
19 license, is required to take the examination specified in this  
20 section to obtain a motorcycle license or endorsement, unless  
21 exempted under the provisions of subsection (b) of this section.

22 (b) Notwithstanding any provision to the contrary, a person  
23 with a valid driver's license who is operating an autocycle as  
24 defined in subsection (c) of this section is exempt from the

1 motorcycle examination, licensing and endorsement requirements set  
2 forth in article two, chapter seventeen-b of this code.

3 (c) "Autocycle" means an enclosed motorcycle that is equipped  
4 with safety belts, rollbar, windshield, wipers, steering wheel, and  
5 equipment otherwise required on a motorcycle, and which has no more  
6 than three wheels in contact with the roadway at any one time.

7 **CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

8 **ARTICLE 15. EQUIPMENT.**

9 **§17C-15-44. Safety equipment and requirements for motorcyclists,**  
10 **motorcycles, motor-driven cycles and mopeds;**  
11 **motorcycle safety standards and education**  
12 **committee.**

13 (a) No person shall operate or be a passenger on any  
14 motorcycle or motor-driven cycle unless the person is wearing  
15 securely fastened on his or her head by either a neck or chin strap  
16 a protective helmet designed to deflect blows, resist penetration  
17 and spread impact forces. Any helmet worn by an operator or  
18 passenger shall meet the current performance specifications  
19 established by the American National Standards Institute Standard,  
20 Z 90.1, the United States Department of Transportation Federal  
21 Motor Vehicle Safety Standard No. 218 or Snell Safety Standards for  
22 Protective Headgear for Vehicle Users.

23 (b) No person shall operate or be a passenger on any

1 motorcycle or motor-driven cycle unless the person is wearing  
2 safety, shatter-resistant eyeglasses (excluding contact lenses), or  
3 eyegoggles or face shield that complies with the performance  
4 specifications established by the American National Standards  
5 Institute for Head, Eye and Respiratory Protection, Z 2.1. In  
6 addition, if any motorcycle, motor-driven cycle or moped is  
7 equipped with a windshield or windscreen, the windshield or  
8 windscreen shall be constructed of safety, shatter-resistant  
9 material that complies with the performance specifications  
10 established by Department of Transportation Federal Motor Vehicle  
11 Safety Standard No. 205 and American National Standards Institute,  
12 Safety Glazing Materials for Glazing Motor Vehicles Operated on  
13 Land Highways, Standard Z 26.1.

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

18 (d) A person operating a motorcycle, motor-driven cycle or  
19 moped shall ride in a seated position facing forward and only upon  
20 a permanent operator's seat attached to the vehicle. No operator  
21 shall carry any other person nor shall any other person ride on the  
22 vehicle unless the vehicle is designed to carry more than one  
23 person, in which event a passenger may ride behind the operator  
24 upon the permanent operator's seat if it is designed for two

1 persons, or upon another seat firmly attached to the vehicle to the  
2 rear of the operator's seat and equipped with footrests designed  
3 and located for use by the passenger or in a sidecar firmly  
4 attached to the vehicle. No person shall ride side saddle on a  
5 seat. An operator may carry as many passengers as there are seats  
6 and footrests to accommodate those passengers. Additional  
7 passengers may be carried in a factory produced sidecar provided  
8 that there is one passenger per seat. Passengers riding in a  
9 sidecar shall be restrained by safety belts.

10 (e) Every motorcycle, motor-driven cycle and moped shall be  
11 equipped with a rearview mirror affixed to the handlebars or  
12 fairings and adjusted so that the operator shall have a clear view  
13 of the road and condition of traffic behind him or her for a  
14 distance of at least two hundred feet.

15 (f) There is hereby created a six member motorcycle safety and  
16 education committee consisting of: The superintendent of the State  
17 Police or a designee; the Commissioner of Motor Vehicles or a  
18 designee; the director of the West Virginia safety council or a  
19 designee; a licensed motorcycle operator; an owner of a motorcycle  
20 dealership; and a supplier of aftermarket nonfranchised motorcycle  
21 supplies. The nongovernmental representatives shall be appointed  
22 by the Governor with the advice and consent of the Senate, shall  
23 serve without compensation, and the terms shall be for three years,  
24 except that as to the members first appointed, one shall be

1 appointed for a term of one year, one shall be appointed for a term  
2 of two years and one shall be appointed for a term of three years.  
3 Members may be reappointed to the committee.

4 (g) Notwithstanding any provision to the contrary, a person  
5 with a valid driver's license who is operating an autocycle as  
6 defined in subsection (h) of this section is exempt from the  
7 provisions of this section forty-four.

8 (h) "Autocycle" means an enclosed motorcycle that is equipped  
9 with safety belts, rollbar, windshield, wipers, steering wheel, and  
10 equipment otherwise required on a motorcycle, and which has no more  
11 than three wheels in contact with the roadway at any one time.

12 The committee shall continue to exist pursuant to the  
13 provisions of article ten, chapter four of this code until July 1,  
14 1999, to allow for the completion of a preliminary performance  
15 review by the joint committee on government operations.

16 The committee is hereby authorized to recommend to the  
17 superintendent of public safety types and makes of protective  
18 helmets, eye protection devices and equipment offered for sale,  
19 purchased or used by any person. The committee is authorized to  
20 make recommendations to the Commissioner of Motor Vehicles  
21 regarding the use of the moneys in the motorcycle safety fund  
22 created under section seven, article one-d, chapter seventeen-b of  
23 this code.

NOTE: The purpose of this bill is to create an exemption for autocycles, which are enclosed three wheel motorcycles that are equipped with safety belts, a rollbar, a windshield, wipers and a steering wheel. A person may operate an autocycle with a valid driver's license and is exempt from the motorcycle examination, licensing and endorsement requirements set forth in article two, chapter seventeen-b of this code. The bill would also exempt autocycles from helmet and certain other safety requirements set forth in §17C-15-44.

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