

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 30**

6 (By Senator Snyder)

7 \_\_\_\_\_  
8 [Originating in the Committee on the Judiciary;  
9 reported February 19, 2014.]  
10 \_\_\_\_\_

11  
12 A BILL to amend and reenact §17B-1-1 of the Code of West Virginia,  
13 1931, as amended; to amend and reenact §17B-2-7b of said code;  
14 to amend said code by adding thereto a new section, designated  
15 §17C-1-69; and to amend and reenact §17C-15-44 of said code,  
16 all relating to autocycles; defining "autocycle"; creating an  
17 autocycle exemption from motorcycle examination, licensing and  
18 endorsement requirements; allowing a person with a valid  
19 driver's license to operate an autocycle; creating an  
20 autocycle exemption from helmet and certain other motorcycle  
21 or motor-driven cycle safety requirements; and deleting  
22 obsolete language regarding the motorcycle safety and  
23 education committee.

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

25 That §17B-1-1 of the Code of West Virginia, 1931, as amended,  
26 be amended and reenacted; that §17B-2-7b of said code be amended  
27 and reenacted; that said code be amended by adding thereto a new  
28 section, designated §17C-1-69; 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 1. WORDS AND PHRASES DEFINED.**

4 **§17B-1-1. Definitions.**

5           The following words and phrases when used in this chapter  
6 shall, for the purpose of this chapter, have the meanings  
7 respectively ascribed to them in this article:

8           (a) *Vehicle*. -- Every device in, upon or by which any person  
9 or property is or may be transported or drawn upon a public  
10 highway, excepting devices moved by human power or used exclusively  
11 upon stationary rails or tracks;

12           (b) *Motor vehicle*. -- Every vehicle which is self propelled  
13 and every vehicle which is propelled by electric power obtained  
14 from overhead trolley wires, but not operated upon rails;

15           (c) *Motorcycle*. -- Every motor vehicle having a seat or saddle  
16 for the use of the rider and designed to travel on not more than  
17 three wheels in contact with the ground, but excluding a farm  
18 tractor as defined herein, a moped as defined in section five-a,  
19 article one, chapter seventeen-c of this code, a snowmobile as  
20 defined in section one-mm, article one, chapter seventeen-a of this  
21 code and an all-terrain vehicle as defined in section one-ii,  
22 article one, chapter seventeen-a of this code;

23           (d) *Farm tractor*. -- Every motor vehicle designed and used  
24 primarily as a farm implement for drawing plows, mowing machines  
25 and other implements of husbandry;

26           (e) *School bus*. -- Every motor vehicle owned by a public  
27 governmental agency and operated for the transportation of children  
28 to or from school or privately owned and operated for compensation

1 for the transportation of children to or from school;

2 (f) *Person*. -- Every natural person, firm, copartnership,  
3 association or corporation;

4 (g) *Operator*. -- Every person, other than a chauffeur, who  
5 drives or is in actual physical control of a motor vehicle upon a  
6 highway or who is exercising control over or steering a vehicle  
7 being towed by a motor vehicle;

8 (h) *Chauffeur*. -- Every person who is employed by another for  
9 the principal purpose of driving a motor vehicle and every person  
10 who drives a school bus transporting school children or any motor  
11 vehicle when in use for the transportation of persons or property  
12 for compensation;

13 (i) *Driver*. -- Means any person who drives, operates or is in  
14 physical control of a motor vehicle, in any place open to the  
15 general public for purposes of vehicular traffic, or who is  
16 required to hold a driver's license;

17 (j) *Driver's License*. -- Means any permit or license issued by  
18 this state to a person which authorizes the person to drive a motor  
19 vehicle of a specific class or classes subject to any restriction  
20 or endorsement contained thereon;

21 (k) *Owner*. -- A person who holds the legal title of a vehicle  
22 or in the event a vehicle is the subject of an agreement for the  
23 conditional sale or lease thereof with the right of purchase upon  
24 performance of the conditions stated in the agreement and with an  
25 immediate right of possession vested in the conditional vendee or  
26 lessee, or in the event a mortgagor of a vehicle is entitled to  
27 possession, then such conditional vendee or lessee or mortgagor  
28 shall be deemed the owner for the purpose of this chapter;

1 (l) *Nonresident*. -- Every person who is not a resident of this  
2 state;

3 (m) *Street or highway*. -- The entire width between the  
4 boundary lines of every way publicly maintained when any part  
5 thereof is open to the use of the public for purposes of vehicular  
6 travel;

7 (n) *Commissioner*. -- The Commissioner of Motor Vehicles of  
8 this state;

9 (o) *Division*. -- The Division of Motor Vehicles of this state  
10 acting directly or through its duly authorized officers or agents;

11 (p) *Suspension*. -- "Suspension" means that the driver's  
12 license and privilege to drive a motor vehicle on the public  
13 highways are temporarily withdrawn but only during the period of  
14 such suspension;

15 (q) *Revocation*. -- "Revocation" means that the driver's  
16 license and privilege to drive a motor vehicle on the public  
17 highways are terminated and shall not be renewed or restored,  
18 except that an application for a new license may be presented and  
19 acted upon by the division after the expiration of at least one  
20 year after the date of revocation, except as otherwise provided in  
21 section two, article five-a, chapter seventeen-c of this code;

22 (r) *Cancellation*. -- "Cancellation" means that a driver's  
23 license is annulled and terminated because of some error or defect  
24 or because the licensee is no longer entitled to such license, but  
25 the cancellation of a license is without prejudice and application  
26 for a new license may be made at any time after such cancellation;

27 (s) 9-1-1 system. -- "9-1-1 system" means an emergency  
28 telephone system or enhanced emergency telephone system as defined

1 in section two, article six, chapter twenty-four of this code;

2 (t) Wireless communication device. -- "Wireless communication  
3 device" means a handheld device used to access a wireless telephone  
4 service or a text messaging device;

5 (u) Autocycle. -- "Autocycle" means an enclosed motorcycle  
6 that is equipped with safety belts, airbags, a roll bar, a  
7 windshield, wipers, a steering wheel and equipment otherwise  
8 required on a motorcycle, and which has no more than three wheels  
9 in contact with the roadway at any one time.

10 **ARTICLE 2. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.**

11 **§17B-2-7b. Separate examination and endorsement for a license**  
12 **valid for operation of motorcycle; exception for**  
13 **autocycles.**

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

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

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

25 (b) Notwithstanding any provision of this code to the  
26 contrary, a person with a valid driver's license who is operating  
27 an autocycle is exempt from the motorcycle examination, licensing  
28 and endorsement requirements set forth in this article.

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

2 **ARTICLE 1. WORDS AND PHRASES DEFINED.**

3 **§17C-1-69. Autocycle.**

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

9 **ARTICLE 15. EQUIPMENT.**

10 **§17C-15-44. Safety equipment and requirements for motorcyclists,  
11                           motorcycles, motor-driven cycles and mopeds;  
12                           exception for autocycles.**

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  
24 motorcycle or motor-driven cycle unless the person is wearing  
25 safety, shatter-resistant eyeglasses (excluding contact lenses), or  
26 ~~eyegoggles~~ eye goggles or face shield that complies with the  
27 performance specifications established by the American National  
28 Standards Institute for Head, Eye and Respiratory Protection, Z

1 2.1. In addition, if any motorcycle, motor-driven cycle or moped  
2 is equipped with a windshield or windscreen, the windshield or  
3 windscreen shall be constructed of safety, shatter-resistant  
4 material that complies with the performance specifications  
5 established by Department of Transportation Federal Motor Vehicle  
6 Safety Standard No. 205 and American National Standards Institute,  
7 Safety Glazing Materials for Glazing Motor Vehicles Operated on  
8 Land Highways, Standard Z 26.1.

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

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



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

6 (f) ~~There is hereby created a six member motorcycle safety and~~  
7 ~~education committee consisting of: The superintendent of the State~~  
8 ~~Police or a designee; the Commissioner of Motor Vehicles or a~~  
9 ~~designee; the director of the West Virginia safety council or a~~  
10 ~~designee; a licensed motorcycle operator; an owner of a motorcycle~~  
11 ~~dealership; and a supplier of aftermarket nonfranchised motorcycle~~  
12 ~~supplies. The nongovernmental representatives shall be appointed~~  
13 ~~by the Governor with the advice and consent of the Senate, shall~~  
14 ~~serve without compensation, and the terms shall be for three years,~~  
15 ~~except that as to the members first appointed, one shall be~~  
16 ~~appointed for a term of one year, one shall be appointed for a term~~  
17 ~~of two years and one shall be appointed for a term of three years.~~  
18 ~~Members may be reappointed to the committee.~~

19 ~~The committee shall continue to exist pursuant to the~~  
20 ~~provisions of article ten, chapter four of this code until July 1,~~  
21 ~~1999, to allow for the completion of a preliminary performance~~  
22 ~~review by the joint committee on government operations.~~

23 ~~The committee is hereby authorized to recommend to the~~  
24 ~~superintendent of public safety types and makes of protective~~  
25 ~~helmets, eye protection devices and equipment offered for sale,~~  
26 ~~purchased or used by any person. The committee is authorized to~~  
27 ~~make recommendations to the Commissioner of Motor Vehicles~~  
28 ~~regarding the use of the moneys in the motorcycle safety fund~~

1 ~~created under section seven, article one d, chapter seventeen b of~~  
2 ~~this code.~~ Notwithstanding any provision of this code to the  
3 contrary, a person with a valid driver's license who is operating  
4 an autocycle, as defined in section sixty-nine, article one of this  
5 chapter, is exempt from the provisions of this section.

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(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, airbags, a roll bar, 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. The bill also strikes obsolete language.

§17C-1-69 is new; therefore, strike-throughs and underscoring have been omitted.

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