

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 424**

4 (By Senators Stollings and Kirkendoll)

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6 [Originating in the Committee on Transportation and
7 Infrastructure; reported February 18, 2014.]
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10 A BILL to amend and reenact §17F-1-3 of the Code of West Virginia,
11 1931, as amended, relating to authorization and regulation of
12 unlicensed off-road motorcycles upon public streets, roads and
13 highways by municipalities and counties within the
14 Hatfield-McCoy recreation area.

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

16 That §17F-1-3 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.**

19 **§17F-1-3. Local government authority to regulate.**

20 Notwithstanding any provision of this article to the contrary:

21 (1) The governing body of a municipality may regulate in any
22 manner or prohibit, by lawfully enacted ordinance, the operation of
23 all-terrain vehicles upon any street, road or avenue within the
24 municipal corporate limits.

25 (2) Homeowner associations may petition the county commission

1 of the county in which the area regulated by the homeowner
2 association is located for an ordinance to regulate or prohibit the
3 operation of all-terrain vehicles upon any street, road or avenue
4 within the area regulated by the homeowner association. County
5 commissions are hereby authorized, upon receipt of a petition
6 authorized by the provisions of this section, to enact an ordinance
7 regulating or prohibiting the operation of all-terrain vehicles.

8 (3) The county commission of any county which has in effect
9 and is operating under a countywide comprehensive plan may by
10 lawfully enacted ordinance regulate or prohibit the operation of
11 all-terrain vehicles on any road in the county, except interstate
12 highways: *Provided*, That any county which enacts any such
13 ordinance shall notify the West Virginia State Police and all
14 law-enforcement agencies in the county of its action in writing,
15 together with a copy of the ordinance.

16 (4) The governing body of a municipality located within a
17 county participating in the Hatfield-McCoy recreational trail
18 project may regulate in any manner the use of unlicensed off-road
19 motorcycles operated in compliance with legislative rules
20 promulgated by the Hatfield-McCoy Regional Recreation Authority
21 upon any street, road or avenue within the municipal corporate
22 limits.

23 (5) The county commission of a county participating in the
24 Hatfield-McCoy recreational trail project may regulate in any
25 manner the use of unlicensed off-road motorcycles operated in
26 compliance with legislative rules promulgated by the Hatfield-McCoy

1 Regional Recreation Authority when traveling to and from a
2 Hatfield-McCoy trailhead to a place for fuel, service, food or
3 lodging on any road in the county, except interstate highways:
4 Provided, That any county which enacts any such ordinance shall
5 notify the West Virginia State Police and all law-enforcement
6 agencies in the county of its action in writing, together with a
7 copy of the ordinance.

(NOTE: The purpose of this bill is to authorize and regulate unlicensed off road motorcycles upon public streets, roads and highways by municipalities and counties within the Hatfield-McCoy recreation area. The current code allows cities and counties to permit and regulate all-terrain vehicles upon public streets, roads and highways, but not unlicensed off-road motorcycles. The amendment would allow municipalities and counties within the Hatfield McCoy recreation area to permit and regulate unlicensed off-road motorcycles upon public streets, roads and highways, but only if they are properly permitted by the Hatfield-McCoy Regional Recreation Authority.

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