

**Senate Bill No. 424**

(By Senators Stollings and Kirkendoll)

\_\_\_\_\_

[Introduced January 23, 2014; referred to the Committee on  
Transportation and Infrastructure; and then to the Committee on  
Government Organization.]

\_\_\_\_\_

A BILL to amend and reenact §17F-1-3 of the Code of West Virginia,  
1931, as amended, relating to authorization and regulation of  
unlicensed off-road motorcycles upon public streets, roads and  
highways by cities and counties within the Hatfield-McCoy  
recreation area.

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

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

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

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

Notwithstanding any provision of this article to the contrary:

(1) The governing body of a municipality may regulate in any  
manner or prohibit, by lawfully enacted ordinance, the operation of

1 all-terrain vehicles upon any street, road or avenue within the  
2 municipal corporate limits.

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

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

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

1 limits.

2       (5) The county commission of a county participating in the  
3 Hatfield-McCoy recreational trail project may regulate in any  
4 manner the use of unlicensed off-road motorcycles operated in  
5 compliance with legislative rules promulgated by the Hatfield-McCoy  
6 Regional Recreation Authority on any road in the county, except  
7 interstate highways: *Provided*, That any county which enacts any  
8 such ordinance shall notify the West Virginia State Police and all  
9 law-enforcement agencies in the county of its action in writing,  
10 together with a 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 cities 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 counties and cities 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.