

COMMITTEE SUBSTITUTE

FOR

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FOR

Senate Bill No. 30

(By Senator Snyder)

[Originating in the Committee on the Judiciary;
reported February 19, 2014.]

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

Be it enacted by the Legislature of West Virginia:

That §17B-1-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §17B-2-7b of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §17C-1-69; and that §17C-15-44 of said code be amended and reenacted, all to read as follows:

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17B-1-1. Definitions.

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

4 (a) *Vehicle*. – Every device in, upon or by which any
5 person or property is or may be transported or drawn upon a
6 public highway, excepting devices moved by human power
7 or used exclusively upon stationary rails or tracks;

8 (b) *Motor vehicle*. – Every vehicle which is self propelled
9 and every vehicle which is propelled by electric power
10 obtained from overhead trolley wires, but not operated upon
11 rails;

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

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

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

29 (f) *Person*. – Every natural person, firm, copartnership,
30 association or corporation;

31 (g) *Operator*. – Every person, other than a chauffeur,
32 who drives or is in actual physical control of a motor vehicle
33 upon a highway or who is exercising control over or steering
34 a vehicle being towed by a motor vehicle;

35 (h) *Chauffeur.* – Every person who is employed by
36 another for the principal purpose of driving a motor vehicle
37 and every person who drives a school bus transporting school
38 children or any motor vehicle when in use for the
39 transportation of persons or property for compensation;

40 (i) *Driver.* – Means any person who drives, operates or is
41 in physical control of a motor vehicle, in any place open to
42 the general public for purposes of vehicular traffic, or who is
43 required to hold a driver’s license;

44 (j) *Driver’s License.* – Means any permit or license issued
45 by this state to a person which authorizes the person to drive
46 a motor vehicle of a specific class or classes subject to any
47 restriction or endorsement contained thereon;

48 (k) *Owner.* – A person who holds the legal title of a
49 vehicle or in the event a vehicle is the subject of an
50 agreement for the conditional sale or lease thereof with the
51 right of purchase upon performance of the conditions stated
52 in the agreement and with an immediate right of possession
53 vested in the conditional vendee or lessee, or in the event a
54 mortgagor of a vehicle is entitled to possession, then such
55 conditional vendee or lessee or mortgagor shall be deemed
56 the owner for the purpose of this chapter;

57 (l) *Nonresident.* – Every person who is not a resident of
58 this state;

59 (m) *Street or highway.* – The entire width between the
60 boundary lines of every way publicly maintained when any
61 part thereof is open to the use of the public for purposes of
62 vehicular travel;

63 (n) *Commissioner.* – The Commissioner of Motor
64 Vehicles of this state;

65 (o) *Division.* – The Division of Motor Vehicles of this
66 state acting directly or through its duly authorized officers or
67 agents;

68 (p) *Suspension.* – “Suspension” means that the driver’s
69 license and privilege to drive a motor vehicle on the public
70 highways are temporarily withdrawn but only during the
71 period of such suspension;

72 (q) *Revocation.* – “Revocation” means that the driver’s
73 license and privilege to drive a motor vehicle on the public
74 highways are terminated and shall not be renewed or
75 restored, except that an application for a new license may be
76 presented and acted upon by the division after the expiration
77 of at least one year after the date of revocation, except as
78 otherwise provided in section two, article five-a, chapter
79 seventeen-c of this code;

80 (r) *Cancellation*. – “Cancellation” means that a driver’s
81 license is annulled and terminated because of some error or
82 defect or because the licensee is no longer entitled to such
83 license, but the cancellation of a license is without prejudice
84 and application for a new license may be made at any time
85 after such cancellation;

86 (s) 9-1-1 system. – “9-1-1 system” means an emergency
87 telephone system or enhanced emergency telephone system
88 as defined in section two, article six, chapter twenty-four of
89 this code;

90 (t) Wireless communication device. – “Wireless
91 communication device” means a handheld device used to
92 access a wireless telephone service or a text messaging
93 device;

94 (u) Autocycle. – “Autocycle” means an enclosed
95 motorcycle that is equipped with safety belts, airbags, a roll
96 bar, a windshield, wipers, a steering wheel and equipment
97 otherwise required on a motorcycle, and which has no more
98 than three wheels in contact with the roadway at any one
99 time.

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

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

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

19 specifically relating to the operation of a motorcycle and
20 shall include an actual demonstration of the ability to
21 exercise ordinary and reasonable control in the operation of
22 a motorcycle. An applicant for a license valid for the
23 operation of only a motorcycle shall be tested as provided in
24 this section and in section seven of this article, but need not
25 demonstrate actual driving ability in any vehicle other than
26 a motorcycle. The examination provided in this section shall
27 not be made a condition upon the renewal of the license of
28 any person under this section. For an applicant who
29 successfully completes the motorcycle examination, upon
30 payment of the required fee, the division shall issue a
31 motorcycle endorsement on the driver's license of the
32 applicant, or shall issue a special motorcycle-only license if
33 the applicant does not possess a driver's license: *Provided,*
34 *however,* That any holder of a motorcycle-only license under
35 the age of eighteen shall be subject to the provisions of
36 paragraphs (A), (B), (E), (F), (G) and (H), subdivision (2),
37 subsection (j), section three-a of this article.

38 Every person, including those holding a valid driver's
39 license, is required to take the examination specified in this

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40 section to obtain a motorcycle license or endorsement, unless
41 exempted under the provisions of subsection (b) of this
42 section.

43 (b) Notwithstanding any provision of this code to the
44 contrary, a person with a valid driver's license who is
45 operating an autocyte is exempt from the motorcycle
46 examination, licensing and endorsement requirements set
47 forth in this article.

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-69. AUTOCYCLE.

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

ARTICLE 15. EQUIPMENT.

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

1 (a) No person shall operate or be a passenger on any
2 motorcycle or motor-driven cycle unless the person is
3 wearing securely fastened on his or her head by either a neck
4 or chin strap a protective helmet designed to deflect blows,
5 resist penetration and spread impact forces. Any helmet
6 worn by an operator or passenger shall meet the current
7 performance specifications established by the American
8 National Standards Institute Standard, Z 90.1, the United
9 States Department of Transportation Federal Motor Vehicle
10 Safety Standard No. 218 or Snell Safety Standards for
11 Protective Headgear for Vehicle Users.

12 (b) No person shall operate or be a passenger on any
13 motorcycle or motor-driven cycle unless the person is
14 wearing safety, shatter-resistant eyeglasses (excluding
15 contact lenses), or ~~eyegoggles~~ eye goggles or face shield that
16 complies with the performance specifications established by
17 the American National Standards Institute for Head, Eye and
18 Respiratory Protection, Z 2.1. In addition, if any motorcycle,
19 motor-driven cycle or moped is equipped with a windshield
20 or windscreen, the windshield or windscreen shall be
21 constructed of safety, shatter-resistant material that complies
22 with the performance specifications established by

23 Department of Transportation Federal Motor Vehicle Safety
24 Standard No. 205 and American National Standards Institute,
25 Safety Glazing Materials for Glazing Motor Vehicles
26 Operated on Land Highways, Standard Z 26.1.

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

31 (d) A person operating a motorcycle, motor-driven cycle
32 or moped shall ride in a seated position facing forward and
33 only upon a permanent operator's seat attached to the
34 vehicle. No operator shall carry any other person nor shall
35 any other person ride on the vehicle unless the vehicle is
36 designed to carry more than one person, in which event a
37 passenger may ride behind the operator upon the permanent
38 operator's seat if it is designed for two persons, or upon
39 another seat firmly attached to the vehicle to the rear of the
40 operator's seat and equipped with footrests designed and
41 located for use by the passenger or in a sidecar firmly
42 attached to the vehicle. No person shall ride side saddle on
43 a seat. An operator may carry as many passengers as there
44 are seats and footrests to accommodate those passengers.

45 Additional passengers may be carried in a factory produced
46 sidecar provided that there is one passenger per seat.
47 Passengers riding in a sidecar shall be restrained by safety
48 belts.

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

54 (f) ~~There is hereby created a six member motorcycle~~
55 ~~safety and education committee consisting of: The~~
56 ~~superintendent of the State Police or a designee; the~~
57 ~~Commissioner of Motor Vehicles or a designee; the director~~
58 ~~of the West Virginia safety council or a designee; a licensed~~
59 ~~motorcycle operator; an owner of a motorcycle dealership;~~
60 ~~and a supplier of aftermarket nonfranchised motorcycle~~
61 ~~supplies. The nongovernmental representatives shall be~~
62 ~~appointed by the Governor with the advice and consent of the~~
63 ~~Senate, shall serve without compensation, and the terms shall~~
64 ~~be for three years, except that as to the members first~~
65 ~~appointed, one shall be appointed for a term of one year, one~~
66 ~~shall be appointed for a term of two years and one shall be~~

67 ~~appointed for a term of three years. Members may be~~
68 ~~reappointed to the committee.~~

69 ~~The committee shall continue to exist pursuant to the~~
70 ~~provisions of article ten, chapter four of this code until July~~
71 ~~1, 1999, to allow for the completion of a preliminary~~
72 ~~performance review by the joint committee on government~~
73 ~~operations.~~

74 ~~The committee is hereby authorized to recommend to the~~
75 ~~superintendent of public safety types and makes of protective~~
76 ~~helmets, eye protection devices and equipment offered for~~
77 ~~sale, purchased or used by any person. The committee is~~
78 ~~authorized to make recommendations to the Commissioner of~~
79 ~~Motor Vehicles regarding the use of the moneys in the~~
80 ~~motorcycle safety fund created under section seven, article~~
81 ~~one-d, chapter seventeen-b of this code. Notwithstanding~~
82 ~~any provision of this code to the contrary, a person with a~~
83 ~~valid driver's license who is operating an autocycle, as~~
84 ~~defined in section sixty-nine, article one of this chapter, is~~
85 ~~exempt from the provisions of this section.~~

(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.)