

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 424

(By Senators Stollings and Kirkendoll)

[Originating in the Committee on Transportation and
Infrastructure; reported February 18, 2014.]

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 municipalities 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.

1 Notwithstanding any provision of this article to the
2 contrary:

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

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

16 (3) The county commission of any county which has in
17 effect and is operating under a countywide comprehensive
18 plan may by lawfully enacted ordinance regulate or prohibit
19 the operation of all-terrain vehicles on any road in the

20 county, except interstate highways: *Provided*, That any
21 county which enacts any such ordinance shall notify the West
22 Virginia State Police and all law-enforcement agencies in the
23 county of its action in writing, together with a copy of the
24 ordinance.

25 (4) The governing body of a municipality located within
26 a county participating in the Hatfield-McCoy recreational
27 trail project may regulate in any manner the use of unlicensed
28 off-road motorcycles operated in compliance with legislative
29 rules promulgated by the Hatfield-McCoy Regional
30 Recreation Authority upon any street, road or avenue within
31 the municipal corporate limits.

32 (5) The county commission of a county participating in
33 the Hatfield-McCoy recreational trail project may regulate in
34 any manner the use of unlicensed off-road motorcycles
35 operated in compliance with legislative rules promulgated by
36 the Hatfield-McCoy Regional Recreation Authority when
37 traveling to and from a Hatfield-McCoy trailhead to a place
38 for fuel, service, food or lodging on any road in the county,

- 39 except interstate highways: *Provided*, That any county which
40 enacts any such ordinance shall notify the West Virginia
41 State Police and all law-enforcement agencies in the county
42 of its action in writing, 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 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.)