

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 17

(By Senators Stollings, Beach, Plymale,
Kirkendoll, Facemire and Romano)

[Originating in the Committee on
Natural Resources;
reported February 26, 2015.]

A BILL to amend and reenact §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as amended, all relating to regulation of all-terrain vehicles; permitting all-terrain vehicles to drive as far to the right as possible when there is little or no shoulder; and defining off-road motorcycles.

Be it enacted by the Legislature of West Virginia:

That §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.

§17F-1-1. Acts prohibited by operator; penalties for violations.

- 1 (a) No all-terrain vehicle may be operated in this state:
- 2 (1) On any interstate highway except by public safety personnel responding to emergencies;
- 3 (2) On any road or highway with a center line or more than two lanes except for the purpose
- 4 of crossing the road, street or highway, if:
- 5 (A) The crossing is made at an angle of approximately ninety degrees to the direction of the

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1 highway and at a place where no obstruction prevents a quick and safe crossing;

2 (B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled
3 way of the highway;

4 (C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an
5 immediate potential hazard; and

6 (D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle
7 is so equipped;

8 (3) With more than one passenger unless more passengers are allowed under manufacturers'
9 recommendations;

10 (4) With a passenger under the age of eighteen, unless the operator has at a minimum a level
11 two intermediate driver's license or its equivalent or is eighteen years of age or older;

12 (5) Unless riders under the age of eighteen are wearing size appropriate protective helmets that
13 meet the current performance specifications established by the American national standards institute
14 standard, z 90.1, the United States Department of Transportation federal motor vehicle safety standard
15 no. 218 or Snell safety standards for protective headgear for vehicle users;

16 (6) Anytime from sunset to sunrise without an illuminated headlight or lights and taillights;

17 (7) Without a manufacturer-installed or equivalent spark arrester and a manufacturer-installed
18 or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system;
19 or

20 (8) Unless operating in compliance with the provisions of section two of this article.

21 (b) An all-terrain vehicle may, for the sole purpose of getting from one trail, field or area of
22 operation to another, be operated upon the shoulder, or as far to the right as possible when there is

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1 little or no shoulder, of any road, street or highway referred to in subdivision (2), subsection (a) of
2 this section, other than an interstate highway, for a distance not to exceed ten miles, if:

3 (1) The vehicle is operated at speeds of twenty-five miles per hour or less; and

4 (2) The vehicle is operated at any time from sunset to sunrise, the all-terrain vehicle must be
5 equipped with headlights and taillights which must be illuminated.

6 (c) Operation of an all-terrain vehicle in accordance with subsection (b) shall not constitute
7 operation of a motor vehicle on a road or highway of this state as contemplated by the provisions of
8 section seven of this article.

9 (d) Notwithstanding any provision of this chapter to the contrary, a municipality, county or
10 other political subdivision of the state may authorize the operation of all-terrain vehicles on certain
11 specified roads, streets or highways which are marked with centerline pavement markings, other than
12 interstate highways, to allow participation in parades, exhibitions and other special events, in
13 emergencies or for specified purposes.

14 **§17F-1-9. Definition of all-terrain, utility terrain vehicle and off-road motorcycles.**

15 (a) As used in this chapter:

16 (1) “All-terrain vehicle” or “ATV” shall mean any motor vehicle, designed for off-highway
17 use and designed to travel on not less than three low-pressure tires, having a seat or saddle designed
18 to be straddled by the operator and handlebars for steering control and intended by the manufacturer
19 to be used by a single operator or by an operator and no more than one passenger.

20 ~~(b)~~ (2) “Utility-terrain vehicle” shall mean any motor vehicle with four or more low-pressure
21 tires designed for off-highway use having bench or bucket seating for each occupant and a steering
22 wheel for control.

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1 (3) “Off-road motorcycle” means any unlicensed motorcycle designed for off-road use by an
2 individual rider with not more than two wheels in contact with the ground.

3 ~~(c)~~ (b) As used in this article, all-terrain vehicles and “vehicle”, or the plural, shall mean all-
4 terrain vehicles, ~~and~~ utility-terrain vehicles and off-road motorcycles.