

Senate Bill No. 259

(By Senators Beach, Snyder and Williams)

[Introduced January 20, 2015; referred to the Committee on Transportation and Infrastructure;

and then to the Committee on the Judiciary.]

A BILL to amend and reenact §17B-2-7b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-15-44 of said code, all relating to creating exemption for autocycles, which are enclosed three-wheel motor vehicles that are equipped with safety belts, a rollbar, a windshield, wipers and a steering wheel; creating autocycle exemption from motorcycle examination, licensing and endorsement requirements; and allowing a person with a valid driver's license to operate an autocycle; creating autocycle exemption from helmet and certain other safety requirements; and defining “autocycle”.

Be it enacted by the Legislature of West Virginia:

That §17B-2-7b of the Code of West Virginia, 1931, as amended, be amended and reenacted; 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 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

1 **§17B-2-7b. Separate examination and endorsement for a license valid for operation of**
2 **motorcycle.**

3 (a) The state police shall administer a separate motorcycle examination for applicants for a
4 license valid for operation of a motorcycle. On and after July 1, 2000 the Division of Motor
5 Vehicles shall administer the examination provided for in this section. Any applicant for a license
6 valid for operation of a motorcycle shall be required to successfully complete the motorcycle
7 examination, which is in addition to the examination administered pursuant to section seven of this
8 article and, if under the age of eighteen, shall be required to complete the requirements for a level
9 two intermediate driver's license set forth in paragraphs (B), (C), and (D), subdivision (1), subsection
10 (j), section three-a of this article: *Provided*, That the commissioner may exempt an applicant for a
11 motorcycle driver license or endorsement from all or part of the motorcycle license examination as
12 provided in section six, article one-d of this chapter. The motorcycle examination shall test the
13 applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating
14 to the operation of a motorcycle and shall include an actual demonstration of the ability to exercise
15 ordinary and reasonable control in the operation of a motorcycle. An applicant for a license valid
16 for the operation of only a motorcycle shall be tested as provided in this section and in section seven
17 of this article, but need not demonstrate actual driving ability in any vehicle other than a motorcycle.
18 The examination provided in this section shall not be made a condition upon the renewal of the
19 license of any person under this section. For an applicant who successfully completes the motorcycle
20 examination, upon payment of the required fee, the division shall issue a motorcycle endorsement
21 on the driver's license of the applicant, or shall issue a special motorcycle-only license if the

1 applicant does not possess a driver's license: *Provided, however,* That any holder of a motorcycle-
2 only license under the age of eighteen shall be subject to the provisions of paragraphs (A), (B), (E),
3 (F), (G) and (H), subdivision (2), subsection (j), section three-a of this article.

4 Every person, including those holding a valid driver's license, is required to take the
5 examination specified in this section to obtain a motorcycle license or endorsement, unless exempted
6 under the provisions of subsection (b) of this section.

7 (b) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
8 license who is operating an autocycle as defined in subsection (c) of this section is exempt from the
9 motorcycle examination, licensing and endorsement requirements set forth in article two, chapter
10 seventeen-b of this code.

11 (c) "Autocycle" means an enclosed motorcycle that is equipped with safety belts, rollbar,
12 windshield, wipers, steering wheel, and equipment otherwise required on a motorcycle, and which
13 has no more than three wheels in contact with the roadway at any one time.

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

15 **ARTICLE 15. EQUIPMENT.**

16 **§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven**
17 **cycles and mopeds; motorcycle safety standards and education committee.**

18 (a) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless
19 the person is wearing securely fastened on his or her head by either a neck or chin strap a protective
20 helmet designed to deflect blows, resist penetration and spread impact forces. Any helmet worn by
21 an operator or passenger shall meet the current performance specifications established by the

1 American National Standards Institute Standard, Z 90.1, the United States Department of
2 Transportation Federal Motor Vehicle Safety Standard No. 218 or Snell Safety Standards for
3 Protective Headgear for Vehicle Users.

4 (b) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless
5 the person is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or eyegoggles
6 or face shield that complies with the performance specifications established by the American
7 National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In addition, if any
8 motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the
9 windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with
10 the performance specifications established by Department of Transportation Federal Motor Vehicle
11 Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for
12 Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1.

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

16 (d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated
17 position facing forward and only upon a permanent operator's seat attached to the vehicle. No
18 operator shall carry any other person nor shall any other person ride on the vehicle unless the vehicle
19 is designed to carry more than one person, in which event a passenger may ride behind the operator
20 upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly
21 attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and

1 located for use by the passenger or in a sidecar firmly attached to the vehicle. No person shall ride
2 side saddle on a seat. An operator may carry as many passengers as there are seats and footrests to
3 accommodate those passengers. Additional passengers may be carried in a factory produced sidecar
4 provided that there is one passenger per seat. Passengers riding in a sidecar shall be restrained by
5 safety belts.

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

9 (f) There is hereby created a six member motorcycle safety and education committee
10 consisting of: The Superintendent of the State Police or a designee; the Commissioner of Motor
11 Vehicles or a designee; the Director of the West Virginia Safety Council or a designee; a licensed
12 motorcycle operator; an owner of a motorcycle dealership; and a supplier of aftermarket
13 nonfranchised motorcycle supplies. The nongovernmental representatives shall be appointed by the
14 Governor with the advice and consent of the Senate, shall serve without compensation, and the terms
15 shall be for three years, except that as to the members first appointed, one shall be appointed for a
16 term of one year, one shall be appointed for a term of two years and one shall be appointed for a term
17 of three years. Members may be reappointed to the committee.

18 The committee shall continue to exist pursuant to the provisions of article ten, chapter four
19 of this code until July 1, 1999, to allow for the completion of a preliminary performance review by
20 the joint committee on government operations.

21 The committee is hereby authorized to recommend to the superintendent of public safety

1 types and makes of protective helmets, eye protection devices and equipment offered for sale,
2 purchased or used by any person. The committee is authorized to make recommendations to the
3 Commissioner of Motor Vehicles regarding the use of the moneys in the Motorcycle Safety Fund
4 created under section seven, article one-d, chapter seventeen-b of this code.

5 (g) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
6 license who is operating an autocycle as defined in subsection (h) of this section is exempt from the
7 provisions of this section.

8 (h) "Autocycle" means an enclosed motorcycle that is equipped with safety belts, rollbar,
9 windshield, wipers, steering wheel, and equipment otherwise required on a motorcycle, and which
10 has no more than three wheels in contact with the roadway at any one time.

NOTE: The purpose of this bill is to create an exemption for autocycles, which are enclosed three wheel motor vehicles that are equipped with safety belts, a rollbar, 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.

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