

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 39

BY SENATORS STOLLINGS AND GAUNCH

[Introduced January 13, 2016;

Referred to the Committee on Natural Resources; and

then to the Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

1 That §17F-1-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 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 contrary:

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

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

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

17 (4) The governing body of a municipality located within a county participating in the

18 Hatfield-McCoy recreational trail project may regulate in any manner the use of unlicensed off-
19 road motorcycles operated in compliance with legislative rules promulgated by the Hatfield-
20 McCoy Regional Recreation Authority upon any street, road or avenue within the municipal
21 corporate limits.

22 (5) The county commission of a county participating in the Hatfield-McCoy recreational
23 trail project may regulate in any manner the use of unlicensed off-road motorcycles operated in
24 compliance with legislative rules promulgated by the Hatfield-McCoy Regional Recreation
25 Authority when traveling to and from a Hatfield-McCoy trailhead to a place for fuel, service, food
26 or lodging on any road in the county, except interstate highways: *Provided*, That any county which
27 enacts any such ordinance shall notify the West Virginia State Police and all law-enforcement
28 agencies in the county of its action in writing, together with a copy of the ordinance.

NOTE: The purpose of this bill is to authorize the regulation of 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.