

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 549**

BY SENATORS MAYNARD AND CLINE

[Introduced March 8, 2017; Referred  
to the Committee on Transportation and  
Infrastructure; and then to the Committee on the  
Judiciary]

1 A BILL to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended,  
2 relating to allowing individuals at least twenty-one years of age to operate or ride a  
3 motorcycle without a helmet under specified conditions; and authorizing rules.

*Be it enacted by the Legislature of West Virginia:*

1 That §17C-15-44 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 15. EQUIPMENT.**

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

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

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

17 26.1.

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

21 (d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated  
22 position facing forward and only upon a permanent operator's seat attached to the vehicle. No  
23 operator ~~shall~~ may carry any other person nor ~~shall~~ may any other person ride on the vehicle  
24 unless the vehicle is designed to carry more than one person, in which event a passenger may  
25 ride behind the operator upon the permanent operator's seat if it is designed for two persons, or  
26 upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped  
27 with footrests designed and located for use by the passenger or in a sidecar firmly attached to the  
28 vehicle. No person ~~shall~~ may ride side saddle on a seat. An operator may carry as many  
29 passengers as there are seats and footrests to accommodate those passengers. Additional  
30 passengers may be carried in a factory produced sidecar provided that there is one passenger  
31 per seat. Passengers riding in a sidecar shall be restrained by safety belts.

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

36 (f) There is ~~hereby~~ created a six member motorcycle safety and education committee  
37 consisting of: The Superintendent of the State Police or a designee; the Commissioner of Motor  
38 Vehicles or a designee; the Director of the West Virginia Safety Council or a designee; a licensed  
39 motorcycle operator; an owner of a motorcycle dealership; and a supplier of aftermarket  
40 nonfranchised motorcycle supplies. The nongovernmental representatives shall be appointed by  
41 the Governor with the advice and consent of the Senate, ~~shall~~ serve without compensation, and  
42 the terms ~~shall be for~~ are three years, except that as to the members first appointed, one shall be

43 appointed for a term of one year, one shall be appointed for a term of two years and one shall be  
44 appointed for a term of three years. Members may be reappointed to the committee.

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

48 (g) The committee is hereby authorized to recommend to the Superintendent of public  
49 safety the State Police types and makes of protective helmets, eye protection devices and  
50 equipment offered for sale, purchased or used by any person. The committee is authorized to  
51 make recommendations to the Commissioner of Motor Vehicles regarding the use of the moneys  
52 in the Motorcycle Safety Fund created under section seven, article one-d, chapter seventeen-b of  
53 this code.

54 (h) Notwithstanding subsection (a) of this section a person twenty-one years of age or  
55 older operating or riding on a motorcycle, as applicable, is not required to wear a helmet on his  
56 or her head if he or she:

57 (1) Has had a motorcycle license or a motorcycle endorsement on his or her operator's or  
58 chauffeur's license for at least two years or the person passes a motorcycle safety education  
59 program conducted under article one-d, chapter seventeen-b of this code; and

60 (2) Has in effect security for the first-party medical benefits payable in the event that he or  
61 she is involved in a motorcycle accident; and

62 (3) Has in effect self-funded or self-purchased health care and accident insurance, where  
63 the total premium is either paid by the motorcycle operator, the motorcycle operator's employer,  
64 or a combination of both the motorcycle operator and employer.

65 (i) The commissioner may promulgate procedural and interpretive rules and propose  
66 legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-  
67 nine-a of this code as needed to implement subsection (h) of this section, including a method a  
68 motorcycle operator or rider may use to prove he or she is eligible to operate or ride a motorcycle

69 without a helmet.

NOTE: The purpose of this bill is to allow individuals at least twenty-one to operate a motorcycle without a helmet under specified conditions.

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