

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2135**

**FISCAL  
NOTE**

BY DELEGATES KELLY, COOPER, MCGEEHAN AND

SOBONYA

[Introduced February 8,2017; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended,  
2 relating to permitting persons who are twenty-one years of age or older to operate or be a  
3 passenger on a motorcycle without a helmet if they have held a license valid for the  
4 operation of a motorcycle for a minimum of two years.

*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.**

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

8 (b) Persons aged twenty-one years and older may operate or be a passenger on a  
9 motorcycle or motor-driven cycle without a helmet if they have held a license valid for the  
10 operation of a motorcycle for a minimum of two years.

11 ~~(b)~~ (c) No person shall operate or be a passenger on any motorcycle or motor-driven cycle  
12 unless the person is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or  
13 eyegoggles or face shield that complies with the performance specifications established by the  
14 American National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In  
15 addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or

16 windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material  
17 that complies with the performance specifications established by Department of Transportation  
18 Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute,  
19 Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z  
20 26.1.

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

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

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

39 ~~(f)~~ (g) There is hereby created a six member motorcycle safety and education committee  
40 consisting of: The superintendent of the State Police or a designee; the Commissioner of Motor  
41 Vehicles or a designee; the director of the West Virginia safety council or a designee; a licensed

42 motorcycle operator; an owner of a motorcycle dealership; and a supplier of aftermarket  
43 nonfranchised motorcycle supplies. The nongovernmental representatives shall be appointed by  
44 the Governor with the advice and consent of the Senate, shall serve without compensation, and  
45 the terms shall be for three years, except that as to the members first appointed, one shall be  
46 appointed for a term of one year, one shall be appointed for a term of two years and one shall be  
47 appointed for a term of three years. Members may be reappointed to the committee.

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

51         The committee is hereby authorized to recommend to the superintendent of public safety  
52 types and makes of protective helmets, eye protection devices and equipment offered for sale,  
53 purchased or used by any person. The committee is authorized to make recommendations to the  
54 Commissioner of Motor Vehicles regarding the use of the moneys in the motorcycle safety fund  
55 created under section seven, article one-d, chapter seventeen-b of this code.

NOTE: The purpose of this bill is to permit persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years.

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