

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 397

BY SENATOR CLINE

[Introduced January 23, 2019; Referred
to the Committee on Transportation and Infrastructure]

1 A BILL to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §17C-1-69 of said code; and to amend and reenact §17C-15-44 of said code,
 3 all relating to autocycles; amending the definition of “autocycle”; and clarifying the
 4 autocycle exemption from helmet requirements.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17B-1-1. Definitions.

1 The following words and phrases when used in this chapter, for the purpose of this
 2 chapter, have the meanings respectively ascribed to them in this article:

3 *Autocycle.* — ~~Every fully or partially enclosed~~ A motorcycle, with or without an enclosed
 4 passenger area, that is equipped with safety belts, rollover protection, a rearview mirror,
 5 automotive seating, a steering wheel and equipment otherwise required on a motorcycle and
 6 which has no more than three wheels in contact with the roadway at any one time;

7 *Cancellation.* — Means that a driver’s license is annulled and terminated because of some
 8 error or defect or because the licensee is no longer entitled to that license, but the cancellation of
 9 a license is without prejudice and application for a new license may be made at any time after
 10 such cancellation;

11 *Chauffeur.* — Every person who is employed by another for the principal purpose of driving
 12 a motor vehicle and every person who drives a school bus transporting school children or any
 13 motor vehicle when in use for the transportation of persons or property for compensation;

14 *Commissioner.* — The Commissioner of Motor Vehicles of this state;

15 *Division.* — The Division of Motor Vehicles of this state acting directly or through its duly
 16 authorized officers or agents;

17 *Driver.* — Means any person who drives, operates or is in physical control of a motor

18 vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required
19 to hold a driver's license;

20 *Driver's license.* — Means any permit or license issued by this state to a person which
21 authorizes the person to drive a motor vehicle of a specific class or classes subject to any
22 restriction or endorsement contained thereon;

23 *Farm tractor.* — Every motor vehicle designed and used primarily as a farm implement for
24 drawing plows, mowing machines and other implements of husbandry;

25 *Motorcycle.* — Every motor vehicle having a seat or saddle for the use of the rider and
26 designed to travel on not more than three wheels in contact with the ground, but excluding a farm
27 tractor as defined herein, a moped as defined in §17C-1-5a of this code, a snowmobile as defined
28 in §17A-1-1(mm) of this code and an all-terrain vehicle as defined in subsection (ii), section one
29 of this article;

30 *Motor vehicle.* — Every vehicle which is self-propelled and every vehicle which is propelled
31 by electric power obtained from overhead trolley wires, but not operated upon rails;

32 *9-1-1 system.* — Means an emergency telephone system or enhanced emergency
33 telephone system as defined in §24-6-2 of this code;

34 *Nonresident.* — Every person who is not a resident of this state;

35 *Operator.* — Every person, other than a chauffeur, who drives or is in actual physical
36 control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle
37 being towed by a motor vehicle;

38 *Owner.* — A person who holds the legal title of a vehicle or in the event a vehicle is the
39 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon
40 performance of the conditions stated in the agreement and with an immediate right of possession
41 vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession,
42 then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter;

43 *Person.* — Every natural person, firm, copartnership, association or corporation;

44 *Revocation.* — Means that the driver’s license and privilege to drive a motor vehicle on
 45 the public highways are terminated and shall not be renewed or restored, except that an
 46 application for a new license may be presented and acted upon by the division after the expiration
 47 of at least one year after the date of revocation, except as otherwise provided in §17C-5A-2 of
 48 this code;

49 *School bus.* — Every motor vehicle owned by a public governmental agency and operated
 50 for the transportation of children to or from school or privately owned and operated for
 51 compensation for the transportation of children to or from school;

52 *Street or highway.* — The entire width between the boundary lines of every way publicly
 53 maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

54 *Suspension.* — Suspension means that the driver’s license and privilege to drive a motor
 55 vehicle on the public highways are temporarily withdrawn but only during the period of the
 56 suspension;

57 *Vehicle.* — Every device in, upon or by which any person or property is or may be
 58 transported or drawn upon a public highway, excepting devices moved by human power or used
 59 exclusively upon stationary rails or tracks; and

60 *Wireless communication device.* — Means a handheld device used to access a wireless
 61 telephone service or a text messaging device.

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-69. Autocycle.

1 “Autocycle” means a ~~fully or partially enclosed~~ motorcycle, with or without an enclosed
 2 passenger area, that is equipped with safety belts, rollover protection, a rearview mirror,
 3 automotive seating, a steering wheel, and equipment otherwise required on a motorcycle and
 4 which has no more than three wheels in contact with the roadway at any one time.

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 may operate or be a passenger on any motorcycle or motor-driven cycle,
2 unless the person is wearing securely fastened on his or her head by either a neck or chin strap
3 a protective helmet designed to deflect blows, resist penetration and spread impact forces. Any
4 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 may operate or be a passenger on any motorcycle or motor-driven cycle
9 unless the person is wearing safety, shatter-resistant eyeglasses, excluding contact lenses, or
10 eye goggles 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 may operate a motorcycle, motor-driven cycle or moped on which the
19 handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat
20 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 may carry any other person nor may any other person ride on the vehicle unless the

24 vehicle is designed to carry more than one person, in which event a passenger may ride behind
25 the operator upon the permanent operator's seat if it is designed for two persons, or upon another
26 seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests
27 designed and located for use by the passenger or in a sidecar firmly attached to the vehicle. No
28 person may ride side saddle on a seat. An operator may carry as many passengers as there are
29 seats and footrests to accommodate those passengers. Additional passengers may be carried in
30 a factory-produced sidecar provided that there is one passenger per seat. Passengers riding in a
31 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 has a clear view of
34 the road and condition of traffic behind him or her for a distance of at least 200 feet.

35 (f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
36 license who is operating ~~a fully enclosed~~ an autocycle, as defined in §17C-1-69 of this code, is
37 exempt from the provisions of this section.

NOTE: The purpose of this bill is to refine the definition of "autocycle" within the motor vehicle code and to clarify the helmets are not required when riding an autocycle as defined in the code.

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