

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2070**

BY DELEGATE J. KELLY AND CADLE

[Introduced January 9, 2019; Referred

to the Committee on Technology and Infrastructure 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 21 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; and making a technical correction.

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

## **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 under the age of 21 may operate or be a passenger on any motorcycle or  
 2 motor-driven cycle unless the person is wearing securely fastened on his or her head by either a  
 3 neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread  
 4 impact forces. Any helmet worn by an operator or passenger shall meet the current performance  
 5 specifications established by the American National Standards Institute Standard, Z 90.1, the  
 6 United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218 or  
 7 Snell Safety Standards for Protective Headgear for Vehicle Users.

8 (b) Persons aged 21 years and older may operate or be a passenger on a motorcycle or  
 9 motor-driven cycle without a helmet if they have held a license valid for the operation of a  
 10 motorcycle for a minimum of two years.

11 ~~(b)~~ (c) No person may 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 eye goggles 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 may operate a motorcycle, motor-driven cycle or moped on which the  
22 handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat  
23 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 may carry any other person nor may 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 may 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 has a clear view of  
37 the road and condition of traffic behind him or her for a distance of at least 200 feet.

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

NOTE: The purpose of this bill is to permit persons who are 21 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. The bill also makes a technical correction in the section heading.

Strike-throughs indicate language that would be stricken from a heading or the present

law and underscoring indicates new language that would be added.