

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2590

By Delegates Crouse, Kimble, Longanacre, Smith,

Honaker, Butler, Coop-Gonzalez, Brooks, Heckert

and DeVault

[By Request]

[Introduced ; referred

to the Committee on]

1 A BILL to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended,
2 relating to motorcycle safety equipment; and removing the helmet requirement.

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 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 a~~
3 ~~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 eye~~
10 ~~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, Safety~~
16 ~~Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1~~

17 ~~(c) (a) No person may operate a motorcycle, motor-driven cycle or moped on which the~~
18 ~~handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat~~
19 ~~when the seat is not depressed in any manner.~~

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

31 ~~(e)~~ (c) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview
32 mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of the
33 road and condition of traffic behind him or her for a distance of at least 200 feet.

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

NOTE: The purpose of this bill is to remove the helmet requirement from motorcycle safety equipment.

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