WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4853

By Delegate C. Pritt

[Introduced January 17, 2024; Referred to the Committee on Political Subdivisions then Technology and Infrastructure]

A BILL to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating to regulation of all-terrain vehicles and removing the authority of the governing body of a municipal or county commission to prohibit the operation of all-terrain vehicles on streets in municipalities or county roads.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.

§17F-1-3. Local government authority to regulate.

Notwithstanding any provision of this article to the contrary:

(1) The governing body of a municipality may regulate in any manner ~~or prohibit~~ by lawfully enacted ordinance, the operation of all-terrain vehicles upon any street, road or avenue within the municipal corporate limits.

(2) Homeowner associations may petition the county commission of the county in which the area regulated by the homeowner association is located for an ordinance to regulate or prohibit the operation of all-terrain vehicles upon any street, road or avenue within the area regulated by the homeowner association. County commissions are hereby authorized, upon receipt of a petition authorized by the provisions of this section, to enact an ordinance regulating or prohibiting the operation of all-terrain vehicles.

(3) The county commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate ~~or prohibit~~ the operation of all-terrain vehicles on any road in the county, except interstate highways: *Provided,* That any county which enacts any such ordinance shall notify the West Virginia State Police and all law-enforcement agencies in the county of its action in writing, together with a copy of the ordinance.

NOTE: The purpose of this bill is to remove the authority of the governing body of a municipal or county commission to prohibit the operation of all-terrain vehicles on streets in municipalities or county roads.

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