

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2752

By Delegates Crouse, Drennan, Dean, Horst, White,

Brooks, Phillips, Clay, D. Cannon, and Hott

[Introduced February 21, 2025; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended,
 2 relating to removing the requirement that persons operating a motorcycle, motor-driven
 3 cycle or moped ride in a seated position facing forward and only upon a permanent
 4 operator’s seat attached to the vehicle.

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) 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) 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) 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 two hundred feet.

34 (f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's
35 license who is operating a fully enclosed auticycle, as defined in section sixty-nine, article one of
36 this chapter, is exempt from the provisions of this section.

NOTE: The purpose of this bill is to remove the statute provision requiring persons operating motorcycle, motor-driven cycle or moped to ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle.

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