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SECURITY & POLICE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

HOUSE BILL No. 4709

(By Delegates Taylor and Schadler)



Passed March 5, 1992

In Effect Ninety Days From Passage

ENROLLED
H. B. 4709

(By DELEGATES TAYLOR AND SCHADLER)

[Passed March 5, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section forty-four, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, requiring motorcycle helmets, safety glasses, goggles and windscreens to meet current performance safety standards; abolishing motorcycle safety standards and specifications board; removing requirement that commissioner of motor vehicles approve safety equipment for motorcycles; and authorizing the superintendent of the department of public safety to approve safety equipment for motorcyclists.

Be it enacted by the Legislature of West Virginia:

That section forty-four, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and specifications board.

- 1 (a) No person shall operate or be a passenger on any
- 2 motorcycle or motor-driven cycle unless he is wearing
- 3 securely fastened on his head by either a neck or chin
- 4 strap a protective helmet designed to deflect blows,
- 5 resist penetration and spread impact forces. Any helmet

6 worn by an operator or passenger shall meet the current
7 performance specifications established by the American
8 National Standards Institute Standard, Z 90.1, the
9 United States Department of Transportation Federal
10 Motor Vehicle Safety Standard No. 218 or Snell Safety
11 Standards for Protective Headgear for Vehicle Users.

12 (b) No person shall operate or be a passenger on any
13 motorcycle or motor-driven cycle unless he is wearing
14 safety, shatter-resistant eyeglasses (excluding contact
15 lenses), or eyegoggles or face shield that complies with
16 the performance specifications established by the
17 American National Standards Institute for Head, Eye
18 and Respiratory Protection, Z 2.1. In addition, if any
19 motorcycle, motor-driven cycle or moped be equipped
20 with a windshield or windscreen, the windshield or
21 windscreen shall be constructed of safety, shatter-
22 resistant material that complies with the performance
23 specifications established by the Department of Trans-
24 portation Federal Motor Vehicle Safety Standard No.
25 205 and American National Standards Institute, Safety
26 Glazing Materials for Glazing Motor Vehicles Operated
27 on Land Highways, Standard Z 26.1.

28 (c) No person shall operate a motorcycle, motor-
29 driven cycle or moped on which the handlebars or grips
30 are more than fifteen inches higher than the uppermost
31 part of the operator's seat when the seat is not depressed
32 in any manner.

33 (d) A person operating a motorcycle, motor-driven
34 cycle or moped shall ride in a seated position facing
35 forward and only upon a permanent operator's seat
36 attached to the vehicle. No operator shall carry any
37 other person nor shall any other person ride on such a
38 vehicle unless the vehicle is designed to carry more than
39 one person, in which event a passenger may ride behind
40 the operator upon the permanent operator's seat if it is
41 designed for two persons, or upon another seat firmly
42 attached to the vehicle to the rear of the operator's seat
43 and equipped with footrests designed and located for use
44 by the passenger or in a sidecar firmly attached to the
45 vehicle. No more than two persons, the operator and one
46 passenger, shall ride the same vehicle at the same time.

47 No person shall ride sidesaddle on a seat.

48 (e) Every motorcycle, motor-driven cycle and moped
49 shall be equipped with a rearview mirror affixed to the
50 handlebars and adjusted so that the operator shall have
51 a clear view of the road and condition of traffic behind
52 him for a distance of at least two hundred feet.

53 The superintendent of public safety is hereby autho-
54 rized to approve or disapprove types and makes of
55 protective helmets, eye protection devices and equip-
56 ment offered for sale, purchased or used by any person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Lomer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.)

David R. Palmer
.....
Clerk of the Senate

Donald W. Kopp
.....
Clerk of the House of Delegates

Scott Brundette
.....
President of the Senate

Bob Cole
.....
Speaker of the House of Delegates

The within *is approved* this the *18th*
day of *March* 1992.

Yastin Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/92

Time 4:16 pm