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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



# ENROLLED

HOUSE BILL No. 2680

(By Delegates Riggs and Sealy)



Passed April 8, 1993

In Effect Ninty Days from Passage

**ENROLLED**  
**H. B. 2680**

(By DELEGATES RIGGS AND FEALY)

[Passed April 8, 1993; 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, relating to motorcycle passengers; designating the number of passengers to be carried; permitting factory produced side cars; restrictions; and safety belt requirements.

*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:

**ARTICLE 15. EQUIPMENT.**

**§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 Department of Transporta-  
24 tion Federal Motor Vehicle Safety Standard No. 205 and  
25 American National Standards Institute, Safety Glazing  
26 Materials for Glazing Motor Vehicles Operated on Land  
27 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 person shall ride side saddle on a seat. An  
46 operator may carry as many passengers as there are  
47 seats and footrests to accommodate those passengers.  
48 Additional passengers may be carried in a factory  
49 produced side car provided that there is one passenger  
50 per seat. Passengers riding in a sidecar shall be

51 restrained by safety belts.

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

57 (f) The superintendent of public safety is hereby  
58 authorized to approve or disapprove types and makes of  
59 protective helmets, eye protection devices and equip-  
60 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.

*[Handwritten signature]*

Chairman Senate Committee

*Ernest C Moore*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*[Handwritten signature]*  
Clerk of the Senate

*[Handwritten signature]*  
Clerk of the House of Delegates

*[Handwritten signature]*  
President of the Senate

*[Handwritten signature]*  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup> day of April 1993.

*[Handwritten signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/22/93

Time

11:43 am