WEST VIRGINIA CODE: §17F-1-8

§17F-1-8. Criminal penalties.

(a) Except as provided in the provisions of subsection (b) of this section and in addition to any other legal remedy for violation of civil or criminal provisions of this code, any person who violates the provisions of this article or municipal or county ordinance enacted pursuant to the provisions of section three of this article or who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100.

(b) Any parent, legal guardian or person who has actual responsibility for a child under eighteen years of age who knows or should have known the child is operating or is a passenger on an all-terrain vehicle without a helmet as required by the provisions of section one of this article is guilty of a misdemeanor and, shall, upon conviction, be subject to the following penalties:

(1) For a first offense, a fine of not less than $50 nor more than $100 or not more than ten hours of community service, or both;

(2) For a second offense, a fine of not less than $100 nor more than $200 or not more than twenty hours of community service, or both;

(3) For a third or subsequent offense, a fine of not less than $200 nor more than $500 or not more than one hundred hours of community service, or both.

WV Legislature