WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
SENATE BILL NO. 54
(By Mr. Barnett and Mr. Knapp)

PASSED February 14, 1971
In Effect Ninety Days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-4-71
AN ACT to repeal section three, article fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article fifteen, chapter seventeen-c of said code by adding thereto a new section, designated section forty-four, relating to requirements for protective helmets, eye protection devices, handlebars and grips, seats and footrests, number of motorcycle riders; powers and duties of a board created to establish standards and specifications for protective helmets and eye protection devices; and powers and duties of the commissioner of motor vehicles in regulating sale of protective helmets and eye protection devices.
Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article fifteen, chapter seventeen-c of said code be amended by adding thereto a new section, designated section forty-four, to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-44. Safety equipment and requirements for motorcyclists and motorcycles.

(a) No person shall operate or be a passenger on any motorcycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces. Any helmet worn by a motorcycle operator or motorcycle passenger shall meet the performance specifications established by the United States of America Standards Institute, Specifications for Protective Headgear for Vehicle Users, Standard Z 90.1-1966. Helmets worn by motorcycle operators and motorcycle passengers shall be coated with a reflectorized substance, or have attached thereto a reflectorized material, on both
sides and the back thereof, with a minimum of ten square inches of coated substance or attached material in each of the three locations.

(b) No person shall operate or be a passenger on any motorcycle unless he is wearing safety, shatter resistant eyeglasses (excluding contact lenses), or eyegoggles or face shield that complies with the performance specifications established by the United States of America Standards Institute, Specifications for Head, Eye and Respiratory Protection Z 2.1-1959. In addition, if any motorcycle be equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter resistant material that complies with the performance specifications established by the United States of America Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1-1966.

(c) No person shall operate a motorcycle on which the handlebars or grips are more than fifteen inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.
(d) A person operating a motorcycle shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the motorcycle. No operator shall carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the motorcycle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the motorcycle. No more than two persons, the motorcycle operator and one passenger, shall ride the same motorcycle at the same time. No person shall ride sidesaddle on a motorcycle seat.

(e) Every motorcycle shall be equipped with a rear-view mirror affixed to the motorcycle handlebars and adjusted so that the motorcycle operator shall have a clear view of the road and condition of traffic behind him for a distance of at least two hundred feet.

(f) There is hereby created a three-member board
which shall be known as the motorcycle safety standards and specifications board. The board shall be comprised of the superintendent of public safety, the commissioner of motor vehicles and the executive director of the West Virginia safety council or a person each may designate from his own agency.

Within thirty days after the effective date of this section, the board shall meet and elect one of its members chairman. The board shall meet thereafter at least twice in each calendar year at a place the board shall determine. The board may meet oftener if it deems it necessary to perform its functions.

The board is hereby authorized to issue regulations establishing standards and specifications for the protective helmet and eye protection devices as provided for in subsections (a) and (b) of this section. Not later than thirty days after its first meeting, the board shall establish these standards and specifications. The board shall periodically review the standards and specifications and change them as necessary to comply with this section. The board shall cause all standards and specifications it
establishes to be published throughout the state for public knowledge and shall make them available to the commissioner of motor vehicles.

(g) The commissioner of motor vehicles is hereby authorized and shall, in accordance with the standards and specifications established by the motorcycle safety standards and specifications board, approve or disapprove types and makes of motorcycle protective helmets and eye protection devices offered for sale, purchased or used by any person.

The commissioner of motor vehicles is hereby authorized and shall approve or disapprove any type and make of protective helmet and eye protection device within fifteen days after submission to him for approval.

The commissioner of motor vehicles is hereby authorized to establish the procedure which shall be followed when any type and make of protective helmet and eye protection device is submitted to him for approval.

The commissioner of motor vehicles, upon approving any type and make of protective helmet or eye protection
device, shall issue to the applicant a certificate of approval.

The commissioner of motor vehicles shall publish throughout the state for public knowledge lists of all types and makes of protective helmets and eye protection devices that have been approved for use. All law-enforcement agencies within the state shall be mailed a copy of these lists.

When the commissioner of motor vehicles has reason to believe a type or make of motorcycle protective helmet or eye protection device is being sold commercially that does not comply with the requirements of this section, he shall, after giving thirty days' previous notice to the seller, conduct a hearing upon the question of compliance of the particular safety device. After the hearing, the commissioner shall determine whether the device meets the standards and specifications established by the motorcycle safety standards and specifications board. If it does not, the commissioner shall give notice of that fact to the seller and the seller shall not sell the device until it is changed or modified to comply with the standards and
specifications established by the board and is approved by the commissioner. The commissioner of motor vehicles shall publish the fact that the particular safety device is not approved for use. If the device so disapproved by the commissioner of motor vehicles is one previously approved but which has fallen below the standards and specifications established by the board, he shall suspend or revoke the approval issued, and he may require that the seller replace with an approved device any disapproved device sold after the notification to the seller that the device does not meet the proper standards and specifications.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 3rd day of March, 1971.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 2/26/71
Time 1:20 p.m.

RECEIVED
Mar 4 9 00 AM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA