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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 54

(By Mr. BARNETT AND MR. KNAPP)

PASSED FEBRUARY 24, 1971

In Effect NINETY DAYS FROM Passage



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FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-4-71

**ENROLLED**

**Senate Bill No. 54**

(By MR. BARNETT and MR. KNAPP)

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[Passed February 24, 1971; in effect ninety days from passage.]

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fourteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article fifteen, chapter seventeen-c of said code be amended by adding thereto a new section, designated section forty-four, to read as follows: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

1     (a) No person shall operate or be a passenger on any  
2 motorcycle unless he is wearing securely fastened on  
3 his head by either a neck or chin strap a protective  
4 helmet designed to deflect blows, resist penetration and  
5 spread impact forces. Any helmet worn by a motorcycle  
6 operator or motorcycle passenger shall meet the perform-  
7 ance specifications established by the United States of  
8 America Standards Institute, Specifications for Protec-  
9 tive Headgear for Vehicle Users, Standard Z 90.1-1966.

10    Helmets worn by motorcycle operators and motorcycle  
11 passengers shall be coated with a reflectorized substance,  
12 or have attached thereto a reflectorized material, on both

13 sides and the back thereof, with a minimum of ten square  
14 inches of coated substance or attached material in each  
15 of the three locations.

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

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

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

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

54 (f) There is hereby created a three-member board

55 which shall be known as the motorcycle safety standards  
56 and specifications board. The board shall be comprised  
57 of the superintendent of public safety, the commissioner  
58 of motor vehicles and the executive director of the West  
59 Virginia safety council or a person each may designate  
60 from his own agency.

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

67 The board is hereby authorized to issue regulations  
68 establishing standards and specifications for the protec-  
69 tive helmet and eye protection devices as provided for in  
70 subsections (a) and (b) of this section. Not later than  
71 thirty days after its first meeting, the board shall establish  
72 these standards and specifications. The board shall peri-  
73 odically review the standards and specifications and  
74 change them as necessary to comply with this section.  
75 The board shall cause all standards and specifications it

76 establishes to be published throughout the state for pub-  
77 lic knowledge and shall make them available to the  
78 commissioner of motor vehicles.

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

86 The commissioner of motor vehicles is hereby author-  
87 ized and shall approve or disapprove any type and make  
88 of protective helmet and eye protection device within  
89 fifteen days after submission to him for approval.

90 The commissioner of motor vehicles is hereby author-  
91 ized to establish the procedure which shall be followed  
92 when any type and make of protective helmet and eye  
93 protection device is submitted to him for approval.

94 The commissioner of motor vehicles, upon approving  
95 any type and make of protective helmet or eye protection

96 device, shall issue to the applicant a certificate of ap-  
97 proval.

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

104 When the commissioner of motor vehicles has reason  
105 to believe a type or make of motorcycle protective helmet  
106 or eye protection device is being sold commercially that  
107 does not comply with the requirements of this section,  
108 he shall, after giving thirty days' previous notice to the  
109 seller, conduct a hearing upon the question of compliance  
110 of the particular safety device. After the hearing, the  
111 commissioner shall determine whether the device meets  
112 the standards and specifications established by the motor-  
113 cycle safety standards and specifications board. If it does  
114 not, the commissioner shall give notice of that fact to  
115 the seller and the seller shall not sell the device until it  
116 is changed or modified to comply with the standards and



117 specifications established by the board and is approved by  
118 the commissioner. The commissioner of motor vehicles  
119 shall publish the fact that the particular safety device  
120 is not approved for use. If the device so disapproved by  
121 the commissioner of motor vehicles is one previously  
122 approved but which has fallen below the standards and  
123 specifications established by the board, he shall suspend  
124 or revoke the approval issued, and he may require that  
125 the seller replace with an approved device any dis-  
126 approved device sold after the notification to the seller  
127 that the device does not meet the proper standards and  
128 specifications.

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

*James H. Beane*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Myers*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*Edw. Cant*  
President of the Senate

*Ivor F. Boicowsky*  
Speaker House of Delegates

The within *approved* this the *3<sup>rd</sup>*  
day of *March*, 1971.

*Arch A. Stansie Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2/26/71

Time 1:20 p.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA