WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
SENATE BILL NO. 88

(By Mr. [Signature], original sponsor)

PASSED March 11, 1978

In Effect July 1, 1978
AN ACT to amend and reenact section one, article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections five and eight, article one, chapter seventeen-c of said code; to further amend said article by adding thereto a new section, designated section five-a; to amend and reenact sections two, four, six, seven, fifteen, twenty, twenty-three, twenty-five, thirty-one, thirty-two and forty-four, article fifteen of said chapter; and to further amend said article by adding thereto a new section, designated section forty-five, all relating to motor vehicles; providing for the licensing, registration and regulation of mopeds by the department of motor vehicles; defining the term “moped”; redefining “motorcycle,” “motor-driven cycle” and “bicycle”; operating equipment requirements for mopeds; safety equipment requirements for operators and passengers on motorcycles, motor-driven cycles and mopeds; and authority of the motorcycle safety standards and specifications board.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections five and eight, article one, chapter seventeen-c of said code be amended and reenacted; that said article be further amended by adding thereto a new section, designated section five-a; that sections two, four, six, seven, fifteen, twenty, twenty-three, twenty-five, thirty-one, thirty-two and forty-four, article fifteen
of said chapter be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section forty-five, all to read as follows:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

1 Except as otherwise provided in this chapter the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this article:

2 (a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

3 (b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

4 (c) "Motorcycle" means every motor vehicle, including motor-driven cycles and mopeds as defined in sections five and five-a, article one, chapter seventeen-c of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

5 (d) "School bus" means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

6 (e) "Bus" means every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

7 (f) "Truck tractor" means every motor vehicle de-
signed and used primarily for drawing other vehicles
and not so constructed as to carry a load other than a
part of the weight of the vehicle and load so drawn.

(g) "Farm tractor" means every motor vehicle de-
signed and used primarily as a farm implement for draw-
ing plows, mowing machines, and other implements of
husbandry.

(h) "Road tractor" means every motor vehicle de-
signed, used, or maintained drawing other vehicles and
not so constructed as to carry any load thereon either
independently or any part of the weight of a vehicle or
load so drawn.

(i) "Truck" means every motor vehicle designed, used,
or maintained primarily for the transportation of
property.

(j) "Trailer" means every vehicle with or without
motive power designed for carrying persons or property
and for being drawn by a motor vehicle and so con-
structed that no part of its weight rests upon the towing
vehicle.

(k) "Semitrailer" means every vehicle with or with-
out motive power designed for carrying persons or prop-
erty and for being drawn by a motor vehicle and so
constructed that some part of its weight and that of its
load rests upon or is carried by another vehicle.

(l) "Pole trailer" means every vehicle without motive
power designed to be drawn by another vehicle and
attached to the towing vehicle by means of a reach, or
pole, or by being boomed or otherwise secured to the
towing vehicle, and ordinarily used for transporting long
or irregularly shaped loads such as poles, pipes, or struc-
tural members capable, generally, of sustaining them-
selves as beams between the supporting connections.

(m) "Specially constructed vehicles" means every
vehicle of a type required to be registered hereunder not
originally constructed under a distinctive name, make,
model, or type by a generally recognized manufacturer
of vehicles and not materially altered from its original
construction.
(n) "Reconstructed vehicle" means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(o) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(p) "Foreign vehicle" means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(q) "Implement of husbandry" means every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, That said vehicle shall not be let for hire at any time.

(r) "Special mobile equipment" means every vehicle not designed or used for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch digging apparatus, well-boring apparatus, concrete mixers, and farm tractors, when farm tractors cannot be classified as an implement of husbandry as defined in subdivision (q) of this section. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this subdivision.

(s) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(t) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(u) "Metal tire" means every tire the surface of which
in contact with the highway is wholly or partly of metal
or other hard, nonresilient material.

(v) "Commissioner" means the commissioner of motor
vehicles of this state.

(w) "Department" means the department of motor
vehicles of this state acting directly or through its duly
authorized officers and agents.

(x) "Person" means every natural person, firm, co-
partnership, association, or corporation.

(y) "Owner" means a person who holds the legal
title to a vehicle or in the event a vehicle is the subject
of an agreement for the conditional sale or lease thereof
with the right of purchase upon performance of the con-
ditions stated in the agreement and with an immediate
right of possession vested in the conditional vendee or
lessee, or in the event a mortgagor of a vehicle is entitled
to possession, then such conditional vendee or lessee
or mortgagor shall be deemed the owner for the purpose
of this chapter.

(z) "Nonresident" means every person who is not a
resident of this state.

(aa) "Dealer" or "dealers" is a general term meaning,
depending upon the context in which used, either a new
motor vehicle dealer, used motor vehicle dealer, house
trailer dealer, trailer dealer, or motorcycle dealer, as
defined in section one, article six of this chapter, or all
of such dealers or a combination thereof, and in some
instances a new motor vehicle dealer or dealers in an-
other state.

(bb) "Registered dealer" or "registered dealers" is a
general term meaning, depending upon the context in
which used, either a new motor vehicle dealer, used
motor vehicle dealer, house trailer dealer, trailer dealer,
or motorcycle dealer, or all of such dealers or a combina-
tion thereof, licensed under the provisions of article six
of this chapter.

(cc) "Licensed dealer" or "licensed dealers" is a gen-
eral term meaning, depending upon the context in which
used, either a new motor vehicle dealer, used motor
vehicle dealer, house trailer dealer, trailer dealer, or motorcycle dealer, or all of such dealers or a combination thereof, licensed under the provisions of article six of this chapter.

(dd) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(ee) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at a place of business in this state which is actually occupied either continuously or at regular periods by such manufacturer where his books and records are kept and a large share of his business is transacted.

(ff) "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-5. Motor-driven cycle.

"Motor-driven cycle" means every motorcycle having a piston displacement of more than fifty cubic centimeters but not more than one hundred fifty cubic centimeters, or with not more than five brake horsepower.

§17C-1-5a. Moped.

"Moped" means every motorcycle or motor-driven cycle unless otherwise specified in this chapter, which is equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle,
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10 unassisted, at a speed not to exceed thirty miles per hour
11 on a level road surface and shall be equipped with a power
12 drive system that functions directly or automatically only,
13 not requiring clutching or shifting by the operator after
14 the drive system is engaged.

§17C-1-8. Bicycle.
1 “Bicycle” means every device which does not have a
2 motor attached and which is propelled by human power
3 upon which any person may ride, having two tandem
4 wheels either of which is more than twenty inches in
5 diameter.

ARTICLE 15. EQUIPMENT.

§17C-15-2. When lighted lamps are required.
1 Every vehicle other than a motorcycle, motor-driven
2 cycle or moped operated upon a highway within this state
3 at any time from sunset to sunrise and at any other time
4 when there is not sufficient light to render clearly dis-
5 cernible persons and vehicles on the highway at a distance
6 of five hundred feet ahead shall display lighted lamps
7 and illuminating devices as hereinafter respectively re-
8 quired for different classes of vehicles, subject to excep-
9 tions with respect to parked vehicles as hereinafter stated.
10 Every motorcycle, motor-driven cycle, and moped shall
11 display lighted head lamps at all times when upon the
12 highway.

1 (a) Every motor vehicle other than a motorcycle, motor-
2 driven cycle or moped shall be equipped with at least
3 two head lamps with at least one on each side of the
4 front of the motor vehicle, which head lamps shall
5 comply with the requirements and limitations set forth
6 in this article.
7 (b) Every motorcycle, motor-driven cycle and moped
8 shall be equipped with at least one and not more than
9 two head lamps which shall comply with the require-
10 ments and limitations of this article.
11 (c) Every head lamp upon every motor vehicle, in-
12 cluding every motorcycle, motor-driven cycle and
moped, shall be located at a height measured from the
center of the head lamp of not more than fifty-four
inches nor less than twenty-four inches to be measured
as set forth in section three of this article.

(a) Every new motor vehicle hereafter sold and
operated upon a highway, other than a truck tractor,
shall carry on the rear, either as a part of the tail lamps
or separately, two red reflectors, except that every
motorcycle, motor-driven cycle and moped shall carry
at least one reflector, meeting the requirements of this
section, and except that vehicles of the type mentioned
in section nine of this article shall be equipped with
reflectors as required in those sections applicable there-
to.
(b) Every such reflector shall be mounted on the
vehicle at a height not less than fifteen inches nor more
than sixty inches measured as set forth in section three
(b), and shall be of such size and characteristics and
so mounted as to be visible at night from all distances
within three hundred feet to fifty feet from such vehicle
when directly in front of lawful upper beams of head
lamps, except that visibility from a greater distance is
hereinafter required of reflectors on certain types of
vehicles.

§17C-15-7. Stop lamps required on new motor vehicles.
No person may sell any new motor vehicle, including
any motorcycle, motor-driven cycle or moped, in this
state and no person may drive such vehicle on the high-
way unless it is equipped with a stop lamp meeting the
requirements of section eighteen of this article.

(a) Whenever a vehicle is lawfully parked upon a
street or highway during the hours between sunset and
sunrise and in the event there is sufficient light to reveal
any person or object within a distance of five hundred
feet upon such street or highway no lights need be dis-
played upon such parked vehicle.
(b) Whenever a vehicle is parked or stopped upon a
roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motorcycle, motor-driven cycle or moped.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

§17C-15-20. Multiple-beam road-lighting equipment—Requirements generally.

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle, motor-driven cycle or moped shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading. 

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion
of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle, other than a motorcycle, motor-driven cycle or moped, registered in the state after January first, one thousand nine hundred fifty-two, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

§17C-15-23. Lighting equipment on motorcycles, motor-driven cycles and mopeds.

The head lamp or head lamps upon every motorcycle, motor-driven cycle and moped may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every said head lamp or head lamps shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motorcycle, motor-driven cycle or moped is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when it is operated at a speed of twenty-five or more miles per hour.

(2) In the event the motorcycle, motor-driven cycle or moped is equipped with a multiple-beam type head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section twenty (a) of this article and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section twenty (b) of this article.

(3) In the event the motorcycle, motor-driven cycle or moped is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.
§17C-15-25. Number of driving lamps required or permitted.
1 (a) At all times specified in section two of this article
2 at least two lighted lamps shall be displayed, one on
3 each side at the front of every motor vehicle other than
4 a motorcycle, motor-driven cycle or moped, except when
5 such vehicle is parked subject to the regulations govern-
6 ing lights on parked vehicles.
7 (b) Whenever a motor vehicle equipped with head
8 lamps as herein required is also equipped with any
9 auxiliary lamps or a spot lamp or any other lamp on the
10 front thereof projecting a beam of intensity greater than
11 three hundred candlepower, not more than a total of four
12 of any such lamps on the front of a vehicle shall be lighted
13 at any one time when upon a highway.

1 (a) Brake equipment required.—(1) Every motor
2 vehicle, other than a motorcycle, motor-driven cycle or
3 moped, when operated upon a highway shall be equipped
4 with brakes adequate to control the movement of and
5 to stop and hold such vehicle, including two separate
6 means of applying the brakes, each of which means shall
7 be effective to apply the brakes to at least two wheels.
8 If these two separate means of applying the brakes are
9 connected in any way, they shall be so constructed that
10 failure of any one part of the operating mechanism shall
11 not leave the motor vehicle without brakes on at least
12 two wheels.
13 (2) Every motorcycle, motor-driven cycle and moped,
14 when operated upon a highway, shall be equipped with
15 at least one brake which may be operated by hand or
16 foot.
17 (3) Every trailer or semitrailer of a gross weight of
18 three thousand pounds or more when operated upon a
19 highway shall be equipped with brakes adequate to con-
20 trol the movement of and to stop and to hold such vehicle
21 and so designed as to be applied by the driver of the
22 towing motor vehicle from its cab, and said brakes
23 shall be so designed and connected that in case of an
accidental brakeaway of the towed vehicle the brakes shall be automatically applied.

(4) Every new motor vehicle, trailer or semitrailer hereinafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels, with the following exceptions: (1) That trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes, (2) any motorcycle, motor-driven cycle or moped, and (3) that any semitrailer of less than one thousand five hundred pounds gross weight need not be equipped with brakes.

(5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(6) Every such vehicle and combination of vehicles, except motorcycles, motor-driven cycles and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage.
of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that a failure of any one part shall not leave the vehicle without operative brakes.

(7) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) Performance ability of brakes.—Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

<table>
<thead>
<tr>
<th>Feet to stop from 20 miles per hour</th>
<th>Deceleration in feet per second</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicles or combinations of wheels having brakes on all wheels</td>
<td>30</td>
</tr>
<tr>
<td>Vehicles or combinations of wheels not having brakes on all wheels</td>
<td>40</td>
</tr>
</tbody>
</table>

(c) Maintenance of brakes.—All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.


(a) The commissioner is authorized to require an inspection of the brake on any motorcycle, motor-driven cycle or moped and to disapprove any such brake which he finds will not comply with the performance ability standard set forth in section thirty-one of this article, or
which in his opinion is not so designed or constructed as
to insure reasonable and reliable performance in actual
use.

(b) The commissioner may refuse to register or may
suspend or revoke the registration of any vehicle referred
to in this section when he determines that the brake
thereon does not comply with the provisions of this sec-
tion.

(c) No person shall operate on any highway any vehicle
referred to in this section in the event the commissioner
has disapproved the brake equipment upon such vehicle
or type of vehicle.

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

(a) No person shall operate or be a passenger on any
motorcycle or motor-driven cycle unless he is wear-
ing 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 an operator or passenger shall meet the perfor-
mance specifications established by the United States of
America Standards Institute, Specifications for Protective

Helmets worn by operators and 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 lo-
cations.

(b) No person shall operate or be a passenger on any
motorcycle or motor-driven cycle unless he is wear-
ing safety, shatter resistant eyeglasses (excluding con-
tact lenses), or eyegoggles or face shield that complies
with the performance specifications established by the
United States of America Standards Institute, Specifi-
cations for Head, Eye and Respiratory Protection Z 2.1-1959.

In addition, if any motorcycle, motor-driven cycle or
moped be equipped with a windshield or windscreen, the
(c) No person shall operate a motorcycle, motor-driven cycle or moped 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, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator shall carry any other person nor shall any other person ride on such a vehicle unless the vehicle 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 vehicle 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 vehicle. No more than two persons, the operator and one passenger, shall ride the same vehicle at the same time. No person shall ride sidesaddle on a seat.

(e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview mirror affixed to the handlebars and adjusted so that the 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 more often 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 may issue regulations establishing standards and specifications for accessory or safety equipment to be used on motorcycles, motor-driven cycles and mopeds. 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 made available to the public and 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 protective helmets, eye protection devices and equipment 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, eye protection device or equipment 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, eye protection device or equipment is submitted to him for approval.

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

The commissioner of motor vehicles shall make available to the public lists of all types and makes of protective helmets, eye protection devices and equipment 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 protective helmet, eye protection device or equipment 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 or equipment. After the hearing, the commissioner shall determine whether the device or equipment 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 may not sell the device or equipment until it is changed or modified to comply with the standards and specifications established by the board and approved by the commissioner. The commissioner of motor vehicles shall make available to the public the fact that the particular safety device or equipment is not approved for use. If the device or equipment 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 or equipment any disapproved device or equipment sold after the notification to the seller that it does not meet the proper standards and specifications.

§17C-15-45. Certification labels on mopeds.

Every moped sold in this state shall have permanently affixed to it a certification label which shall contain the following information:

1. Name of manufacturer;
2. Month and year of manufacture;
3. Gross vehicle weight rating (GVWR);
4. Gross axle weight rating for front and rear axles (GAWR);
5. Vehicle identification number;
6. Classification type; and
7. Statement of conformance to federal standards as required by federal law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Claude T. Chastain  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. C. Wilkerson, Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Sheehan, Jr.  
President of the Senate

Donald L. Hopp  
Speaker House of Delegates

The within is approved this the 30

day of March, 1978.

John D. Rockefeller  
Governor