

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

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ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 88

(By Mr. *Hollins, original sponsor.*)

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PASSED March 11, 1978

In Effect July 1, 1978 ~~Message~~



110.80

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 88**  
(MR. ROLLINS, *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 fol-  
2 lowing words and phrases when used in this chapter  
3 shall have the meanings respectively ascribed to them in  
4 this article:

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

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

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

20 (d) "School bus" means every motor vehicle owned  
21 by a public governmental agency and operated for the  
22 transportation of children to or from school or privately  
23 owned and operated for compensation for the transpor-  
24 tation of children to or from school.

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

30 (f) "Truck tractor" means every motor vehicle de-

31 signed and used primarily for drawing other vehicles  
32 and not so constructed as to carry a load other than a  
33 part of the weight of the vehicle and load so drawn.

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

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

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

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

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

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

64 (m) "Specially constructed vehicles" means every  
65 vehicle of a type required to be registered hereunder not  
66 originally constructed under a distinctive name, make,  
67 model, or type by a generally recognized manufacturer  
68 of vehicles and not materially altered from its original  
69 construction.

70 (n) "Reconstructed vehicle" means every vehicle of a  
71 type required to be registered hereunder materially  
72 altered from its original construction by the removal,  
73 addition, or substitution of essential parts, new or used.

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

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

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

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

102 (s) "Pneumatic tire" means every tire in which com-  
103 pressed air is designed to support the load.

104 (t) "Solid tire" means every tire of rubber or other  
105 resilient material which does not depend upon com-  
106 pressed air for the support of the load.

107 (u) "Metal tire" means every tire the surface of which

108 in contact with the highway is wholly or partly of metal  
109 or other hard, nonresilient material.

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

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

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

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

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

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

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

144 (cc) "Licensed dealer" or "licensed dealers" is a gen-  
145 eral term meaning, depending upon the context in which  
146 used, either a new motor vehicle dealer, used motor

147 vehicle dealer, house trailer dealer, trailer dealer, or  
148 motorcycle dealer, or all of such dealers or a combination  
149 thereof, licensed under the provisions of article six of  
150 this chapter.

151 (dd) "Transporter" means every person engaged in  
152 the business of delivering vehicles of a type required  
153 to be registered hereunder from a manufacturing, assem-  
154 bling, or distributing plant to dealers or sales agents of a  
155 manufacturer.

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

163 (ff) "Street" or "highway" means the entire width  
164 between boundary lines of every way publicly main-  
165 tained when any part thereof is open to the use of the  
166 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.**

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

#### **§17C-1-5a. Moped.**

1 "Moped" means every motorcycle or motor-driven cycle  
2 unless otherwise specified in this chapter, which is  
3 equipped with two or three wheels, foot pedals to permit  
4 muscular propulsion and an independent power source  
5 providing a maximum of two brake horsepower. If a  
6 combustion engine is used, the maximum piston or rotor  
7 displacement shall be fifty cubic centimeters regardless  
8 of the number of chambers in such power source. The  
9 power source shall be capable of propelling the vehicle,

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.

**§17C-15-4. Head lamps on motor vehicles.**

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



13 moped, shall be located at a height measured from the  
14 center of the head lamp of not more than fifty-four  
15 inches nor less than twenty-four inches to be measured  
16 as set forth in section three of this article.

**§17C-15-6. New motor vehicles to be equipped with reflectors.**

1 (a) Every new motor vehicle hereafter sold and  
2 operated upon a highway, other than a truck tractor,  
3 shall carry on the rear, either as a part of the tail lamps  
4 or separately, two red reflectors, except that every  
5 motorcycle, motor-driven cycle and moped shall carry  
6 at least one reflector, meeting the requirements of this  
7 section, and except that vehicles of the type mentioned  
8 in section nine of this article shall be equipped with  
9 reflectors as required in those sections applicable there-  
10 to.

11 (b) Every such reflector shall be mounted on the  
12 vehicle at a height not less than fifteen inches nor more  
13 than sixty inches measured as set forth in section three  
14 (b), and shall be of such size and characteristics and  
15 so mounted as to be visible at night from all distances  
16 within three hundred feet to fifty feet from such vehicle  
17 when directly in front of lawful upper beams of head  
18 lamps, except that visibility from a greater distance is  
19 hereinafter required of reflectors on certain types of  
20 vehicles.

**§17C-15-7. Stop lamps required on new motor vehicles.**

1 No person may sell any new motor vehicle, including  
2 any motorcycle, motor-driven cycle or moped, in this  
3 state and no person may drive such vehicle on the high-  
4 way unless it is equipped with a stop lamp meeting the  
5 requirements of section eighteen of this article.

**§17C-15-15. Lamps on parked vehicles.**

1 (a) Whenever a vehicle is lawfully parked upon a  
2 street or highway during the hours between sunset and  
3 sunrise and in the event there is sufficient light to reveal  
4 any person or object within a distance of five hundred  
5 feet upon such street or highway no lights need be dis-  
6 played upon such parked vehicle.

7 (b) Whenever a vehicle is parked or stopped upon a

8 roadway or shoulder adjacent thereto, whether attended  
9 or unattended, during the hours between sunset and  
10 sunrise and there is not sufficient light to reveal any  
11 person or object within a distance of five hundred feet  
12 upon such highway, such vehicle so parked or stopped  
13 shall be equipped with one or more lamps meeting the  
14 following requirements: At least one lamp shall dis-  
15 play a white or amber light visible from a distance of  
16 five hundred feet to the front of the vehicle, and the  
17 same lamp or at least one other lamp shall display a  
18 red light visible from a distance of five hundred feet  
19 to the rear of the vehicle, and the location of said lamp  
20 or lamps shall always be such that at least one lamp or  
21 combination of lamps meeting the requirements of this  
22 section is installed as near as practicable to the side of  
23 the vehicle which is closest to passing traffic. The fore-  
24 going provisions shall not apply to a motorcycle, motor-  
25 driven cycle or moped.

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

**§17C-15-20. Multiple-beam road-lighting equipment—Require-  
ments generally.**

1 Except as hereinafter provided, the head lamps or the  
2 auxiliary driving lamp or the auxiliary passing lamp or  
3 combinations thereof on motor vehicles other than a  
4 motorcycle, motor-driven cycle or moped shall be so  
5 arranged that the driver may select at will between dis-  
6 tributions of light projected to different elevations and  
7 such lamps may, in addition, be so arranged that such  
8 selection can be made automatically, subject to the follow-  
9 ing limitations:

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

14 (b) There shall be a lowermost distribution of light,  
15 or composite beam, so aimed and of sufficient intensity to  
16 reveal persons and vehicles at a distance of at least one  
17 hundred feet ahead; and on a straight level road under  
18 any condition of loading none of the high-intensity portion

19 of the beam shall be directed to strike the eyes of an  
20 approaching driver.

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

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

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

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

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

20 (3) In the event the motorcycle, motor-driven cycle or  
21 moped is equipped with a single-beam lamp or lamps, said  
22 lamp or lamps shall be so aimed that when the vehicle is  
23 loaded none of the high-intensity portion of light, at a  
24 distance of twenty-five feet ahead, shall project higher  
25 than the level of the center of the lamp from which it  
26 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.

**§17C-15-31. Brakes—Generally.**

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

24 accidental brakeaway of the towed vehicle the brakes  
25 shall be automatically applied.

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

38 (5) In any combination of motor-driven vehicles,  
39 means shall be provided for applying the rearmost trailer  
40 brakes, of any trailer equipped with brakes, in approxi-  
41 mate synchronism with the brakes on the towing vehicle  
42 and developing the required braking effort on the rear-  
43 most wheels at the fastest rate; or means shall be pro-  
44 vided for applying braking effort first on the rearmost  
45 trailer equipped with brakes; or both of the above means  
46 capable of being used alternatively may be employed.

47 (6) Every such vehicle and combination of vehicles,  
48 except motorcycles, motor-driven cycles and mopeds,  
49 shall be equipped with parking brakes adequate to hold  
50 the vehicle on any grade on which it is operated, under  
51 all conditions of loading on a surface free from snow, ice,  
52 or loose material. The parking brakes shall be capable  
53 of being applied in conformance with the foregoing re-  
54 quirements by the driver's muscular effort or by spring  
55 action or by equivalent means. Their operation may be  
56 assisted by the service brakes or other source of power  
57 provided that failure of the service brake actuation  
58 system or other power assisting mechanism will not pre-  
59 vent the parking brakes from being applied in confor-  
60 mance with the foregoing requirements. The parking  
61 brakes shall be so designed that when once applied they  
62 shall remain applied with the required effectiveness  
63 despite exhaustion of any source of energy or leakage

64 of any kind. The same brake drums, brake shoes and  
 65 lining assemblies, brake shoe anchors and mechanical  
 66 brake shoe actuation mechanism normally associated  
 67 with the wheel brake assemblies may be used for both  
 68 the service brakes and the parking brakes. If the means  
 69 of applying the parking brakes and the service brakes  
 70 are connected in any way, they shall be so constructed  
 71 that a failure of any one part shall not leave the vehicle  
 72 without operative brakes.

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

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

	Feet to stop from 20 miles per hour	Deceleration in feet per second
87 Vehicles or combinations		
88 of vehicles having		
89 brakes on all wheels.....	30	14
90 Vehicles or combinations		
91 of vehicles not having brakes		
92 on all wheels .....	40	10.7

93 (c) *Maintenance of brakes.*—All brakes shall be main-  
 94 tained in good working order and shall be so adjusted as  
 95 to operate as equally as practicable with respect to the  
 96 wheels on opposite sides of the vehicle.

**§17C-15-32. Brakes on motorcycles, motor-driven cycles and mopeds.**

1 (a) The commissioner is authorized to require an in-  
 2 spection of the brake on any motorcycle, motor-driven  
 3 cycle or moped and to disapprove any such brake which  
 4 he finds will not comply with the performance ability  
 5 standard set forth in section thirty-one of this article, or

6 which in his opinion is not so designed or constructed as  
7 to insure reasonable and reliable performance in actual  
8 use.

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

14 (c) No person shall operate on any highway any vehicle  
15 referred to in this section in the event the commissioner  
16 has disapproved the brake equipment upon such vehicle  
17 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.**

1 (a) No person shall operate or be a passenger on any  
2 motorcycle or motor-driven cycle unless he is wear-  
3 ing securely fastened on his head by either a neck or  
4 chin 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 perfor-  
7 mance specifications established by the United States of  
8 America Standards Institute, Specifications for Protective  
9 Headgear for Vehicle Users, Standard Z 90.1-1966.

10 Helmets worn by operators and passengers shall be  
11 coated with a reflectorized substance, or have attached  
12 thereto a reflectorized material, on both sides and the back  
13 thereof, with a minimum of ten square inches of coated  
14 substance or attached material in each of the three lo-  
15 cations.

16 (b) No person shall operate or be a passenger on any  
17 motorcycle or motor-driven cycle unless he is wear-  
18 ing safety, shatter resistant eyeglasses (excluding con-  
19 tact lenses), or eyegoggles or face shield that complies  
20 with the performance specifications established by the  
21 United States of America Standards Institute, Specifica-  
22 tions for Head, Eye and Respiratory Protection Z 2.1-1959.  
23 In addition, if any motorcycle, motor-driven cycle or  
24 moped be equipped with a windshield or windscreen, the

25 windshield or windscreen shall be constructed of safety,  
26 shatter resistant material that complies with the perfor-  
27 mance specifications established by the United States of  
28 America Standards Institute, Safety Glazing Materials  
29 for Glazing Motor Vehicles Operated on Land Highways,  
30 Standard Z 26.1-1966.

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

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

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

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

63 Within thirty days after the effective date of this sec-  
64 tion, the board shall meet and elect one of its members  
65 chairman. The board shall meet thereafter at least twice



66 in each calendar year at a place the board shall deter-  
67 mine. The board may meet more often if it deems it  
68 necessary to perform its functions.

69 The board is hereby authorized to issue regulations  
70 establishing standards and specifications for the protec-  
71 tive helmet and eye protection devices as provided for in  
72 subsections (a) and (b) of this section. Not later than  
73 thirty days after its first meeting, the board shall estab-  
74 lish these standards and specifications. The board may  
75 issue regulations establishing standards and specifications  
76 for accessory or safety equipment to be used on motor-  
77 cycles, motor-driven cycles and mopeds. The board shall  
78 periodically review the standards and specifications and  
79 change them as necessary to comply with this section. The  
80 board shall cause all standards and specifications it es-  
81 tablishes to be made available to the public and to the  
82 commissioner of motor vehicles.

83 (g) The commissioner of motor vehicles is hereby  
84 authorized and shall, in accordance with the standards and  
85 specifications established by the motorcycle safety stan-  
86 dards and specifications board, approve or disapprove  
87 types and makes of protective helmets, eye protection  
88 devices and equipment offered for sale, purchased or used  
89 by any person.

90 The commissioner of motor vehicles is hereby author-  
91 ized and shall approve or disapprove any type and make  
92 of protective helmet, eye protection device or equipment  
93 within fifteen days after submission to him for approval.

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

98 The commissioner of motor vehicles, upon approving  
99 any type and make of protective helmet, eye protection  
100 device or equipment shall issue to the applicant a certifi-  
101 cate of approval.

102 The commissioner of motor vehicles shall make avail-  
103 able to the public lists of all types and makes of protec-  
104 tive helmets, eye protection devices and equipment that  
105 have been approved for use. All law-enforcement agencies  
106 within the state shall be mailed a copy of these lists.

107 When the commissioner of motor vehicles has reason to  
108 believe a type or make of protective helmet, eye protec-  
109 tion device or equipment is being sold commercially that  
110 does not comply with the requirements of this section, he  
111 shall, after giving thirty days' previous notice to the seller,  
112 conduct a hearing upon the question of compliance of the  
113 particular safety device or equipment. After the hearing,  
114 the commissioner shall determine whether the device or  
115 equipment meets the standards and specifications estab-  
116 lished by the motorcycle safety standards and specifica-  
117 tions board. If it does not, the commissioner shall give  
118 notice of that fact to the seller and the seller may not sell  
119 the device or equipment until it is changed or modified to  
120 comply with the standards and specifications established  
121 by the board and approved by the commissioner. The  
122 commissioner of motor vehicles shall make available to  
123 the public the fact that the particular safety device or  
124 equipment is not approved for use. If the device or equip-  
125 ment so disapproved by the commissioner of motor ve-  
126 hicles is one previously approved but which has  
127 fallen below the standards and specifications estab-  
128 lished by the board, he shall suspend or revoke the  
129 approval issued, and he may require that the seller re-  
130 place with an approved device or equipment any dis-  
131 approved device or equipment sold after the notification  
132 to the seller that it does not meet the proper standards  
133 and specifications.

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

1 Every moped sold in this state shall have permanently  
2 affixed to it a certification label which shall contain the  
3 following information:  
4 (1) Name of manufacturer;  
5 (2) Month and year of manufacture;  
6 (3) Gross vehicle weight rating (GVWR);  
7 (4) Gross axle weight rating for front and rear axles  
8 (GAWR);  
9 (5) Vehicle identification number;  
10 (6) Classification type; and  
11 (7) Statement of conformance to federal standards as  
12 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

Clarence C. Chastang Jr.  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. H. Willan Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Buntline Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is approved this the 30  
day of March 1978.

John J. Rhyne  
Governor

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MAR 22 10 01 AM '78

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978

Time 3:45 p.m.

RECEIVED

78 MAR 30 P 9:28

OFFICE  
SECY. OF STATE