

HB 2615

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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HOUSE BILL No. 2615

(By Delegates LOVE, LINCH, WILLIAMS)
AND GIVEN

Passed MARCH 9, 1996

In Effect NINETY DAYS FROM Passage

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H. B. 2615

(BY DELEGATES LOVE, LINCH, WILLIAMS AND GIVEN)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and seven, article one-d, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section five, article two of said chapter; to amend and reenact section forty-four, article fifteen, chapter seventeen-c of said code; and to amend and reenact section three, article six, chapter eighteen of said code, all relating to motorcycle safety education; requiring motorcycle courses to be conducted; extending motorcycle instruction permits; creation of motorcycle safety and education committee; powers and duties of the committee; authorizing the committee to make recommendations to the division of motor vehicles on the expenditure of funds; and motorcycle safety awareness in driver education courses.

Be it enacted by the Legislature of West Virginia:

That sections two and seven, article one-d, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section five, article two of said chapter be amended and reenacted; that section forty-four, article fifteen, chapter seventeen-c of said code be amended and reenacted; and that section three, article six, chapter eighteen of said code, be amended and reenacted, all to read as follows:

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1D. MOTORCYCLE SAFETY EDUCATION.

§17B-1D-2. Program established.

1 (a) The West Virginia motorcycle safety education
2 program is hereby established within the division to be
3 administered by the commissioner. The program shall
4 include rider training courses and instructor training
5 courses. It may also include efforts to enhance public
6 motorcycle safety awareness, alcohol and drug effects
7 awareness for motorcyclists, driver improvement efforts,
8 licensing improvement efforts, program promotion and
9 other efforts to enhance motorcycle safety through educa-
10 tion.

11 (b) The commissioner shall appoint a program coordi-
12 nator who shall oversee and direct the program, and con-
13 duct an annual evaluation. Rider training courses shall be
14 conducted annually in no fewer than four sites throughout
15 the state, commencing no later than the first day of July,
16 one thousand nine hundred and ninety-six.

§17B-1D-7. Motorcycle safety account.

1 (a) There is hereby created a special fund in the state
2 treasury which shall be designated the "motorcycle safety
3 fund". The fund shall consist of all moneys received from
4 motorcycle driver licensing fees except instruction permit
5 fees, one half of the moneys received from the motorcycle
6 safety fee assessed with each motorcycle registration under
7 section three-b, article ten, chapter seventeen-a of this code
8 and any other moneys specifically allocated to the fund.
9 The fund shall not be treated by the auditor and treasurer
10 as part of the general revenue of the state. The fund shall
11 be a special revolving fund to be used and paid out upon
12 order of the commissioner of motor vehicles, based upon
13 the recommendations of the motorcycle safety and educa-
14 tion committee created under section forty-four, article
15 fifteen, chapter seventeen-c of this code, solely for the
16 purposes specified in this chapter.

17 (b) The fund shall be used by the division of motor
18 vehicles to defray the cost of implementing and adminis-
19 tering the motorcycle safety education program estab-
20 lished in section two of this article. Moneys in the special
21 revolving fund may also be used to defray the cost of

22 implementing and administering the motorcycle driver
23 licensing program.

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RE-
NEWAL.**

**§17B-2-5. Qualifications, issuance and fee for instruction per-
mits.**

1 (a) Any person who is at least fifteen years of age may
2 apply to the division for an instruction permit. The divi-
3 sion may, in its discretion, after the applicant has appeared
4 before the department of public safety and successfully
5 passed all parts of the examination other than the driving
6 test and presented documentation of compliance with the
7 provisions of section eleven, article eight, chapter eighteen
8 of this code, issue to the applicant an instruction permit
9 which shall entitle the applicant while having such permit
10 in such person's immediate possession to drive a motor
11 vehicle upon the public highways when accompanied by a
12 licensed driver of at least twenty-one years of age or a
13 driver's education or driving school instructor that is act-
14 ing in an official capacity as an instructor, who is occupy-
15 ing a seat beside the driver, except in the event the permit-
16 tee is operating a motorcycle, but in no event shall the
17 permittee be allowed to operate a motorcycle upon a pub-
18 lic highway until reaching sixteen years of age.

19 Any such instruction permit issued to a person under
20 the age of sixteen years shall expire sixty days after the
21 permittee reaches sixteen years of age: *Provided*, That
22 only permittees who have reached their sixteenth birthday
23 are eligible to take the driving examination as provided in
24 section six of this article. The instruction permit may be
25 renewed for one additional period of sixty days. Any such
26 permit issued to a person who has reached the age of six-
27 teen years shall be valid for a period of sixty days and
28 may be renewed for an additional period of sixty days or
29 a new permit issued. The fee for such instruction permit
30 shall be four dollars, one dollar of which shall be paid into
31 the state treasury and credited to the state road fund, and
32 the other three dollars of which shall be paid into the state
33 treasury and credited to the general fund to be appropriat-
34 ed to the department of public safety for application in the

35 enforcement of the road law.

36 (b) Any person sixteen years of age or older may
37 apply to the division for a motorcycle instruction permit.
38 The division of motor vehicles may, in its discretion, after
39 the applicant has appeared before the division of public
40 safety and successfully passed all parts of the motorcycle
41 examination other than the driving test, and presented
42 documentation of compliance with the provisions of sec-
43 tion eleven, article eight, chapter eighteen of this code,
44 issue to the applicant an instruction permit which entitles
45 the applicant while having such permit in such person's
46 immediate possession to drive a motorcycle upon the
47 public streets or highways for a period of ninety days,
48 during the daylight hours between sunrise and sunset
49 only. No holder of a motorcycle instruction permit shall
50 operate a motorcycle while carrying any passenger on the
51 vehicle.

52 A motorcycle instruction permit is not renewable, but
53 a qualified applicant may apply for a new permit. The fee
54 for a motorcycle instruction permit shall be five dollars,
55 which shall be paid into a special fund in the state treasury
56 known as the motorcycle license examination fund as
57 established in section seven-c, article two of this chapter.

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

ARTICLE 15. EQUIPMENT.

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

1 (a) No person shall operate or be a passenger on any
2 motorcycle or motor-driven cycle unless the person is
3 wearing securely fastened on his or her head by either a
4 neck or chin strap a protective helmet designed to deflect
5 blows, resist penetration and spread impact forces. Any
6 helmet worn by an operator or passenger shall meet the
7 current performance specifications established by the
8 American National Standards Institute Standard, Z 90.1,
9 the United States Department of Transportation Federal
10 Motor Vehicle Safety Standard No. 218 or Snell Safety

11 Standards for Protective Headgear for Vehicle Users.

12 (b) No person shall operate or be a passenger on any
13 motorcycle or motor-driven cycle unless the person is
14 wearing safety, shatter-resistant eyeglasses (excluding
15 contact lenses), or eyegoggles or face shield that complies
16 with the performance specifications established by the
17 American National Standards Institute for Head, Eye and
18 Respiratory Protection, Z 2.1. In addition, if any motor-
19 cycle, motor-driven cycle or moped is equipped with a
20 windshield or windscreen, the windshield or windscreen
21 shall be constructed of safety, shatter-resistant material that
22 complies with the performance specifications established
23 by Department of Transportation Federal Motor Vehicle
24 Safety Standard No. 205 and American National Stan-
25 dards Institute, Safety Glazing Materials for Glazing Mo-
26 tor Vehicles Operated on Land Highways, Standard Z
27 26.1.

28 (c) No person shall operate a motorcycle,
29 motor-driven cycle or moped on which the handlebars or
30 grips are more than fifteen inches higher than the upper-
31 most part of the operator's seat when the seat is not de-
32 pressed in any manner.

33 (d) A person operating a motorcycle, motor-driven
34 cycle or moped shall ride in a seated position facing for-
35 ward and only upon a permanent operator's seat attached
36 to the vehicle. No operator shall carry any other person
37 nor shall any other person ride on the vehicle unless the
38 vehicle is designed to carry more than one person, in
39 which event a passenger may ride behind the operator
40 upon the permanent operator's seat if it is designed for two
41 persons, or upon another seat firmly attached to the vehi-
42 cle to the rear of the operator's seat and equipped with
43 footrests designed and located for use by the passenger or
44 in a sidecar firmly attached to the vehicle. No person shall
45 ride side saddle on a seat. An operator may carry as many
46 passengers as there are seats and footrests to accommodate
47 those passengers. Additional passengers may be carried in
48 a factory produced sidecar provided that there is one pas-
49 senger per seat. Passengers riding in a sidecar shall be
50 restrained by safety belts.

51 (e) Every motorcycle, motor-driven cycle and moped
52 shall be equipped with a rearview mirror affixed to the

53 handlebars or fairings and adjusted so that the operator
54 shall have a clear view of the road and condition of traffic
55 behind him for a distance of at least two hundred feet.

56 (f) There is hereby created a six member motorcycle
57 safety and education committee consisting of: The super-
58 intendent of the state police or a designee; the commis-
59 sioner of motor vehicles or a designee; the director of the
60 West Virginia safety council or a designee; a licensed
61 motorcycle operator; an owner of a motorcycle dealer-
62 ship; and a supplier of aftermarket non-franchised motor-
63 cycle supplies. The non-governmental representatives shall
64 be appointed by the governor with the advice and consent
65 of the Senate, shall serve without compensation, and the
66 terms shall be for three years, except that as to the mem-
67 bers first appointed, one shall be appointed for a term of
68 one year, one shall be appointed for a term of two years
69 and one shall be appointed for a term of three years.
70 Members may be reapointed to the committee.

71 The committee shall continue to exist pursuant to the
72 provisions of article ten, chapter four of this code until the
73 first day of July, one thousand nine hundred ninety nine,
74 to allow for the completion of a preliminary performance
75 review by the joint committee on government operations.

76 The committee is hereby authorized to recommend to
77 the superintendent of public safety types and makes of
78 protective helmets, eye protection devices and equipment
79 offered for sale, purchased or used by any person. The
80 committee is authorized to make recommendations to the
81 commissioner of motor vehicles regarding the use of the
82 moneys in the motorcycle safety fund created under sec-
83 tion seven, article one-d, chapter seventeen-b of this code.

CHAPTER 18. EDUCATION.

ARTICLE 6. DRIVER EDUCATION.

§18-6-3. State board to establish minimum course standards; students with mental or physical defects; minimum standards specified.

1 (a) The state board of education shall establish mini-
2 mum standards for all driver education courses offered
3 and made available to persons within the state, regardless
4 of whether the ~~courses~~ are offered by public, private, paro-

5 chial, denominational or commercial schools, but no per-
6 son shall be permitted to enroll in any driver education
7 course who has a known mental or physical defect that
8 would prevent the person from qualifying for an opera-
9 tor's license, unless the mental or physical defect is con-
10 trolled or corrected so the person could so qualify.

11 (b) The minimum standards shall provide at least that:

12 (1) All driver education courses offered within the
13 state are taught by instructors certified by the state board
14 as qualified for these purposes.

15 (2) Each person enrolled in a driver education course
16 shall receive practice driving and observation in a dual
17 control automobile and instruction in at least the follow-
18 ing:

19 (A) Basic and advanced driving techniques, including
20 techniques for handling emergencies.

21 (B) Traffic regulations and laws of the road as provid-
22 ed in chapter seventeen-c of this code, and other applica-
23 ble state and local laws and ordinances.

24 (C) Critical mechanical parts of vehicles requiring
25 preventive maintenance for safety.

26 (D) The vehicle, highway and community features that
27 aid the driver in avoiding crashes; protect him and his
28 passengers in crashes; and maximize the salvage of the
29 injured.

30 (E) Signs, signals, highway markings and highway
31 design features which require understanding for safe oper-
32 ation of motor vehicles.

33 (F) Differences in characteristics of urban and rural
34 driving, including safe use of modern expressways.

35 (G) Pedestrian safety.

36 (H) Motorcycle safety awareness.

37 (c) In addition, in driver education courses participat-
38 ing students shall be encouraged to acquire first aid skills.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 15th
day of April, 1996.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR
Date 3/22/46
Time 2:57pm