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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. 682

(By Senator Wooten, et al)



PASSED March 4, 2002

In Effect ninety days from Passage

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 682

(SENATORS WOOTON, ROSS, MCCABE, KESSLER, FANNING,
EDGELL, MCKENZIE, JACKSON, SNYDER, FACEMYER,
BOWMAN, MINARD, SPROUSE, BOLEY, TOMBLIN, HUNTER,
CHAFIN, SHARPE, ANDERSON, HELMICK, PREZIOSO,
UNGER, BAILEY, OLIVERIO, MITCHELL, LOVE, ROWE,
REDD, PLYMALE AND MINEAR, *original sponsors*)

[Passed March 4, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three and thirty, article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto two new sections, designated sections sixty-five and sixty-six; and to further amend said chapter by adding thereto a new article, designated article ten-a, all relating to the definition of wheelchair and electric personal assistive mobility device; requiring operation and equipment standards for said

devices; and establishing penalties for violations of article ten-a of said chapter.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-2. Vehicle.

- 1 "Vehicle" means every device in, upon or by which any
- 2 person or property is or may be transported or drawn upon
- 3 a highway, except devices moved by human power or used
- 4 exclusively upon stationary rails or tracks or wheelchairs.

§17C-1-3. Motor vehicle.

- 1 "Motor vehicle" means every vehicle which is self-
- 2 propelled and every vehicle which is propelled by electric
- 3 power obtained from overhead trolley wires, but not
- 4 operated upon rails, except motorized wheel chairs.

§17C-1-30. Pedestrian.

- 1 "Pedestrian" means any person afoot or any person
- 2 using a wheelchair.

§17C-1-65. Wheelchair.

- 1 "Wheelchair" means a motorized or nonmotorized
- 2 wheeled device designed for, and used by, a person with
- 3 disabilities that is incapable of a speed in excess of eight
- 4 miles per hour.

§17C-1-66. Electric personal assistive mobility device.

1 "Electric personal assistive mobility device" or
2 "EPAMD" means a self-balancing, two nontandem-
3 wheeled device, designed to transport only one person,
4 with an electric propulsion system with average power of
5 seven hundred fifty watts (one horse power), whose
6 maximum speed on a paved level surface, when powered
7 solely by such a propulsion system while ridden by an
8 operator who weighs one hundred seventy pounds, is less
9 than twenty miles per hour.

**ARTICLE 10A. OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBIL-
ITY DEVICES.**

§ 17C-10A-1. Definitions.

1 For purposes of this article, the definition of an "electric
2 personal assistive mobility device" is the same definition
3 as previously set forth in section sixty-six, article one of
4 this chapter and "operator" shall refer to the operator of
5 an electric personal assistive mobility device.

**§17C-10A-2. Equipment requirements and operating standards
for electric personal assistive mobility devices;
applicability of motor vehicle code; penalties.**

1 (a) An electric personal assistive mobility device shall be
2 equipped with:

3 (1) Front, rear and side reflectors;

4 (2) A braking system that enables the operator to bring
5 the device to a controlled stop; and

6 (3) If operated at any time from one-half hour after
7 sunset to one-half hour before sunrise, a lamp that emits
8 a white light that sufficiently illuminates the area in front
9 of the device.

10 (b) An operator of an electric personal assistive mobility
11 device traveling on a sidewalk, roadway or bicycle path
12 shall have the rights and duties of a pedestrian and shall

13 exercise due care to avoid colliding with pedestrians. An
14 operator shall yield the right of way to pedestrians.

15 (c) Except as provided in this section, no other provisions
16 of the motor vehicle code shall apply to electric personal
17 assistive mobility devices.

18 (d) An operator who violates a provision of subsection (a)
19 or (b) of this section shall receive a warning for the first
20 offense. For a second or subsequent offense, the operator
21 shall be punished by a fine of no less than ten dollars and
22 no greater than one hundred dollars.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
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Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *18th*
Day of *March* , 2002.
[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/02

Time 10:55 am