WEST VIRGINIA LEGISLATURE
Regular Session 2002

ENROLLED
Committee Substitute for
SENATE BILL NO. 682

(By Senator Wootan, et al.)

PASSED March 4, 2002

In Effect Ninety days from Passage
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
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... 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 person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks or wheelchairs.

§17C-1-3. Motor vehicle.

1 "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, except motorized wheel chairs.

§17C-1-30. Pedestrian.

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

§17C-1-65. Wheelchair.

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

§17C-1-66. Electric personal assistive mobility device.
"Electric personal assistive mobility device" or "EPAMD" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of seven hundred fifty watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

ARTICLE 10A. OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

§ 17C-10A-1. Definitions.

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

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

(1) Front, rear and side reflectors;

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

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

(b) An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian and shall
exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.

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

(d) An operator who violates a provision of subsection (a) or (b) of this section shall receive a warning for the first offense. For a second or subsequent offense, the operator shall be punished by a fine of no less than ten dollars and no greater than one hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect, ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ___ Day of ___ 2002.

Governor