

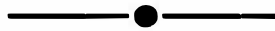
HB 3240

FILED

2009 MAY -6 PM 1: 29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 3240**

(By Delegates White and Kominar)



Passed April 11, 2009

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE

FOR

H. B. 3240

FILED
2009 MAY -6 PM 1:30
OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES WHITE AND KOMINAR)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §17F-1-2 of the Code of West Virginia, 1931, as amended, relating to all-terrain vehicle rider safety awareness courses; authorizing the commissioner of Motor Vehicles to authorize state institutions of higher education to issue certificates of completion; and limiting the liability of the state institutions of higher education which operate, own, train or promote all-terrain vehicle rider safety awareness courses approved by the commissioner.

Be it enacted by the Legislature of West Virginia:

That §17F-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

§17F-1-2. Safety awareness courses.

- 1 (a) The Commissioner of Motor Vehicles shall offer a
- 2 free all-terrain vehicle rider safety awareness course, and
- 3 may approve other all-terrain vehicle rider safety awareness

4 courses, to meet the reasonably anticipated needs of the
5 public. The commissioner shall offer free safety awareness
6 course materials to authorized dealers of all-terrain vehicles
7 for use by purchasers and potential purchasers free of charge.

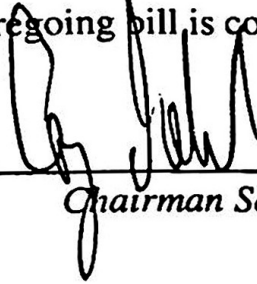
8 (b) The commissioner shall issue certificates of
9 completion to persons who satisfactorily complete the
10 requirements of an approved course. The commissioner may
11 authorize a dealer of all-terrain vehicles and other approved
12 providers to issue the certificates of completion. The
13 commissioner may authorize a state institution of higher
14 education, which is the operator, owner, trainer or promoter
15 of an all-terrain vehicle rider safety awareness course
16 approved by the commissioner, pursuant to subsection (a) of
17 this section, to issue the certificates of completion on behalf
18 of the commissioner.

19 (c) No person under the age of eighteen may operate an
20 all-terrain vehicle without a certificate of completion of a
21 vehicle rider safety awareness course as offered or approved
22 by the commissioner.

23 (d) The provisions of subsection (c) of this section do not
24 apply to the operation of an all-terrain vehicle on any private
25 or public recreational trail or area or affiliated trail or area
26 operated by a person or entity which has in place a safety
27 program.

28 (e) No state institution of higher education, which
29 operates, owns, trains or promotes an all-terrain vehicle rider
30 safety awareness course approved by the commissioner,
31 pursuant to this section, is liable for personal injuries to, or
32 for the death of, a rider that may occur during an approved
33 all-terrain vehicle rider safety awareness course, unless an
34 employee or agent of the state institution of higher
35 education's acts or omissions are with malicious purpose, in
36 bad faith, or undertaken in a wanton or reckless manner.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

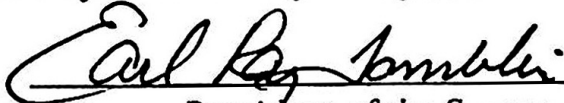
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is appended this the 6th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY - 4 2009

Time 10:05 am