

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Enrolled

Committee Substitute

for

**Senate Bill 39**

BY SENATORS STOLLINGS AND GAUNCH,

*original sponsors*

[Passed March 8, 2016; in effect 90 days from passage]

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SECRETARY OF STATE

SB39

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1 AN ACT to amend and reenact §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as  
2 amended, all relating to regulation of all-terrain vehicles; clarifying circumstances in which  
3 all-terrain vehicles may operate and travel; and defining motorcycles as all-terrain  
4 vehicles.

*Be it enacted by the Legislature of West Virginia:*

1 That §17F-1-1 and §17F-1-9 of the Code of West Virginia, 1931, as amended, be  
2 amended and reenacted, all to read as follows:

**ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.**

**§17F-1-1. Acts prohibited by operator; penalties for violations.**

1 (a) No all-terrain vehicle may be operated in this state:

2 (1) On any interstate highway except by public safety personnel responding to  
3 emergencies;

4 (2) On any road or highway with a center line or more than two lanes except for the  
5 purpose of crossing the road, street or highway, if:

6 (A) The crossing is made at an angle of approximately ninety degrees to the direction of  
7 the highway and at a place where no obstruction prevents a quick and safe crossing;

8 (B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled  
9 way of the highway;

10 (C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an  
11 immediate potential hazard; and

12 (D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle  
13 is so equipped;

14 (3) With more than one passenger unless more passengers are allowed under  
15 manufacturers' recommendations;

16 (4) With a passenger under the age of eighteen, unless the operator has at a minimum a  
17 level two intermediate driver's license or its equivalent or is eighteen years of age or older;

18 (5) Unless riders under the age of eighteen are wearing size appropriate protective  
19 helmets that meet the current performance specifications established by the American National  
20 Standards Institute standard, z 90.1, the United States Department of Transportation federal  
21 motor vehicle safety standard no. 218 or Snell safety standards for protective headgear for vehicle  
22 users;

23 (6) Anytime from sunset to sunrise without an illuminated headlight or lights and taillights;

24 (7) Without a manufacturer-installed or equivalent spark arrester and a manufacturer-  
25 installed or equivalent muffler in proper working order and properly connected to the vehicle's  
26 exhaust system; or

27 (8) Unless operating in compliance with the provisions of section two of this article.

28 (b) An all-terrain vehicle may be operated upon the shoulder, or as far to the right on the  
29 pavement as possible when there is not enough shoulder to safely operate, on any road, street  
30 or highway referred to in subdivision (2), subsection (a) of this section other than an interstate  
31 highway for a distance not to exceed ten miles to travel between a residence or lodging and off-  
32 road trails, fields and areas of operation, including stops for food, fuel, supplies and restrooms, if:

33 (1) The vehicle is operated at speeds of twenty-five miles per hour or less; and

34 (2) The vehicle is operated at any time from sunset to sunrise the all-terrain vehicle must  
35 be equipped with headlights and taillights which must be illuminated.

36 (c) Operation of an all-terrain vehicle in accordance with subsection (b) shall not constitute  
37 operation of a motor vehicle on a road or highway of this state as contemplated by the provisions  
38 of section seven of this article.

39 (d) Notwithstanding any provision of this chapter to the contrary, a municipality, county or  
40 other political subdivision of the state may authorize the operation of all-terrain vehicles on certain  
41 specified roads, streets or highways which are marked with centerline pavement markings, other  
42 than interstate highways, to allow participation in parades, exhibitions and other special events,  
43 in emergencies or for specified purposes.

**§17F-1-9. Definition of all-terrain and utility terrain vehicle.**

1 (a) As used in this chapter:

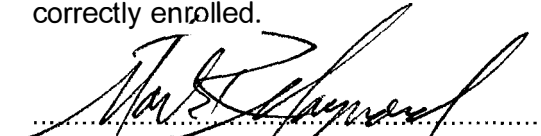
2 (1) "All-terrain vehicle" or "ATV" means any motor vehicle designed for off-highway use  
3 and designed to travel on not less than three low-pressure tires, having a seat or saddle designed  
4 to be straddled by the operator and handlebars for steering control and intended by the  
5 manufacturer to be used by a single operator or by an operator and no more than one passenger.

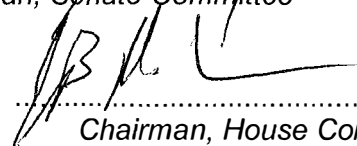
6 (2) "Utility-terrain vehicle" means any motor vehicle with four or more low-pressure tires  
7 designed for off-highway use having bench or bucket seating for each occupant and a steering  
8 wheel for control.

9 (3) "Motorcycle" means any motor vehicle manufactured with no more than two wheels  
10 and having a seat or a saddle for the use of the operator.

11 (b) As used in this article, "all-terrain vehicles" and "vehicle", or the plural, mean all-terrain  
12 vehicles, utility-terrain vehicles and motorcycles.

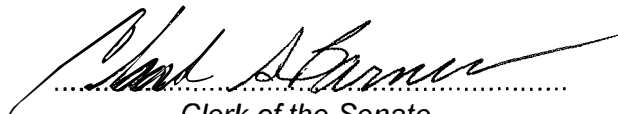
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

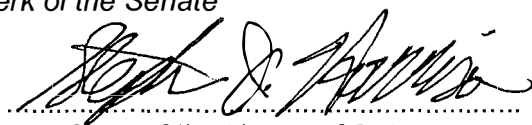
  
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Chairman, Senate Committee

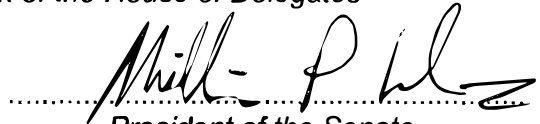
  
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Chairman, House Committee


Originated in the Senate.

In effect 90 days from passage.

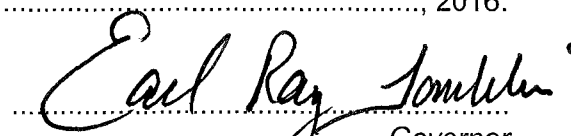
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within *is approved* this the *16th*  
*March*  
Day of ....., 2016.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 14 2016

Time 11:43 AM