Common Sense ATV Safety Strategies

- Never operate an ATV without proper training or instruction.
- Never carry a passenger unless the ATV is meant for more than one rider.
- Never use an ATV on public roads and other paved surfaces.
- Never use alcohol or drugs when operating an ATV.
- Always wear an approved helmet and other protective gear.
- Children under age 16 should not operate an ATV with an engine size greater than 90cc.
- Parents and adults should be role models for children.

Current ATV Facts for West Virginia

- West Virginia has an average 23 deaths per year from January 2000 through December 2003
- More than 95% of crash victims were not wearing a helmet.
- One-third of crashes involve passengers.
- About 40% of crashes occur on paved streets and roads.
- 24% of the deaths were among children 16 years of age and younger. 12% were among men 65 years of age and older.
- 22% of crashes involve alcohol or drugs.

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A Summary of...

WEST VIRGINIA ATV LAWS

Provided by:

WestVirginiaUniversity
CENTER FOR RURAL EMERGENCY MEDICINE

Introduction

In 2004, the West Virginia State Legislature passed mandatory ATV regulations (WV Code chapter 17F). This action was taken in response to West Virginia's nation-high ATV-related death rate. Since 2000, ATV crashes have killed an average of 23 people per year in West Virginia, and injured hundreds of others.

This brochure is not meant to be a detailed explanation of state ATV laws, but to provide an overview of what West Virginia's new ATV laws entail. Some common sense strategies for staying safe while riding your ATV are also listed in this publication.

What is an ATV?

An All-terrain vehicle or ATV shall mean any motor vehicle fifty-two inches or less in width, having an unladen weight of 800 pounds or less, traveling on 3 or more low pressure tires with a seat designed to be straddled by the rider, designed for or capable of travel over unimproved terrain.

Roads and Highways

No ATV may be operated in this state:

- On any interstate highway except by public safety personnel responding to emergencies.
- On any road or highway with a center line or more than two lanes except for the purpose of crossing the road, street, or highway, if:
  - ◊ The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
  - ◊ The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
  - ◊ The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
  - ◊ Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped.
- An all-terrain vehicle may, for the sole purpose of getting from one trail, field or area of operation to another, be operated upon the shoulder of any road, street or highway as long as the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

Passengers

No ATV may be operated in this state:

- With more than one passenger unless more passengers are allowed under manufacturers' recommendations.
- With a passenger under the age of 18, unless the operator has at a minimum a level 2 intermediate driver's license or its equivalent or is 18 years of age or older.

Rider Safety

No ATV may be operated in this state:

- Unless riders under the age of 18 are wearing **size appropriate protective helmets** that meet the current performance specifications established by the American National Standards Institute standard, z 90.1, the United States Department of Transportation (DOT) Federal Motor Vehicle Safety Standard no. 218 or Snell safety standards for protective headgear for vehicle users.
- On and after January 1, 2005, no person under the age of 18 may operate an ATV without a certificate of completion of a **vehicle rider safety awareness course** as offered or approved by the Commissioner of Motor Vehicles.
- Certificates of completion will be issued to persons who satisfactorily complete the requirements of an approved course.
- The provisions of this section do not apply to the operation of an ATV on any private or public recreational trail or area, or affiliated trail or area operated by a person or entity which has in place a safety program.

Equipment

No ATV may be operated in this state:

- Anytime from sunset to sunrise without an illuminated headlight or lights and taillights.
- Without a manufacturer-installed or equivalent spark arrester and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system.

Local Government Authority

- The government of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of ATVs upon any street, road or avenue within the municipal corporate limits.
- Homeowner associations may petition the county commission of the county…for an ordinance to regulate or prohibit the operation of ATVs upon any street, road or avenue within the area regulated by the homeowner association.
- The county commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation of ATVs on any road in the county, except interstate highways…

Penalties

- …any person who violates the provisions of this article, municipal or county ordinance or who owns or has control over an ATV and knowingly permits it to be used in violation of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100.
- Any parent, legal guardian or person who has actual responsibility for a child under 18 years of age who knows or should have known the child is operating or is a passenger on an ATV without a helmet as required by the provisions of this article is guilty of a misdemeanor and shall, upon conviction, be subject to the following penalties:
  - ◊ First offense: a fine of not less than $50, nor more than $100, or not more than 10 hours of community service, or both.
  - ◊ Second offense: a fine of no less than $100, nor more than $200, or not more than 20 hours of community service, or both

REMEMBER:

Drivers of uninsured ATVs operating on the road are subject to driver license suspension!