

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1001 of the Code of Virginia, relating to removal of unsafe*
3 *vehicles from service on the highway.*

4 [H 1102]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-1001 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-1001. Removal of unsafe vehicles; penalty.

9 Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform
10 vehicle safety inspections and found to be operating with defective brakes, tires, wheels, steering
11 mechanism, or any other condition which is likely to cause an accident or a breakdown of the motor
12 vehicle, trailer, or semitrailer may be removed from the highway and not permitted to operate again on
13 the highway until the defects have been corrected and the law-enforcement officer has found the
14 corrections to be satisfactory. Such law-enforcement officer may allow any motor vehicle, trailer, or
15 semitrailer discovered to be in such an unsafe condition while being operated on the highway to
16 continue in operation only to the nearest place where repairs can be safely effected and only if such
17 operation is less hazardous to the public than to permit the motor vehicle, trailer, or semitrailer to
18 remain on the highway.

19 No person shall operate a motor vehicle, trailer, or semitrailer which has been removed from service
20 as provided in the foregoing provisions of this section prior to correction and proper authorization by a
21 law-enforcement officer certified to perform vehicle safety inspection procedures.

22 For the purpose of this section, the term "law-enforcement officer certified to perform vehicle safety
23 inspections" shall include (i) State Police officers and (ii) those law-enforcement officers of the Cities of
24 Alexandria, Chesapeake, Fairfax, Falls Church, Harrisonburg, Lynchburg, Manassas, Norfolk,
25 Portsmouth, Suffolk, and Virginia Beach, the Town of Herndon, and the Counties of Arlington, Bedford,
26 Chesterfield, Fairfax, Henrico, Loudoun, Prince William, Roanoke, Rockingham, Washington, and Wythe
27 who have satisfactorily completed a course of instruction as prescribed by the U.S. Department of
28 Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, in federal motor
29 carrier safety regulations, safety inspection procedures, and out-of-service criteria. Those
30 law-enforcement officers certified to place vehicles out of service must receive annual in-service training
31 in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service
32 criteria. The Superintendent of State Police shall be responsible for coordinating the annual in-service
33 training. The agency administrator of the law-enforcement agencies authorized to perform vehicle safety
34 inspections shall submit to the Department of State Police the names of each law-enforcement officer
35 certified to perform vehicle safety inspections who has satisfactorily completed a course of instruction as
36 prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor
37 Carrier Safety.

38 Every vehicle inspected by a local law-enforcement officer pursuant to this section and found to be
39 free of defects which would constitute grounds for removal of the vehicle from service shall be issued a
40 sticker as evidence of such inspection and freedom from defects. Such stickers shall be valid for ninety
41 days. Any vehicle displaying a valid sticker shall be exempt from local or State Police inspections under
42 this section. However, the fact that a vehicle displays a valid sticker shall not prevent any local or State
43 Police officer from stopping and inspecting the vehicle if he observes an obvious safety defect. The
44 Superintendent of State Police shall work cooperatively with local law-enforcement agencies of localities
45 whose officers are authorized to perform inspections pursuant to this section to develop a standard
46 sticker as provided for in this section and uniform policies and procedures for issuance and display of
47 such stickers.

48 However, notwithstanding the foregoing provisions of this section, before placing any vehicle out of
49 service, the vehicle operator shall be allowed two hours to effect repairs to his vehicle. Such repairs may
50 be performed at the site where the vehicle was inspected and found to be unsafe, provided the vehicle
51 requiring repair is off the highway, where the repairs can be effected safely. If such repairs remedy the
52 condition or conditions that would have caused it to be taken out of service, it shall not be taken out of
53 service, but allowed to resume its operations. No such repairs, however, shall be allowed if the vehicle's
54 load consists of hazardous material as defined in § 10.1-1400.

ENROLLED

HB1102ER