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## SENATE BILL NO. 712

Offered January 20, 2006

A BILL to amend §§ 15.2-919, 46.2-100, 46.2-808, 46.2-904 through 46.2-907, 46.2-908.1, 46.2-932, 46.2-1047, and 46.2-1049 of the Code of Virginia, relating to mopeds, motorcycles, motorized skateboards and scooters, and motorized cycles; penalty.

Patron—Marsh

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-919, 46.2-100, 46.2-808, 46.2-904 through 46.2-907, 46.2-908.1, 46.2-932, 46.2-1047, and 46.2-1049 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-919. Regulation of motorcycle noise.

Any locality may, by ordinance, regulate noise from a motorcycle, *motorized skateboard or scooter*, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access

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59 in the same size as the numbers and letters on the plate and in a color that contrasts with the  
60 background.

61 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;  
62 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Veterans Administration.  
63 A veteran shall be considered blind if he has a permanent impairment of both eyes to the following  
64 extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central  
65 visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted  
66 to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20  
67 degrees in the better eye.

68 "Driver's license" means any license, including a commercial driver's license as defined in the  
69 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the  
70 Commonwealth authorizing the operation of a motor vehicle.

71 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device  
72 that is designed to transport only one person and powered by an electric propulsion system that limits  
73 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title, an  
74 electric personal assistive mobility device shall be a vehicle when operated on a highway.

75 "Electric power-assisted bicycle" means a bicycle equipped with an electric motor that reduces the  
76 pedal effort required of the rider, but does not eliminate the rider's need to pedal. For the purposes of  
77 Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle when operated on a highway.

78 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of  
79 which will tend to conceal the identity of a vehicle.

80 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural  
81 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery  
82 and implements including self-propelled mowers designed and used for mowing lawns.

83 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all  
84 administrative regulations and policies adopted pursuant thereto.

85 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred  
86 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided  
87 for in § 46.2-472.

88 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,  
89 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and  
90 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

91 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the  
92 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer  
93 and that has not been registered in the Commonwealth.

94 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their  
95 equipment on a golf course.

96 "Governing body" means the board of supervisors of a county, council of a city, or council of a  
97 town, as context may require.

98 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load  
99 thereon.

100 "Highway" means the entire width between the boundary lines of every way or place open to the use  
101 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,  
102 and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or  
103 private streets that have been specifically designated "highways" by an ordinance adopted by the  
104 governing body of the county, city, or town in which such private roads or streets are located.

105 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
106 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one  
107 another at, or approximately at, right angles, or the area within which vehicles traveling on different  
108 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways  
109 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting  
110 highway shall be regarded as a separate intersection, in the event such intersecting highway also  
111 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways  
112 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of  
113 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

114 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make  
115 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to  
116 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also  
117 include city and county commissioners of the revenue and treasurers, together with their duly designated  
118 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,  
119 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

120 "License plate" means a device containing letters, numerals, or a combination of both, attached to a

motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means a conveyance that is either (i) a bicycle-like device with pedals and a helper motor that is rated at no more than two brake horsepower and that produces speeds up to a maximum of 30 miles per hour or (ii) a motorcycle with an engine displacement of 50 cubic centimeters or less and a maximum speed of less than 30 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a moped shall be a vehicle while operated on a highway.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle ~~designed to travel~~ that travels on not more than three wheels in contact with the ground, ~~except and is capable of traveling at speeds in excess of 30 miles per hour. The term "motorcycle" does not include any vehicle included within the term "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," or "golf cart,"~~ "moped," "motorized skateboard or scooter," "utility vehicle" or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that has (i) no seat, but is designed to be stood upon by the operator, and (ii) no manufacturer-issued 17-digit vehicle identification number, and (iii) is powered by an electric motor having an output of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons

182 or property except as part of a sales transaction.

183 "Operator" or "driver" means every person who either (i) drives or is in actual physical control of a  
184 motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a  
185 motor vehicle.

186 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of  
187 an agreement for its conditional sale or lease with the right of purchase on performance of the  
188 conditions stated in the agreement and with an immediate right of possession vested in the conditional  
189 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or  
190 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent  
191 paid by the lessee includes charges for services of any nature or when the lease does not provide that  
192 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner  
193 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to  
194 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the  
195 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of  
196 private carriers.

197 "Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for  
198 the transportation of no more than 10 persons including the driver.

199 "Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or  
200 other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of this title, this definition  
201 shall also include a card that enables a person to pay for transactions through the use of value stored on  
202 the card itself.

203 "Pickup or panel truck" means every motor vehicle designed for the transportation of property and  
204 having a registered gross weight of 7,500 pounds or less.

205 "Private road or driveway" means every way in private ownership and used for vehicular travel by  
206 the owner and those having express or implied permission from the owner, but not by other persons.

207 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title  
208 materially altered from its original construction by the removal, addition, or substitution of new or used  
209 essential parts.

210 "Residence district" means the territory contiguous to a highway, not comprising a business district,  
211 where 75 percent or more of the property abutting such highway, on either side of the highway, for a  
212 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is  
213 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of  
214 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200  
215 et seq.) of Title 15.2.

216 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or  
217 restoration except through reapplication after the expiration of the period of revocation.

218 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
219 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical  
220 barrier or barriers or an unpaved area.

221 "Safety zone" means the area officially set apart within a roadway for the exclusive use of  
222 pedestrians and that is protected or is so marked or indicated by plainly visible signs.

223 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial  
224 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private  
225 or religious schools, or used for the transportation of the mentally or physically handicapped to and  
226 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a  
227 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A  
228 yellow school bus may have a white roof provided such vehicle is painted in accordance with  
229 regulations promulgated by the Department of Education.

230 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a  
231 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another  
232 vehicle.

233 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by  
234 an open space or barrier and is located either within the highway right-of-way or within a separate  
235 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel  
236 chair conveyances, joggers, and other nonmotorized users.

237 "Shoulder" means that part of a highway between the portion regularly ~~travelled~~ traveled by vehicular  
238 traffic and the lateral curblin or ditch.

239 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,  
240 and the adjacent property lines, intended for use by pedestrians.

241 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
242 runners, and supported in whole or in part by one or more skis, belts, or cleats.

243 "Specially constructed vehicle" means any vehicle that was not originally constructed under a

distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in § 46.2-915.1, riding lawn mowers, or any other vehicle whose definition is included in this section.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-808. Commonwealth Transportation Board may prohibit certain uses of controlled access highways; penalty.

A. The Commonwealth Transportation Board may, when necessary to promote safety, prohibit the use of controlled access highways or any part thereof by any or all of the following:

1. Pedestrians,
2. Persons riding bicycles, electric power-assisted bicycles, *motorized skateboards or scooters*, electric personal assistive mobility devices, or mopeds,
3. ~~Horse-drawn~~ *Animal-drawn* vehicles,
4. Self-propelled machinery or equipment, and
5. Animals led, ridden or driven on the hoof.

B. The termini of any section of controlled access highways, use of which is restricted under the provisions of this section, shall be clearly indicated by a conspicuous marker.

C. This section shall not apply to any vehicle or equipment owned or controlled by the Virginia Department of Transportation, while actually engaged in the construction, reconstruction, or maintenance

305 of highways or to any vehicle or equipment for which a permit has been obtained for operation on such  
306 highway.

307 Any person violating a restriction or prohibition imposed pursuant to this section shall be guilty of a  
308 traffic infraction.

309 § 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of  
310 bicycles, motorized skateboards or scooters, motor-driven cycles, electric power-assisted bicycles, and  
311 electric personal assistive mobility devices on sidewalks and crosswalks and shared-use paths; local  
312 ordinances.

313 The governing body of any county, city, or town may by ordinance prohibit the use of roller skates  
314 and skateboards and/or the riding of bicycles, electric personal assistive mobility devices, *motorized*  
315 *skateboards or scooters*, or electric power-assisted bicycles on designated sidewalks or crosswalks,  
316 including those of any church, school, recreational facility, or any business property open to the public  
317 where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in  
318 general areas where use of roller skates and skateboards, and/or bicycle, electric personal assistive  
319 mobility devices, *motorized skateboards or scooters*, or electric power-assisted bicycle riding is  
320 prohibited.

321 A person riding a bicycle, electric personal assistive mobility device, *motorized skateboard or*  
322 *scooter*, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a  
323 crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before  
324 overtaking and passing any pedestrian.

325 No person shall ride a bicycle, electric personal assistive mobility device, *motorized skateboard or*  
326 *scooter*, or an electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, where  
327 such use of bicycles, electric personal assistive mobility devices, *motorized skateboards or scooters*, or  
328 electric power-assisted bicycles is prohibited by official traffic control devices.

329 A person riding a bicycle, electric personal assistive mobility device, *motorized skateboard or*  
330 *scooter*, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a  
331 crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.

332 A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty  
333 of not more than \$50.

334 § 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted  
335 bicycles, motorized skateboards or scooters, motor-driven cycles, and mopeds on roadways and bicycle  
336 paths.

337 Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted  
338 bicycle, *motorized skateboard or scooter*, or moped on a roadway at less than the normal speed of  
339 traffic at the time and place under conditions then existing shall ride as close as safely practicable to the  
340 right curb or edge of the roadway, except under any of the following circumstances:

- 341 1. When overtaking and passing another vehicle proceeding in the same direction;
- 342 2. When preparing for a left turn at an intersection or into a private road or driveway;
- 343 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving  
344 objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that  
345 make it unsafe to continue along the right curb or edge;
- 346 4. When avoiding riding in a lane that must turn or diverge to the right; and
- 347 5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb  
348 or edge of such roadway as safely practicable.

349 For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric  
350 personal assistive mobility device, electric power-assisted bicycle, *motorized skateboard or scooter*, or  
351 moped and another vehicle to pass safely side by side within the lane.

352 Persons riding bicycles, electric personal assistive mobility devices, *motorized skateboards or*  
353 *scooters*, or electric power-assisted bicycles on a highway shall not ride more than two abreast. Persons  
354 riding two abreast shall not impede the normal and reasonable movement of traffic, shall move into a  
355 single file formation as quickly as is practicable when being overtaken from the rear by a faster moving  
356 vehicle, and, on a laned roadway, shall ride in a single lane.

357 Notwithstanding any other provision of law to the contrary, the Department of Conservation and  
358 Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path  
359 or trail designated by the Department for such use.

360 § 46.2-906. Carrying articles or passengers on bicycles, electric personal assistive mobility devices,  
361 electric power-assisted bicycles, motorized skateboard or scooters, and mopeds.

362 No person operating a bicycle, electric personal assistive mobility device, electric power-assisted  
363 bicycle, *motorized skateboard or scooter*, or moped on a highway shall carry any package, bundle, or  
364 article that prevents the driver from keeping at least one hand on the handlebars.

365 No bicycle, *or motorized skateboard or scooter* shall be used to carry more persons at one time than  
366 the number of persons for which it was designed or is equipped, except that an adult *bicycle* rider may

carry a child less than six years old if such child is securely attached to the bicycle in a seat or trailer designed for carrying children.

§ 46.2-906.1. Local ordinances may require riders of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles to wear helmets.

The governing body of any county, city or town may, by ordinance, provide that every person 14 years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle, an electric personal assistive mobility device, *a motorized skateboard or scooter*, or an electric power-assisted bicycle on any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

Violation of any such ordinance shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

Violation of any such ordinance shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric personal assistive mobility device, *motorized skateboard or scooter*, or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

§ 46.2-907. Overtaking and passing vehicles.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *motorized skateboard or scooter*, or moped may overtake and pass another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway as necessary to pass with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *motorized skateboard or scooter*, or moped may overtake and pass another vehicle only under conditions that permit the movement to be made with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *motorized skateboard or scooter*, or moped shall not travel between two lanes of traffic moving in the same direction, except where one lane is a separate turn lane or a mandatory turn lane.

Except as otherwise provided in this section, a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *motorized skateboard or scooter*, or moped shall comply with all rules applicable to the driver of a motor vehicle when overtaking and passing.

§ 46.2-908.1. Electric personal assistive mobility devices, motorized skateboard or scooters, and electric power-assisted bicycles.

All electric personal assistive mobility devices, *motorized skateboards or scooters*, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gel batteries. No person shall at any time or at any location drive an electric personal assistive mobility device, *a motorized skateboard or scooter*, or an electric power-assisted bicycle faster than twenty-five miles per hour. No person less than fourteen years old shall drive any electric personal assistive mobility device, *motorized skateboard or scooter*, or electric power-assisted bicycle unless under the immediate supervision of a person who is at least eighteen years old.

An electric personal assistive mobility device *or motorized skateboard or scooter* may be operated on any highway with a maximum speed limit of twenty-five miles per hour or less. An electric personal assistive mobility device *or motorized skateboard or scooter* shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the *electric personal assistive mobility device or motorized skateboard or scooter* on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device *or motorized skateboard or scooter* in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

§ 46.2-932. Playing on highways; roller skates, skateboards, motorized skateboards or scooters, toys, or other devices on wheels or runners; persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, etc., not to attach to vehicles; exception.

A. No person shall play on a highway, other than on the sidewalks thereof, within a city or town or on any part of a highway outside the limits of a city or town designated by the Commonwealth Transportation Commissioner exclusively for vehicular travel. No person shall use roller skates, skateboards, toys, or other devices on wheels or runners, except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, *motorized skateboards or scooters*, mopeds, and motorcycles, on highways where play is prohibited. The governing bodies of counties, cities, and towns may designate areas on highways under their control where play is permitted and may impose reasonable restrictions on play on such highways. If the highways have only two traffic lanes, persons

428 using such devices, except bicycles, electric personal assistive mobility devices, electric power-assisted  
429 bicycles, mopeds, and motorcycles, shall keep as near as safely practicable to the far right side or edge  
430 of the right traffic lane so that they will be proceeding in the same direction as other traffic.

431 No person riding on any bicycle, electric personal assistive mobility device, electric power-assisted  
432 bicycle, moped, roller skates, skateboards, *motorized skateboards or scooters*, toys, or other devices on  
433 wheels or runners, shall attach the same or himself to any vehicle on a roadway.

434 B. Notwithstanding the provisions of subsection A of this section, the governing body of any county  
435 having a population of at least 170,000 but less than 200,000 may by ordinance permit the use of  
436 devices on wheels or runners on highways under such county's control, subject to such limitations and  
437 conditions as the governing body may deem necessary and reasonable.

438 § 46.2-1047. Muffler cutout, etc., illegal.

439 It shall be unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other  
440 effective muffling device or (ii) gutted muffler, muffler cutout, or straight exhaust. It shall be unlawful  
441 for any person to operate on the highways in the Commonwealth a motor vehicle, *motorized skateboard*  
442 *or scooter* equipped with a gutted muffler, muffler cutout, or straight exhaust.

443 § 46.2-1049. Exhaust system in good working order.

444 No person shall drive and no owner of a ~~motor~~ vehicle shall permit or allow the operation of any  
445 *such* vehicle on a highway unless it is equipped with an exhaust system ~~of a type installed as standard~~  
446 ~~factory equipment, or comparable to that designed for use on the particular vehicle as standard factory~~  
447 ~~equipment~~, in good working order and in constant operation to prevent excessive or unusual *levels of*  
448 noise. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the  
449 escape of noise in excess of that permitted by the standard factory equipment exhaust system of private  
450 passenger motor vehicles or trucks of standard make.

451 The term "exhaust system," as used in this section, means all the parts of a ~~motor~~ vehicle through  
452 which the exhaust passes after leaving the engine block, *including mufflers and other sound dissipative*  
453 *devices*.

454 Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, *and any*  
455 *vehicle equipped with chambered pipes shall be deemed in violation of this section.*