

10103660D

HOUSE BILL NO. 975

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 46.2-100, 46.2-600, 46.2-603, 46.2-636 through 46.2-640, 46.2-641, and 46.2-642 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-636.1, relating to titling of motor vehicles.

Patron—Knight

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-600, 46.2-603, 46.2-636 through 46.2-640, 46.2-641, and 46.2-642 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-636.1 as follows:

§ 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:

"All-terrain vehicle" means a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is intended for off-road use by an individual rider on various types of unpaved terrain. The term does not include four-wheeled vehicles, commonly known as "go-carts," that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any "utility vehicle" as defined in this section or any "farm utility vehicle" as defined in this section.

"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

INTRODUCED

HB975

59 surface.

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

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

63 "Disabled parking license plate" means a license plate that displays the international symbol of access
64 in the same size as the numbers and letters on the plate and in a color that contrasts with the
65 background.

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

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

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

80 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
81 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
82 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
83 rider. For the purposes of Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle
84 when operated on a highway.

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

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

90 "Farm utility vehicle" means a vehicle that is designed for off-road use and is used as a farm,
91 agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more
92 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
93 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, riding
94 lawn mowers, or all-terrain vehicles.

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

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

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

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

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

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

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

112 "Highway" means the entire width between the boundary lines of every way or place open to the use
113 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
114 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
115 or private streets that have been specifically designated "highways" by an ordinance adopted by the
116 governing body of the county, city, or town in which such private roads or streets are located and (ii)
117 the entire width between the boundary lines of every way or place used for purposes of vehicular travel
118 on any property owned, leased, or controlled by the United States government and located in the
119 Commonwealth.

120 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral

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

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

"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 every vehicle that travels on not more than three wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters. 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-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"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 on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. The term "motorcycle" does not include any "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "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 (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input 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

182 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the
183 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except
184 for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident
185 student as defined in this section, who has actually resided in the Commonwealth for a period of six
186 months, whether employed or not, or who has registered a motor vehicle, listing an address in the
187 Commonwealth in the application for registration shall be deemed a resident for the purposes of this
188 title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

191 "Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual
192 rider with not more than two wheels in contact with the ground. Except as otherwise provided in this
193 chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

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

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

206 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
207 an agreement for its conditional sale or lease with the right of purchase on performance of the
208 conditions stated in the agreement and with an immediate right of possession vested in the conditional
209 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
210 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
211 paid by the lessee includes charges for services of any nature or when the lease does not provide that
212 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
213 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
214 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
215 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
216 private carriers.

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

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

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

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

227 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
228 materially altered from its original construction by the removal, addition, or substitution of new or used
229 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle
230 identification number, line-make, and model year.

231 "Replica vehicle" means every vehicle of a type required to be registered under this title not fully
232 constructed by a licensed manufacturer but either constructed or assembled from components. Such
233 components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The
234 kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or
235 a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model,
236 or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a
237 reconstructed or specially constructed vehicle as herein defined.

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

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

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

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

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

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

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

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curblineline or ditch.

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

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

"Special construction and forestry equipment" means any vehicle that is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting, or other construction or forestry work, and which is not designed for the transportation of persons or property on a public highway.

"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.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"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.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number, that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. The term does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"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

305 felony nor a misdemeanor.

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

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

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

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

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

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

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

334 § 46.2-600. Owner to secure registration and certificate of title or certificate of ownership.

335 Except as otherwise provided in this chapter every person who owns a motor vehicle, trailer or
336 semitrailer, or his authorized attorney-in-fact, shall, before it is operated on any highway in the
337 Commonwealth, register with the Department and obtain from the Department the registration card and
338 certificate of title for the vehicle. Individuals applying for registration shall provide the Department with
339 the residence address of the owner of the vehicle being registered. A business applying for registration
340 shall provide the Department with the street address of the owner or lessee of the vehicle being
341 registered.

342 At the option of the applicant for registration, the address shown on the title and registration card
343 may be either a post office box or the business or residence address of the applicant.

344 Unless he has previously applied for registration and a certificate of title or he is exempted under
345 §§ 46.2-619, 46.2-631, and 46.2-1206, every person residing in the Commonwealth who owns a motor
346 vehicle, trailer, or semitrailer, or his duly authorized attorney-in-fact, shall, within 30 days of the
347 purchase or transfer, apply to the Department for a certificate of ownership.

348 *Nothing in this chapter shall be construed to require the titling or registration in the Commonwealth*
349 *of any farm tractor or special construction and forestry equipment, as defined in § 46.2-100.*

350 Notwithstanding the foregoing provisions of this section, provided such vehicle is registered and
351 titled elsewhere in the United States, nothing in this chapter shall be construed to require titling or
352 registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is
353 registered to a non-Virginia resident active duty military service member, activated reserve or national
354 guard member, or mobilized reserve or national guard member living in Virginia.

355 § 46.2-603. Issuance of certificate of title and registration card.

356 A. The Department, on receiving an application for a certificate of title for a motor vehicle, trailer,
357 or semitrailer *that is required to be titled pursuant to § 46.2-600*, shall issue to the owner a certificate of
358 title and a registration card as separate documents.

359 B. Subject to all applicable federal laws, the Department may, at the written request of the owner or
360 lienholder listed on the application for certificate of title, supplemental lien, or transfer of lien, refrain
361 from issuing a certificate of title in paper form and, instead, shall create only the electronic record of
362 such title to be retained by the Department in its existing electronic title record system with a notation
363 that no certificate of title has been printed on paper. The owner of a vehicle will be deemed to have
364 obtained and the Department will be deemed to have issued, a certificate of title when such title record
365 has been created electronically as provided in this subsection. An owner or lienholder listed on a title
366 record so created may at any time request and the Department shall provide a paper certificate of title

for the vehicle. All transfers of vehicle ownership shall require a paper certificate of title in accordance with, and subject to, all applicable federal laws.

§ 46.2-636. Certificate to show security interests.

When the Department receives an application for a certificate of title to a motor vehicle *that is required to be titled pursuant to § 46.2-600*, trailer, or semitrailer showing security interests on the motor vehicle, trailer, or semitrailer, the certificate of title issued by the Department to the owner of the vehicle shall show all security interests disclosed by the application. All security interests shown on the certificate of title shall be shown in the order of their priority according to the information contained in the application.

§ 46.2-636.1. *Security interests in farm tractors and special construction and forestry equipment.*

A financing statement, as defined in Title 8.9A, must be filed to perfect all security interests in farm tractors and special construction and forestry equipment, as defined in § 46.2-100. No other provisions of this chapter pertaining to security interests shall apply to these motor vehicles.

§ 46.2-637. Security interests subsequently created.

Security interests, other than those in inventory held for sale, in motor vehicles *for which a certificate of title is required pursuant to § 46.2-600*, trailers, or semitrailers created by the voluntary act of the owner after the original issue of a certificate of title to the owner must be shown on the certificate of title. In such cases, the owner shall file an application with the Department on a form furnished for that purpose, setting forth the security interests and whatever additional information the Department may deem necessary. If satisfied that it is proper for the security interest to be recorded, when the certificate of title covering the motor vehicle, trailer, or semitrailer, is surrendered, the Department shall issue a new certificate of title, showing security interests in the order of their priority according to the date of the filing of the application. For the purpose of recording a subsequent security interest, the Commissioner may require any secured party to deliver to him the certificate of title. The new certificate shall be sent or delivered to the secured party from whom the prior certificate was obtained. Notwithstanding any other provision of law, a security interest in a motor vehicle, trailer, or semitrailer which is inventory held for sale *or in a motor vehicle for which a certificate of title is not required pursuant to § 46.2-600* shall be perfected only as provided in §§ 8.9A-301 through 8.9A-527.

§ 46.2-638. Certificate as notice of security interest.

A certificate of title, when issued by the Department showing a security interest, shall be adequate notice to the Commonwealth, creditors, and purchasers that a security interest in the motor vehicle exists and the recording or filing of such creation or reservation of a security interest in the county or city wherein the purchaser or debtor resides or elsewhere is not necessary and shall not be required. Motor vehicles, trailers or semitrailers, other than those which are inventory held for sale, registered or for which a certificate of title shall have been issued under this title shall not be subjected to, but shall be exempt from the provisions of §§ 8.9A-301 through 8.9A-527 and § 55-96 ~~whether or not inventory held for sale shall be exempt from the provisions of § 55-152~~, nor shall recordation or filing of such security interest, except a security interest in inventory held for sale in any other place for any other purpose, be required or have any effect.

§ 46.2-639. Security interest may be filed within thirty days after purchase.

If application for the registration or recordation of a security interest to be placed on a motor vehicle *that is required to be titled pursuant to § 46.2-600*, trailer, or semitrailer is filed with the Department, it shall be deemed perfected as of the date of filing, and, if the date of filing is within thirty days from the date of an applicant's purchase of ~~the~~ *such* motor vehicle, trailer, or semitrailer, it shall be as valid as to all persons, including the Commonwealth, as if that registration had been accomplished on the day the security interest was acquired.

§ 46.2-640. Priority of security interests shown on certificates of title.

The security interests, except security interests in motor vehicles, trailers, and semitrailers ~~which that~~ *are either inventory held for sale or motor vehicles for which a certificate of title is not required pursuant to § 46.2-600*, and, in each case, are perfected under ~~§§ 8.9A-401 through 8.9A-527~~ *Title 8.9A*, shown upon such certificates of title issued by the Department pursuant to applications for same shall have priority over any other liens or security interests against such motor vehicle, trailer, or semitrailer, however created and recorded. The foregoing provisions of this section shall not apply to liens for taxes as provided in § 58.1-3942, liens of keepers of garages to the extent given by § 46.2-644.01 and liens of mechanics for repairs to the extent given by § 46.2-644.02 if the requirements therefor exist, provided the garage keeper or mechanic furnishes the holder of any recorded lien who may request it with an itemized sworn statement of the storage charges, work done, and materials supplied for which the lien is claimed.

§ 46.2-641. Who to hold certificate of title subject to security interest.

The certificate of title of a motor vehicle *that is required to be titled pursuant to § 46.2-600*, trailer, or semitrailer shall be delivered to the person holding the security interest having first priority on the

428 *such* motor vehicle, trailer, or semitrailer and retained by him until the entire amount of his security
429 interest is fully paid by the owner. When the security interest is fully paid, the certificate of title shall
430 be delivered to the secured party next in order of priority or, if none, then to the owner.

431 § 46.2-642. Release of security interest shown on certificate of title.

432 When an owner secures the release of any security interest on a motor vehicle *that is required to be*
433 *titled pursuant to § 46.2-600*, trailer, or semitrailer shown on its certificate of title, he may exhibit the
434 documents evidencing the release, signed by the person or persons making the release, and the certificate
435 of title to the Department. However, when it is impossible to secure the release from the secured party,
436 the owner may exhibit to the Department whatever evidence may be available showing that the debt
437 secured has been satisfied, together with a statement by the owner under oath that the debt has been
438 paid. The Department, when satisfied as to the genuineness and regularity of the release, shall issue to
439 the owner either a new certificate of title or an endorsement or rider showing the release of the security
440 interest, which the Department shall attach to the outstanding certificate of title.