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HOUSE BILL NO. 122

Offered January 8, 2014

Prefiled December 18, 2013

A BILL to amend and reenact §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia, relating to a new class of vehicle known as an autocycle; licensure, fees, license plates, and safety, inspection, and other requirements.

Patron—Scott

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-325, 46.2-626.1, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-715, 46.2-730, 46.2-910, 46.2-1011, 46.2-1012, 46.2-1014, 46.2-1057, 46.2-1067, 46.2-1068, 46.2-1092, 46.2-1157, 46.2-1167, 46.2-1500, and 46.2-1993 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

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

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" 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 riding lawn mower.

"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.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"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.), 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.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

INTRODUCED

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59 "Commission" means the State Corporation Commission.

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

62 "Converted electric vehicle" means any motor vehicle, other than a motorcycle *or autocycle*, that has
63 been modified subsequent to its manufacture to replace an internal combustion engine with an electric
64 propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and
65 model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this
66 section unless it has been materially altered from its original construction by the removal, addition, or
67 substitution of new or used essential parts other than those required for the conversion to electric
68 propulsion.

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

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

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

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

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

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

90 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
91 that is designed to transport only one person and powered by an electric propulsion system that limits
92 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et
93 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

94 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
95 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
96 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
97 rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a
98 vehicle when operated on a highway.

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

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

104 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use
105 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more
106 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
107 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding
108 lawn mowers.

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

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

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

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

120 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their

equipment on a golf course.

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

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

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

"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.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"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~~ *"law-enforcement officer"* also ~~include~~ *includes* 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 (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), 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

182 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place,
183 office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided,
184 for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility
185 device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

186 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact
187 with the ground and is capable of traveling at speeds in excess of 35 miles per hour. ~~The term~~
188 ~~"motorcycle"~~ "Motorcycle" does not include any "autocycle," "electric personal assistive mobility
189 device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or
190 foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

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

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

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

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

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

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

226 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
227 an agreement for its conditional sale or lease with the right of purchase on performance of the
228 conditions stated in the agreement and with an immediate right of possession vested in the conditional
229 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
230 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
231 paid by the lessee includes charges for services of any nature or when the lease does not provide that
232 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
233 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
234 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
235 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
236 private carriers.

237 "Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used
238 primarily for the transportation of no more than 10 persons, including the driver.

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

243 "Pickup or panel truck" means every motor vehicle designed for the transportation of property and

having a registered gross weight of 7,500 pounds or less.

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

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

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

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

305 end of the period of suspension.

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

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

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

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

326 "Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or
327 guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel,
328 pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or
329 in the case of a private road open to public travel, by authority of the private owner or private official
330 having jurisdiction.

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

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

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

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

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

347 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor,
348 and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle"
349 does not include riding lawn mowers.

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

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

359 **§ 46.2-325. Examination of applicants; waiver of Department's examination under certain**
360 **circumstances; behind-the-wheel and knowledge examinations.**

361 A. The Department shall examine every applicant for a driver's license before issuing any license to
362 determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without
363 jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of
364 a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall
365 not include investigation of any facts other than those directly pertaining to the ability of the applicant
366 to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance

of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. *An autocycle shall not be used by the applicant for a behind-the-wheel examination.*

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or, for persons at least 19 years old, a course of instruction based on the Virginia Driver's Manual offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) and approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

§ 46.2-626.1. Motorcycle purchased by manufacturer for parts; documentation required for sale of parts.

For the purposes of this section, ~~the terms~~ "certificate of origin," "line-make," ~~and~~ "manufacturer," ~~shall and~~ "new motorcycle" have the meanings ascribed to them in § 46.2-1993.

A licensed motorcycle manufacturer shall not be required to obtain a certificate of title for a new motorcycle of a different line-make purchased by the manufacturer for the purpose of obtaining parts used in the production of another *new* motorcycle *or an autocycle*, provided such manufacturer obtains a salvage dealer license in accordance with § 46.2-1601. The manufacturer shall not be required to obtain a nonrepairable certificate for the purchased motorcycle, as required by § 46.2-1603.1, but shall stamp the words "Va. Code § 46.2-626.1: DISASSEMBLED FOR PARTS" in a minimum font size of 14 point across the face of the original manufacturer's certificate of origin. The certificate of origin shall be forwarded to the Department, which shall make a record of the disassembly of the motorcycle. The manufacturer shall retain a photocopy of the stamped certificate of origin for its records.

Any parts remaining from the purchased motorcycle and sold as parts by the manufacturer shall be accompanied by documentation of how such parts were obtained. Documentation accompanying the frame of the purchased motorcycle shall include a photocopy of the stamped manufacturer's certificate of origin and certification from the manufacturer that the original certificate of origin has been forwarded to the Department.

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A. A resident owner of any passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle, other than those provided for in § 46.2-652, that has been duly registered for the current calendar year in another state or country and that at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation

428 of the passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle within or partly within the
429 Commonwealth for the first 30 days of his residency in the Commonwealth without registering the
430 passenger car, pickup or panel truck, moped, *autocycle*, or motorcycle or paying any fees to the
431 Commonwealth.

432 B. In addition to any penalty authorized under this title, any locality may adopt an ordinance
433 imposing a penalty of up to \$250 upon the resident owner of any motor vehicle that, following the end
434 of the 30-day period provided in subsection A, is required to be registered in Virginia but has not been
435 so registered. The ordinance shall set forth a reasonable method for assessing and collecting the penalty,
436 whether by civil, criminal, or administrative process, and shall identify the employees or agents of the
437 locality who are to execute such assessment and collection.

438 **§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation**
439 **of passengers; weights used for computing fees; burden of proof.**

440 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
441 transportation of passengers on the highways in the Commonwealth are:

442 1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor
443 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for
444 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
445 chauffeur.

446 2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds,
447 provided that it is not used for the transportation of passengers for compensation and is not kept or used
448 for rent or for hire, or is not operated under a lease without a chauffeur.

449 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
450 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private
451 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
452 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
453 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
454 pounds.

455 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
456 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
457 pounds.

458 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
459 beings.

460 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
461 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
462 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
463 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
464 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
465 than 4,000 pounds.

466 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
467 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
468 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
469 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
470 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
471 with the Surface Transportation Board of the United States U.S. Department of Transportation, Federal
472 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
473 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
474 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
475 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
476 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
477 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
478 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
479 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
480 representatives of the Commissioner at the end of such license year, the expense of such audit to be
481 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
482 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
483 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
484 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
485 in determining the apportionment provided for herein.

486 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
487 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
488 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
489 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. *Eighteen dollars for an autocycle.*

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the United States U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to

be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered moped, motorcycle, *autocycle*, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished

one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
4. Property-carrying motor vehicles to applicants who operate as private carriers only;
5. Applicants who operate motor vehicles as carriers for rent or hire;
6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.) of this title.

§ 46.2-715. Display of license plates.

License plates assigned to a motor vehicle, other than a moped, motorcycle, *autocycle*, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a moped, motorcycle, *autocycle*, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of \$50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, *autocycle*, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept only the first such application.

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B of this section: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;
2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1 of this subsection, and for occasional pleasure driving not exceeding 250 miles from the

residence of the owner; and

3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C of this section may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;

2. The license plate or plates are registered to the specific vehicle by the Department;

3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;

4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this title;

5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and

6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section ~~shall be~~ *is* guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another *autocycle*, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.

§ 46.2-910. Motorcycle and autocycle operators to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle *or autocycle* shall wear a face shield, safety glasses or goggles, or have his motorcycle *or autocycle* equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles ~~which~~ *or autocycles that* have nonremovable roofs, windshields, and enclosed bodies shall not be required to wear protective helmets. The windshields, face shields, glasses or goggles, and protective helmets required by this section shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the

800 federal Department of Transportation. Failure to wear a face shield, safety glasses or goggles, or
801 protective helmets shall not constitute negligence per se in any civil proceeding. The provisions of this
802 section requiring the wearing of protective helmets shall not apply to operators of or passengers on
803 motorcycles *or autocycles* being operated (i) as part of an organized parade authorized by the
804 Department of Transportation or the locality in which the parade is being conducted and escorted,
805 accompanied, or participated in by law-enforcement officers of the jurisdiction wherein the parade is
806 held and (ii) at speeds of no more than ~~fifteen~~ 15 miles per hour.

807 No motorcycle *or autocycle* operator shall use any face shield, safety glasses, or goggles, or have his
808 motorcycle *or autocycle* equipped with safety glass or a windshield, unless of a type either (i) approved
809 by the Superintendent prior to July 1, 1996, or (ii) that meets or exceeds the standards and specifications
810 of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal
811 Department of Transportation and is marked in accordance with such standards.

812 B. It shall be unlawful to sell or offer for sale, for highway use in Virginia, any protective helmet
813 that fails to meet or exceed any standard as provided in the foregoing provisions of this section. Any
814 violation of this subsection ~~shall constitute~~ is a Class 4 misdemeanor.

815 **§ 46.2-1011. Headlights on motor vehicles.**

816 Every motor vehicle other than a motorcycle, *autocycle*, road roller, road machinery, or tractor used
817 on a highway shall be equipped with at least two headlights as approved by the Superintendent, at the
818 front of and on opposite sides of the motor vehicle.

819 **§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, and illumination of license
820 plates on motorcycles or autocycles.**

821 Every motorcycle *or autocycle* shall be equipped with at least one headlight which shall be of a type
822 that has been approved by the Superintendent and shall be capable of projecting sufficient light to the
823 front of such motorcycle *or autocycle* to render discernible a person or object at a distance of 200 feet.
824 However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles
825 *or autocycles*. In addition, each motorcycle *or autocycle* may be equipped with not more than two
826 auxiliary headlights of a type approved by the Superintendent.

827 Motorcycles *or autocycles* may be equipped with means of modulating the high beam of their
828 headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall
829 not be so modulated during periods when headlights would ordinarily be required to be lighted under
830 § 46.2-1030.

831 Every motorcycle *or autocycle* registered in the Commonwealth and operated on the highways of the
832 Commonwealth shall be equipped with at least one brake light of a type approved by the
833 Superintendent. Motorcycles *or autocycles* may be equipped with one or more auxiliary brake lights of a
834 type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size,
835 number, location, and configuration of such auxiliary brake lights.

836 Every motorcycle *or autocycle* shall carry at the rear at least one or more red lights plainly visible in
837 clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be
838 constructed and so mounted in their relation to the rear license plate as to illuminate the license plate
839 with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle.
840 Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a
841 distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a
842 type approved by the Superintendent.

843 Motorcycles *or autocycles* may be equipped with a means of varying the brightness of the vehicle's
844 brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

845 **§ 46.2-1014. Brake lights.**

846 Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a
847 brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall
848 be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights
849 shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500
850 feet to the rear of such vehicle when the brake is applied.

851 The provisions of this section shall not apply to motorcycles *or autocycles* equipped with brake lights
852 as required by § 46.2-1012.

853 **§ 46.2-1057. Windshields.**

854 It shall be unlawful for any person to drive on a highway in the Commonwealth any motor vehicle
855 or reconstructed motor vehicle, other than a motorcycle *or autocycle*, registered in the Commonwealth,
856 ~~which~~ that was manufactured, assembled, or reconstructed after July 1, 1970, unless the motor vehicle is
857 equipped with a windshield.

858 **§ 46.2-1067. Within what distances brakes should stop vehicle.**

859 On a dry, hard, approximately level stretch of highway free from loose material, the service braking
860 system shall be capable of stopping a motor vehicle or combination of vehicles at all times and under
861 all conditions of loading at a speed of ~~twenty~~ 20 miles per hour within the following distances:

1. Passenger motor vehicles, except buses and antique vehicles, ~~twenty-five~~ 25 feet.
2. Buses, trucks, and tractor trucks, ~~forty~~ 40 feet.
3. Motor vehicles registered or qualified to be registered as antique vehicles, when equipped with two-wheel brakes, ~~forty-five~~ 45 feet; four-wheel brakes, ~~twenty-five~~ 25 feet.

4. All combinations of vehicles, ~~forty~~ 40 feet.

5. Motorcycles *or autocycles*, ~~thirty~~ 30 feet.

§ 46.2-1068. Emergency or parking brakes.

Every motor vehicle and combination of vehicles, except motorcycles *or autocycles*, shall be equipped with emergency or parking brakes adequate to hold the vehicle or vehicles on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car *or autocycle* registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocycle registered in the Commonwealth shall be issued a safety inspection sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocycle or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes, registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation for each forward-facing rear outboard seating position on a readily removable seat.

For the purposes of this section, forward-facing rear outboard seats are defined as those designated seating positions for passengers in outside front facing seats behind the driver and front passenger seats, except any designated seating position adjacent to a walkway that is located between the seat and the near side of the vehicle and is designed to allow access to a more rearward seating position.

The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in the foregoing provisions of this section.

Such regulations shall also include a listing of the exact devices which are required to be installed in each motor vehicle classification and the model year of each motor vehicle classification on which the standards of the federal Department of Transportation first became applicable.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects

920 found by such inspection to exist.

921 B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to
922 vehicles used for ~~fire fighting~~ *firefighting*; inspections of ~~fire-fighting~~ *firefighting* vehicles shall be
923 conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into
924 consideration the special purpose of such vehicles and the conditions under which they operate.

925 C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any
926 highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

927 *D. Except as otherwise provided, autocycles shall be inspected as motorcycles under this article.*

928 **§ 46.2-1167. Charges for inspection and reinspection; exemption.**

929 A. Each official safety inspection station may charge no more than:

930 1. Fifty-one dollars for each inspection of any (i) tractor truck, (ii) truck that has a gross vehicle
931 weight rating of 26,000 pounds or more, or (iii) motor vehicle that is used to transport passengers and
932 has a seating capacity of more than 15 passengers, including the driver, \$0.50 of which shall be
933 transmitted to the Department of State Police to support the Department's costs in administering the
934 motor vehicle safety inspection program;

935 2. Twelve dollars for each inspection of any motorcycle, \$10 of which shall be retained by the
936 inspection station and \$2 of which shall be transmitted to the Department of State Police who shall
937 retain \$0.50 to support the Department's costs in administering the motor vehicle safety inspection
938 program and deposit the remaining \$1.50 into the Motorcycle Rider Safety Training Program Fund
939 created pursuant to § 46.2-1191; ~~and~~

940 3. *Twelve dollars for each inspection of any autocycle, \$10 of which shall be retained by the*
941 *inspection station and \$2 of which shall be transmitted to the Department of State Police to be used to*
942 *support the Department's costs in administering the motor vehicle safety inspection program; and*

943 4. Sixteen dollars for each inspection of any other vehicle, \$0.50 of which shall be transmitted to the
944 Department of State Police to support the Department's costs in administering the motor vehicle safety
945 inspection program.

946 No such charge shall be mandatory, however, and no such charge shall be made unless the station
947 has previously contracted therefor.

948 B. Each official safety inspection station may charge \$1 for each reinspection of a vehicle rejected
949 by the station, as provided in § 46.2-1158, if the vehicle is submitted for reinspection within the
950 validity period of the rejection sticker. If a rejected vehicle is not submitted to the same station within
951 the validity period of the rejection sticker or is submitted to another official safety inspection station, an
952 amount no greater than that permitted under subsection A may be charged for the inspection.

953 **§ 46.2-1500. Definitions.**

954 ~~Unless the context otherwise requires, the following words and terms for the purpose of As used in~~
955 ~~this chapter shall have the following meanings, unless the context requires a different meaning:~~

956 "Board" means the Motor Vehicle Dealer Board.

957 "Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or
958 its distributor, which is the only valid indication of ownership between the manufacturer, its distributor,
959 its franchised motor vehicle dealers, and the original purchaser not for resale.

960 "Dealer-operator" means the individual who works at the established place of business of a dealer
961 and who is responsible for and in charge of day-to-day operations of that place of business.

962 "Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000
963 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer
964 personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing,
965 or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the
966 provisions of subsection D of § 46.2-1530.

967 "Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19
968 (§ 46.2-1900 et seq.) ~~of this title~~ and who sells or distributes new motor vehicles pursuant to a written
969 agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

970 "Distributor branch" means a branch office licensed by the Department of Motor Vehicles under
971 Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and maintained by a distributor for the sale of motor
972 vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives
973 in the Commonwealth.

974 "Distributor representative" means a person who is licensed by the Department of Motor Vehicles
975 under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a distributor or by a distributor
976 branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or
977 contacting its dealers, prospective dealers, or representatives in the Commonwealth.

978 "Factory branch" means a branch office maintained by a person for the sale of motor vehicles to
979 distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in
980 whole or in part, its representatives in the Commonwealth.

981 "Factory representative" means a person who is licensed by the Department of Motor Vehicles under

Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. ~~The term shall include~~ "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles, trailers, or semitrailers.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor.

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) ~~of this title~~ and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, ~~it shall~~ "motor vehicle" does not include (i) trailers and semitrailers; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) *autocycles*; (vi) nonrepairable vehicles, as defined in § 46.2-1600; ~~(vi)~~ (vii) salvage vehicles, as defined in § 46.2-1600; ~~or (vii)~~ (viii) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113; or Article 17 (§ 46.2-1122 et seq.) of Chapter 10 ~~of this title~~.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

~~The term "motor vehicle dealer" or "dealer"~~ "Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles

1043 to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired
1044 for their own use and actually so used, when the vehicles have been so acquired and used in good faith
1045 and not for the purpose of avoiding the provisions of this chapter.

1046 4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles
1047 adapted therefor; however, this exemption shall not exempt any person from the provisions of
1048 §§ 46.2-1519, 46.2-1520 and 46.2-1548.

1049 5. Any financial institution chartered or authorized to do business under the laws of the
1050 Commonwealth or the United States which may have received title to a motor vehicle in the normal
1051 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance
1052 to that institution occurring as a result of any loan secured by a lien on the vehicle.

1053 6. An employee of an organization arranging for the purchase or lease by the organization of
1054 vehicles for use in the organization's business.

1055 7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in
1056 conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is
1057 located.

1058 8. Any person who permits the operation of a motor vehicle show or permits the display of motor
1059 vehicles for sale by any motor vehicle dealer licensed under this chapter.

1060 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of
1061 vehicles under a contract with its insured in the regular course of business.

1062 10. Any publication, broadcast, or other communications media when engaged in the business of
1063 advertising, but not otherwise arranging for the sale of vehicles owned by others.

1064 11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

1065 12. Any credit union authorized to do business in Virginia, provided the credit union does not
1066 receive a commission, money, or other thing of value directly from a motor vehicle dealer.

1067 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under
1068 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

1069 14. The State Department of Social Services or local departments of social services.

1070 "Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a
1071 motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a
1072 commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons
1073 employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person,
1074 compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a
1075 customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as
1076 a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any
1077 person who is an independent contractor as defined by the United States Internal Revenue Code shall be
1078 deemed not to be a motor vehicle salesperson.

1079 "Motor vehicle show" means a display of motor vehicles to the general public at a location other
1080 than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or
1081 exchange during or as part of the display.

1082 "New motor vehicle" means any vehicle that is in the possession of the manufacturer, factory branch,
1083 distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued
1084 by the Department of Motor Vehicles of the Commonwealth or by the issuing agency of any other state
1085 and has less than 7,500 miles accumulated on its odometer.

1086 "Original license" means a motor vehicle dealer license issued to an applicant who has never been
1087 licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been
1088 expired for more than 30 days.

1089 "Relevant market area" means as follows:

1090 1. In metropolitan localities, the relevant market area shall be a circular area around an existing
1091 franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less
1092 than seven miles.

1093 2. If the population in an area within a radius of 10 miles around an existing franchised dealer is less
1094 than 250,000, but the population in an area within a radius of 15 miles around an existing franchised
1095 dealer is 150,000 or more, the relevant market area shall be that area within the 15-mile radius.

1096 3. In all other cases the relevant market area shall be an area within a radius of 20 miles around an
1097 existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In
1098 any case where the franchise agreement is silent as to area of responsibility, the relevant market area
1099 shall be the greater of an area within a radius of 20 miles around an existing franchised dealer or that
1100 area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales
1101 efforts.

1102 Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with
1103 gross vehicle weight ratings of 26,000 pounds or greater, the relevant market area with respect to the
1104 dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with

a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

§ 46.2-1993. Definitions.

~~Unless the context otherwise requires, the following words and terms for the purpose of As used in this chapter shall have the following meanings, unless the context requires a different meaning:~~

~~"All-terrain vehicle" shall have~~ *has* the meaning ascribed to it in § 46.2-100.

~~"Autocycle" has the meaning ascribed to it in § 46.2-100.~~

"Certificate of origin" means the document provided by the manufacturer of a new motorcycle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motorcycle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new motorcycles pursuant to a written agreement with the manufacturer, to franchised motorcycle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of motorcycles to motorcycle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motorcycles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motorcycles to distributors or for the sale of motorcycles to motorcycle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles motorcycles, or by a factory branch for the purpose of making or promoting the sale of its motorcycles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motorcycle" means a motorcycle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motorcycle will be resold or otherwise retransferred only to the manufacturer or distributor of the motorcycle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

~~"Farm utility vehicle" shall have~~ *has* the meaning ascribed to it in § 46.2-100.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motorcycles of a particular line-make or late model or factory repurchase motorcycles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motorcycle or its manufacturer or distributor. ~~The term shall include~~ *"Franchise" includes* any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase motorcycle dealer" means a dealer in late model or factory repurchase motorcycles, including a franchised new motorcycle dealer, that has a franchise

1166 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
1167 motorcycles.

1168 "Franchised motorcycle dealer" or "franchised dealer" means a dealer in new motorcycles that has a
1169 franchise agreement with a manufacturer or distributor of new motorcycles.

1170 "Independent motorcycle dealer" means a dealer in used motorcycles.

1171 "Late model motorcycle" means a motorcycle of the current model year and the immediately
1172 preceding model year.

1173 "Line-make" means the name of the motorcycle manufacturer or distributor and a brand or name
1174 plate marketed by the manufacturer or distributor. For the purposes of this chapter, the "line-make" of a
1175 motorcycle manufacturer, factory branch, distributor, or distributor branch ~~shall include~~ *includes* every
1176 brand of all-terrain vehicle, *autocycle*, and off-road motorcycle manufactured or distributed bearing the
1177 name of the motorcycle manufacturer or distributor.

1178 "Manufacturer" means a person engaged in the business of constructing or assembling new
1179 motorcycles.

1180 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact
1181 with the ground, except any vehicle included within the term "farm vehicle" or "moped" as defined in
1182 § 46.2-100. Except as otherwise provided in this chapter, for the purposes of this chapter, "all-terrain
1183 vehicles," *"autocycles,"* and "off-road motorcycles" ~~shall be~~ *are* deemed to be "motorcycles."

1184 "Motorcycle dealer" or "dealer" means any person who:

1185 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
1186 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
1187 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motorcycles,
1188 new and used motorcycles, or used motorcycles alone, whether or not the motorcycles are owned by
1189 him;

1190 2. Is wholly or partly engaged in the business of selling new motorcycles, new and used motorcycles,
1191 or used motorcycles only, whether or not the motorcycles are owned by him; or

1192 3. Offers to sell, sells, displays, or permits the display for sale, of five or more motorcycles within
1193 any 12 consecutive months.

1194 ~~The term "motorcycle"~~ "Motorcycle dealer" or "dealer" does not include:

1195 1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed
1196 by or acting under judgment or order of any court or their employees when engaged in the specific
1197 performance of their duties as employees.

1198 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

1199 3. Persons other than business entities primarily engaged in the leasing or renting of motorcycles to
1200 others when selling or offering such motorcycles for sale at retail, disposing of motorcycles acquired for
1201 their own use and actually so used, when the motorcycles have been so acquired and used in good faith
1202 and not for the purpose of avoiding the provisions of this chapter.

1203 4. Any financial institution chartered or authorized to do business under the laws of the
1204 Commonwealth or the United States which may have received title to a motorcycle in the normal course
1205 of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that
1206 institution occurring as a result of any loan secured by a lien on the motorcycle.

1207 5. An employee of an organization arranging for the purchase or lease by the organization of
1208 motorcycles for use in the organization's business.

1209 6. Any person who permits the operation of a motorcycle show or permits the display of motorcycles
1210 for sale by any motorcycle dealer licensed under this chapter.

1211 7. An insurance company authorized to do business in the Commonwealth that sells or disposes of
1212 motorcycles under a contract with its insured in the regular course of business.

1213 8. Any publication, broadcast, or other communications media when engaged in the business of
1214 advertising, but not otherwise arranging for the sale of motorcycles owned by others.

1215 9. Any credit union authorized to do business in Virginia, provided the credit union does not receive
1216 a commission, money, or other thing of value directly from a motorcycle dealer.

1217 "Motorcycle salesperson" or "salesperson" means any person who is licensed as and employed as a
1218 salesperson by a motorcycle dealer to sell or exchange motorcycles.

1219 "Motorcycle show" means a display of motorcycles to the general public at a location other than a
1220 dealer's location licensed under this chapter where the motorcycles are not being offered for sale or
1221 exchange during or as part of the display.

1222 "New motorcycle" means any motorcycle which (i) has not been previously sold except in good faith
1223 for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration
1224 motorcycle, or for the personal and business transportation of the manufacturer, distributor, dealer, or
1225 any of his employees, (iii) has not been used except for limited use necessary in moving or road testing
1226 the motorcycle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has
1227 the manufacturer's certification that it conforms to all applicable federal motorcycle safety and emission

standards. Notwithstanding provisions (i) and (iii), a motorcycle that has been previously sold but not titled shall be deemed a new motorcycle if it meets the requirements of provisions (ii), (iv), and (v).

"Off-road motorcycle" ~~shall have~~ *has* the meaning ascribed *to it* in § 46.2-100.

"Original license" means a motorcycle dealer license issued to an applicant who has never been licensed as a motorcycle dealer in Virginia or whose Virginia motorcycle dealer license has been expired for more than 30 days.

"Relevant market area" means:

1. That area within a circle having a radius of 20 miles around an existing franchised dealer location, except as provided in subdivisions 2 and 3.

2. That area within a circle having a radius of 30 miles around an existing franchised dealer location if the population within that circle is less than one million but more than 750,000.

3. If the population within a circle having a radius of 30 miles around an existing franchised dealer location is less than 750,000, "relevant market area" means that area within a circle around such dealer having a radius of 40 miles.

In any case in which the franchise agreement or the manufacturer requires the franchisee to make significant retail sales or marketing efforts in geographic areas beyond the franchisee's relevant market area, then such geographic areas shall be added to the relevant market area of the dealer.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motorcycles to a buyer for his use and not for resale, in which the price of the motorcycle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motorcycle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motorcycle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"Used motorcycle" means any motorcycle other than a new motorcycle as defined in this section.

"Wholesale auction" means an auction of motorcycles restricted to sales at wholesale.