

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 259

An Act to amend and reenact § 46.2-625 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-602.4, relating to titling and registration of non-conventional vehicles; penalty.

[S 1003]

Approved March 17, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-625 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-602.4 as follows:

§ 46.2-602.4. Titling and registration of off-road motorcycle converted to on-road use.

A. For the purpose of this section:

"Converter" means a person who, through the act of conversion, alters an off-road motorcycle for on-road use on the highways by the addition, substitution, or removal of motor vehicle equipment, creating a motor vehicle to which Federal Motor Vehicle Safety Standards for new motorcycles will become applicable at the time of the conversion. A converter shall be considered a manufacturer responsible under 49 U.S.C. § 30112 for compliance of the motorcycle with Federal Motor Vehicle Safety Standards and the certification of compliance required by those standards.

"Federal Motor Vehicle Safety Standards" means the standards prescribed by 49 C.F.R. Part 571.

"Manufacturer" means a person manufacturing or assembling motor vehicles or motor vehicle equipment.

"Motor vehicle equipment" means (i) any system, part, or component of a motor vehicle as originally manufactured or (ii) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle.

"Off-road motorcycle converted to on-road use" means every off-road motorcycle that has been converted for use on the public highways with the addition of such necessary equipment to meet all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted.

B. Each converter shall certify in accordance with the requirements of subsection E that the off-road motorcycle converted to on-road use meets all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted. If the converter is unavailable or unknown, the owner shall certify that the converter is unavailable or unknown and that he assumes responsibility for all duties and corresponding liabilities under the Federal Motor Vehicle Safety Act. If a converter or owner fails or refuses to provide the required certification, the vehicle shall remain an off-road motorcycle.

C. Each converter, or owner if the converter is unavailable or unknown, shall permanently affix to each vehicle a label containing the following: (i) the name of manufacturer, (ii) the month and year of manufacture, (iii) the gross vehicle weight rating, (iv) the gross axle weight rating, (v) certification that the vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture in the year in which it is converted, (vi) the vehicle identification number, and (vii) the motorcycle vehicle classification. Such label shall meet the requirements set forth in 49 C.F.R. § 567.4.

D. Upon receipt of an application and such evidence of ownership as required by the Commissioner pursuant to § 46.2-625, the Department shall issue a certificate of title for an off-road motorcycle converted to on-road use. The first certificate of title issued for an off-road motorcycle converted to on-road use shall be an original certificate of title, regardless of the submission of a Virginia certificate of title issued for the off-road motorcycle prior to conversion.

E. No off-road motorcycle converted to on-road use shall be registered or operated on the highways of the Commonwealth until the owner submits to the Department, upon a form approved and furnished by the Department, (i) certification that the motor vehicle has passed the motor vehicle safety inspection subsequent to the conversion; (ii) certification from the converter, or owner if the converter is unavailable or unknown, that the motor vehicle meets all applicable Federal Motor Vehicle Safety Standards; and (iii) certification that the motor vehicle has been labeled in accordance with subsection C.

F. When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the off-road motorcycle converted to on-road use to and from an official motor vehicle safety inspection station.

G. Notwithstanding §§ 46.2-105 and 46.2-605, any certification required by this section found to be knowingly given falsely is punishable as a Class 1 misdemeanor.

§ 46.2-625. Specially constructed, reconstructed, replica, converted electric, or foreign vehicles.

If a vehicle for which the registration or a certificate of title is applied is (i) a specially constructed, reconstructed, replica, converted electric, or foreign vehicle *or* (ii) *off-road motorcycle converted to on-road use*, the fact shall be stated in the application and, in the case of any foreign vehicle registered outside the Commonwealth, the owner shall present to the Department the certificate of title and registration card or other evidence of registration as he may have. The Commissioner may require such other evidence of ownership as he may deem advisable and promulgate regulations establishing what additional evidence of ownership, if any, shall be required for titling and registration of (i) specially constructed, reconstructed, replica, converted electric, or foreign vehicles *or* (ii) *off-road motorcycles converted to on-road use*. All titles and registrations for specially constructed, reconstructed, replica, and converted electric vehicles *and off-road motorcycles converted to on-road use* shall be branded with the words "specially constructed," "reconstructed," "replica," ~~or~~ "converted electric," *or "off-road motorcycle converted to on-road use,"* as appropriate. Titles for vehicles that are both converted electric vehicles and reconstructed vehicles shall be branded with the words "reconstructed" and "converted electric."