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**HOUSE BILL NO. 2300**

Offered January 21, 2015

A *BILL to amend and reenact §§ 46.2-100 and 46.2-915.1 of the Code of Virginia, relating to utility terrain vehicles.*

\_\_\_\_\_  
Patron—Edmunds

\_\_\_\_\_  
Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-100 and 46.2-915.1 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-100. Definitions.**

As used in this title, unless the context 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.

"Commission" means the State Corporation Commission.

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

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

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59 propulsion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 "Highway" means the entire width between the boundary lines of every way or place open to the use  
118 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,  
119 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads  
120 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, "law-enforcement officer" also 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 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

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

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels

182 in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has  
183 no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having  
184 an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters.  
185 "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include  
186 "electric personal assistive mobility devices."

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

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

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

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

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

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

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

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

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

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

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

242 "Replica vehicle" means every vehicle of a type required to be registered under this title not fully  
243 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 end of the period of suspension.

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

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other

305 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be  
306 operated.

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

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

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

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

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

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

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

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

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

339 *"Utility terrain vehicle" means a vehicle similar to an all-terrain vehicle, having at least four tires in*  
340 *contact with the ground, typically having a side-by-side seating arrangement, that may be equipped with*  
341 *seat belts and roll-over protection and a cargo box at the rear of the vehicle. A utility terrain vehicle is*  
342 *capable of carrying payloads from 800 to 1,350 pounds above the weight of its operator and*  
343 *passengers. Its payload is usually carried below the top of its tires.*

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

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

353 **§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

354 A. No all-terrain vehicle shall be operated:

355 1. On any public highway, or other public property, except (i) as authorized by proper authorities (ii)  
356 to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement  
357 officers, firefighters, or rescue squad personnel responding to emergencies;

358 2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may  
359 operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and  
360 (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than  
361 70 cubic centimeters displacement;

362 3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent  
363 of State Police for use by motorcycle operators;

364 4. On another person's property without the written consent of the owner of the property or as  
365 explicitly authorized by law; or

366 5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be

operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than \$500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle *or utility terrain vehicle* being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. ~~For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in §—46.2-100.~~