

17104708D

**HOUSE BILL NO. 2016**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Transportation  
on February 2, 2017)

(Patron Prior to Substitute—Delegate Villanueva)

A BILL to amend and reenact §§ 46.2-100, 46.2-904, 46.2-908, 46.2-908.1, 46.2-1015, and 46.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Article 12 of Chapter 8 of Title 46.2 a section numbered 46.2-908.1:1, relating to electric personal delivery devices.

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

**1. That §§ 46.2-100, 46.2-904, 46.2-908, 46.2-908.1, 46.2-1015, and 46.2-2101 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 12 of Chapter 8 of Title 46.2 a section numbered 46.2-908.1:1 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

HOUSE  
SUBSTITUTE

HB2016H1

60 substitution of new or used essential parts other than those required for the conversion to electric  
61 propulsion.

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

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

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

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

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

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

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

87 "*Electric personal delivery device*" means an electrically powered device that (i) is operated on  
88 sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs  
89 less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is  
90 equipped with technology to allow for operation of the device with or without the active control or  
91 monitoring of a natural person.

92 "*Electric personal delivery device operator*" means an entity or its agent who exercises direct  
93 physical control or monitoring over the navigation system and operation of an electric personal delivery  
94 device. For the purposes of this definition, "agent" means a person not less than 16 years of age  
95 charged by an entity with the responsibility of navigating and operating an electric personal delivery  
96 device. "*Electric personal delivery device operator*" does not include (i) an entity or person who  
97 requests the services of an electric personal delivery device to transport property or (ii) an entity or  
98 person who only arranges for and dispatches the requested services of an electric personal delivery  
99 device.

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

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

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

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

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

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

120 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,  
121 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and

122 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

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

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

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

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

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

140 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
141 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one  
142 another at, or approximately at, right angles, or the area within which vehicles traveling on different  
143 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways  
144 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting  
145 highway shall be regarded as a separate intersection, in the event such intersecting highway also  
146 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways  
147 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of  
148 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

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

151 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make  
152 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to  
153 law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement  
154 officer" also includes city and county commissioners of the revenue and treasurers, together with their  
155 duly designated deputies and employees, when such officials are actually engaged in the enforcement of  
156 §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

157 "License plate" means a device containing letters, numerals, or a combination of both, attached to a  
158 motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the  
159 Department.

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

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

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

172 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground  
173 that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat  
174 perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic  
175 centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without  
176 pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles  
177 per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of  
178 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while  
179 operated on a highway.

180 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than  
181 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat  
182 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

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

202 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any  
203 foreign corporation that is authorized to do business in the Commonwealth by the State Corporation  
204 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of  
205 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only  
206 such principal place of business or branches located within the Commonwealth shall be dealt with as  
207 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the  
208 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except  
209 for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as  
210 defined in this section or (b) a person who is serving a full-time church service or proselyting mission  
211 of not more than 36 months and who is not gainfully employed, who has actually resided in the  
212 Commonwealth for a period of six months, whether employed or not, or who has registered a motor  
213 vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a  
214 resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's  
215 License Act (§ 46.2-341.1 et seq.).

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

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

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

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

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

244 "Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used

245 primarily for the transportation of no more than 10 persons, including the driver.  
 246 "Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or  
 247 other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition  
 248 shall also include a card that enables a person to pay for transactions through the use of value stored on  
 249 the card itself.  
 250 "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and  
 251 having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for  
 252 personal use, designed to transport property on its own structure independent of any other vehicle, and  
 253 having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.  
 254 "Private road or driveway" means every way in private ownership and used for vehicular travel by  
 255 the owner and those having express or implied permission from the owner, but not by other persons.  
 256 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title  
 257 materially altered from its original construction by the removal, addition, or substitution of new or used  
 258 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle  
 259 identification number, line-make, and model year. Except as otherwise provided in this title, this  
 260 definition shall not include a "converted electric vehicle" as defined in this section.  
 261 "Replica vehicle" means every vehicle of a type required to be registered under this title not fully  
 262 constructed by a licensed manufacturer but either constructed or assembled from components. Such  
 263 components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The  
 264 kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or  
 265 a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model,  
 266 or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a  
 267 reconstructed or specially constructed vehicle as herein defined.  
 268 "Residence district" means the territory contiguous to a highway, not comprising a business district,  
 269 where 75 percent or more of the property abutting such highway, on either side of the highway, for a  
 270 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is  
 271 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of  
 272 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200  
 273 et seq.) of Title 15.2.  
 274 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or  
 275 restoration except through reapplication after the expiration of the period of revocation.  
 276 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
 277 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical  
 278 barrier or barriers or an unpaved area.  
 279 "Safety zone" means the area officially set apart within a roadway for the exclusive use of  
 280 pedestrians and that is protected or is so marked or indicated by plainly visible signs.  
 281 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial  
 282 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private  
 283 or religious schools, or used for the transportation of the mentally or physically handicapped to and  
 284 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a  
 285 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A  
 286 yellow school bus may have a white roof provided such vehicle is painted in accordance with  
 287 regulations promulgated by the Department of Education.  
 288 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a  
 289 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another  
 290 vehicle.  
 291 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by  
 292 an open space or barrier and is located either within the highway right-of-way or within a separate  
 293 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel  
 294 chair conveyances, joggers, and other nonmotorized users *and electric personal delivery devices*.  
 295 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic  
 296 and the lateral curblin or ditch.  
 297 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,  
 298 and the adjacent property lines, intended for use by pedestrians.  
 299 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
 300 runners, and supported in whole or in part by one or more skis, belts, or cleats.  
 301 "Special construction and forestry equipment" means any vehicle which is designed primarily for  
 302 highway construction, highway maintenance, earth moving, timber harvesting or other construction or  
 303 forestry work and which is not designed for the transportation of persons or property on a public  
 304 highway.  
 305 "Specially constructed vehicle" means any vehicle that was not originally constructed under a

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

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

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

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

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

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

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

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

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

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

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

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

345 "Truck" means every motor vehicle designed to transport property on its own structure independent  
346 of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not  
347 include any pickup or panel truck.

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

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

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

364 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used  
365 to provide mobility for persons who, by reason of physical disability, are otherwise unable to move  
366 about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and  
367 four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel

368 chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

369 **§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation**  
370 **of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and**  
371 **shared-use paths; local ordinances.**

372 The governing body of any county, city, or town may by ordinance prohibit the use of roller skates  
373 ~~and~~, skateboards, *and electric personal delivery devices* and/or the riding of bicycles, electric personal  
374 assistive mobility devices, motorized skateboards or foot-scooters, motor-driven cycles, or electric  
375 power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school,  
376 recreational facility, or any business property open to the public where such activity is prohibited. Signs  
377 indicating such prohibition shall be conspicuously posted in general areas where use of roller skates ~~and~~,  
378 skateboards, *and electric personal delivery devices* and/or bicycle, electric personal assistive mobility  
379 devices, motorized skateboards or foot-scooters, motor-driven cycles, or electric power-assisted bicycle  
380 riding is prohibited. *Unless otherwise prohibited, electric personal delivery devices may be operated on*  
381 *the sidewalks and shared-use paths and across the roadway on a crosswalk of any locality of the*  
382 *Commonwealth.*

383 A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or  
384 foot-scooter, motor-driven cycle, or ~~an~~ electric power-assisted bicycle on a sidewalk, *or* shared-use path,  
385 or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an  
386 audible signal before overtaking and passing any pedestrian. *An electric personal delivery device*  
387 *operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the*  
388 *right-of-way to any pedestrian.*

389 No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or  
390 foot-scooter, motor-driven cycle, or ~~an~~ electric power-assisted bicycle *or operate an electric personal*  
391 *delivery device* on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric  
392 personal assistive mobility devices, *electric personal delivery devices*, motorized skateboards or  
393 foot-scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic  
394 control devices.

395 A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or  
396 foot-scooter, motor-driven cycle, or ~~an~~ electric power-assisted bicycle on a sidewalk, *or* shared-use path,  
397 or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same  
398 circumstances. *An electric personal delivery device operated on a sidewalk or shared-use path or across*  
399 *a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same*  
400 *circumstances.*

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

403 **§ 46.2-908. Registration of bicycle, electric personal assistive mobility device, electric personal**  
404 **delivery device, and electric power-assisted bicycle serial numbers.**

405 Any person who owns a bicycle, electric personal assistive mobility device, *electric personal delivery*  
406 *device*, or electric power-assisted bicycle may register its serial number with the local law-enforcement  
407 agency of the political subdivision in which such person resides.

408 **§ 46.2-908.1. Electric personal assistive mobility devices, electric personal delivery devices,**  
409 **electrically powered toy vehicles, and electric power-assisted bicycles.**

410 All electric personal assistive mobility devices, *electric personal delivery devices*, electrically  
411 powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or  
412 gelled electrolyte batteries. No person shall at any time or at any location (i) drive an electric personal  
413 assistive mobility device, or an electric power-assisted bicycle faster than ~~twenty-five~~ 25 miles per hour  
414 *or (ii) operate an electric personal delivery device at a speed faster than 10 miles per hour.* No person  
415 less than ~~fourteen~~ 14 years old shall drive any electric personal assistive mobility device, motorized  
416 skateboard or foot-scooter, or electric power-assisted bicycle unless under the immediate supervision of a  
417 person who is at least ~~eighteen~~ 18 years old.

418 An electric personal assistive mobility device or motorized skateboard or foot-scooter may be  
419 operated on any highway with a maximum speed limit of ~~twenty-five~~ 25 miles per hour or less. An  
420 electric personal assistive mobility device shall only operate on any highway authorized by this section  
421 if a sidewalk is not provided along such highway or if operation of the electric personal assistive  
422 mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall  
423 prohibit the operation of an electric personal assistive mobility device, *electric personal delivery device*,  
424 or motorized skateboard or foot-scooter in the crosswalk of any highway where the use of such  
425 crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

426 Operation of electric personal assistive mobility devices, electrically powered toy vehicles, bicycles,  
427 and electric power-assisted bicycles is prohibited on any Interstate Highway System component except  
428 as provided by the section.

429 The Commonwealth Transportation Board may authorize the use of bicycles on an Interstate  
430 Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are  
431 barrier separated from the roadway and automobile traffic and such component meets all applicable  
432 safety requirements established by federal and state law.

433 **§ 46.2-908.1:1. Electric personal delivery devices.**

434 A. All electric personal delivery devices shall obey all traffic and pedestrian control devices and  
435 signs and include a plate or marker that identifies the name and contact information of the owner of the  
436 electric personal delivery device and a unique identifying device number.

437 B. All electric personal delivery devices shall be equipped with a braking system that, when active or  
438 engaged, will enable such electric personal delivery device to come to a controlled stop.

439 C. No electric personal delivery device shall transport hazardous materials, substances, or waste as  
440 defined in § 10.1-1400. For the purposes of this subsection, "hazardous materials" includes ammunition.

441 D. No electric personal delivery device shall be operated on a public highway in the Commonwealth,  
442 except to the extent necessary to cross an intersection or crosswalk.

443 E. No electric personal delivery device shall operate on a sidewalk or shared-use path or across a  
444 roadway on a crosswalk unless an electric personal delivery device operator is actively controlling or  
445 monitoring the navigation and operation of the electric personal delivery device.

446 F. Any entity or person who uses an electric personal delivery device to engage in criminal activity  
447 is criminally liable for such activity.

448 **§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, electric personal**  
449 **delivery devices, electric power-assisted bicycles, and mopeds.**

450 A. Every bicycle, electric personal assistive mobility device, electric personal delivery device, electric  
451 power-assisted bicycle, and moped when in use between sunset and sunrise shall be equipped with a  
452 headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet  
453 to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in  
454 front of lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be of types  
455 approved by the Superintendent.

456 In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with  
457 lights or reflectors. These lights may be steady burning or blinking.

458 B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light  
459 plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between  
460 sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such  
461 taillight shall be of a type approved by the Superintendent.

462 **§ 46.2-2101. Exemptions from chapter.**

463 The following are exempt from this chapter:

464 1. Motor vehicles owned and operated by the United States, District of Columbia, any state,  
465 municipality, or any other political subdivision of the Commonwealth.

466 2. Transportation of property between any point in this Commonwealth and any point outside this  
467 Commonwealth or between any points wholly within the limits of any city or town in the  
468 Commonwealth. This exemption shall not apply to the insurance requirement imposed on motor carriers  
469 pursuant to § 46.2-2143.1.

470 3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the  
471 Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2  
472 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of  
473 such association.

474 4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry  
475 products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including  
476 shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof),  
477 and forest products, including lumber and staves (but not including manufactured products thereof), (ii)  
478 transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv)  
479 carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or  
480 farms, or (v) collecting and disposing of trash, garbage and other refuse.

481 5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air  
482 carrier whether or not such property has had or will have a prior or subsequent air movement.

483 6. Motor carriers exclusively operating vehicles with a registered gross weight of 7,500 pounds or  
484 less for the sole purpose of providing courier service.

485 7. Electric personal delivery devices as defined in § 46.2-100.