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SENATE BILL NO. 1338
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Transportation
on January 25, 2017)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend and reenact §§ 46.2-100 and 46.2-841 of the Code of Virginia, relating to passing in a bicycle lane.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100 and 46.2-841 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 exclusive use of bicycles, or 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 propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 "Highway" means the entire width between the boundary lines of every way or place open to the use
117 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
118 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
119 or private streets that have been specifically designated "highways" by an ordinance adopted by the
120 governing body of the county, city, or town in which such private roads or streets are located and (ii)
121 the entire width between the boundary lines of every way or place used for purposes of vehicular travel

122 on any property owned, leased, or controlled by the United States government and located in the
123 Commonwealth.

124 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
125 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one
126 another at, or approximately at, right angles, or the area within which vehicles traveling on different
127 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
128 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting
129 highway shall be regarded as a separate intersection, in the event such intersecting highway also
130 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways
131 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of
132 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

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

135 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
136 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
137 law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement
138 officer" also includes city and county commissioners of the revenue and treasurers, together with their
139 duly designated deputies and employees, when such officials are actually engaged in the enforcement of
140 §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

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

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

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

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

156 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground
157 that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat
158 perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic
159 centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without
160 pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles
161 per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of
162 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while
163 operated on a highway.

164 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than
165 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat
166 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

180 "Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels
181 in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has
182 no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having

183 an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters.
184 "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include
185 "electric personal assistive mobility devices."

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

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

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

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

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

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

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

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

234 "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and
235 having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for
236 personal use, designed to transport property on its own structure independent of any other vehicle, and
237 having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

289 "Specially constructed vehicle" means any vehicle that was not originally constructed under a
 290 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
 291 reconstructed vehicle as herein defined.

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

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

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

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

305 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled

306 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
307 restoring to the highway or other location where they either can be operated or removed to other
308 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be
309 operated.

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

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

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

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

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

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

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

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

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

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

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

352 **§ 46.2-841. When overtaking vehicle may pass on right.**

353 A. The driver of a vehicle may overtake and pass to the right of another vehicle only:

354 1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the
355 required signal;

356 2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width
357 for two or more lines of moving vehicles in each direction;

358 3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and
359 of sufficient width for two or more lines of moving vehicles.

360 B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions
361 permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully
362 placed signs, no such movement shall be made by driving on the shoulder of the highway or off the
363 pavement or main traveled portion of the roadway.

364 C. *Notwithstanding subsections A and B, nothing in this section shall permit a motor vehicle to*
365 *travel in a bicycle lane to pass or attempt to pass another vehicle.*