

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 433

An Act to amend the Code of Virginia by adding a section numbered 46.2-1533.1, relating to test driving vehicles; residence districts.

[H 2318]

Approved March 30, 2021

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1533.1 as follows:

§ 46.2-1533.1. Test driving vehicle; residence districts.

A. For the purposes of this section, "test drive" means the use of dealer's license plates authorized pursuant to subdivision B 1 of § 46.2-1550.

B. The local governing body of any county, city, or town may by ordinance require licensed motor vehicle dealers located within such locality to notify any buyer or potential buyer that test drives a motor vehicle that he is prohibited from conducting such test drive in a resident district designated for increased fines pursuant to § 46.2-878.2. Any governing body that enacts an ordinance pursuant to this section shall notify all licensed motor vehicle dealers located within such locality of the enactment of the ordinance and send a copy of each such notice to the Board.

C. Any motor vehicle dealer licensed under this chapter located within a locality that has enacted an ordinance pursuant to this section shall notify any buyer or potential buyer who is test driving a vehicle of such ordinance prior to such test drive. The notice shall advise the buyer or potential buyer to avoid the designated area during a test drive. Nothing herein shall prohibit a buyer or potential buyer from driving to or from his residence, regardless of whether he lives in any such residence district, provided that he is permitted by the dealer to drive to his residence.

D. If any buyer or potential buyer is convicted of a traffic infraction that occurred in a residence district designated for increased fines pursuant to § 46.2-878.2 while test driving a vehicle in a locality that has enacted an ordinance pursuant to this section, the locality may notify the Board. The Board shall determine whether the dealer that authorized the test drive provided notice to the buyer or potential buyer as required by the ordinance. If the dealer did not make the notification required by the ordinance to the buyer or potential buyer who committed the traffic infraction, that may be considered by the Board as a violation of this chapter, and, in addition to any other sanctions or remedies available to the Board under this chapter, the Board may assess a separate civil penalty pursuant to § 46.2-1507.

E. Under no circumstances shall an actual or alleged violation of this section give rise to or be used as the basis for a claim of civil liability against a licensed dealer for injuries caused by a prospective or actual buyer of a motor vehicle during a test drive.