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HOUSE BILL NO. 2025

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to amend and reenact §§ 15.2-1720, 18.2-266, 46.2-100, 46.2-800, 46.2-839, 46.2-847, 46.2-856, 46.2-903 through 46.2-907, 46.2-908.1, 46.2-914, 46.2-915, 46.2-915.2, 46.2-932, 46.2-1015, 46.2-1066, 46.2-1078, and 46.2-1081 of the Code of Virginia, relating to electric-powered wheeled devices and gasoline-powered wheeled devices; penalty.

Patrons—Welch (By Request) and Black

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1720, 18.2-266, 46.2-100, 46.2-800, 46.2-839, 46.2-847, 46.2-856, 46.2-903 through 46.2-907, 46.2-908.1, 46.2-914, 46.2-915, 46.2-915.2, 46.2-932, 46.2-1015, 46.2-1066, 46.2-1078, and 46.2-1081 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, mopeds, and electric personal assistive mobility devices.

Any locality may, by ordinance, (i) provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped that has been in the possession of the police or sheriff's department, unclaimed, for more than ~~thirty~~ 30 days; (ii) require every resident owner of a bicycle, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped to obtain a license therefor and a license plate, tag, and, in the case of an electric personal assistive mobility device, an adhesive license decal of such design and material as the ordinance may prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped; (iii) prescribe the license fee, the license application forms and the license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped on public roads or streets within the locality without an attached license plate, tag, or adhesive decal. The ordinance shall require the license plates, tags, or adhesive decals to be provided by and at the cost of the locality. Any locality may provide that the license plates, tags, or adhesive decals shall be valid for the life of the bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, *electric-powered wheeled devices*, *gasoline-powered wheeled devices*, and mopeds to which they are attached or for such other period as it may prescribe and may prescribe such fee therefor as it may deem reasonable. When any town license is required as provided for herein, the license shall be in lieu of any license required by any county ordinance. Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped found and delivered to the police or sheriff's department by a private person that thereafter remains unclaimed for ~~thirty~~ 30 days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the locality. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped, the record owner shall be notified directly.

§ 18.2-266. Driving motor vehicle, engine, etc., while intoxicated, etc.

It shall be unlawful for any person to drive or operate any motor vehicle, engine or train (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in this article, (ii) while such person is under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or

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59 train safely. A charge alleging a violation of this section shall support a conviction under clauses (i),
60 (ii), (iii) or (iv).

61 For the purposes of this section, the term "motor vehicle" includes mopeds, *electric-powered wheeled*
62 *devices, and gasoline-powered wheeled devices* while operated on the public highways of ~~this the~~
63 Commonwealth.

64 § 46.2-100. Definitions.

65 The following words and phrases when used in this title shall, for the purpose of this title, have the
66 meanings respectively ascribed to them in this section except in those instances where the context
67 clearly indicates a different meaning:

68 "Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually
69 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less
70 than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

71 "Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually
72 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less
73 than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

74 "Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination,
75 including vehicles or combinations that transport motor vehicles or watercraft on their power unit,
76 designed and used exclusively for the transportation of motor vehicles or watercraft.

77 "Bicycle" means a device propelled solely by human power, upon which a person may ride either on
78 or astride a regular seat attached thereto, having two or more wheels in tandem, including children's
79 bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800
80 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

81 "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for
82 the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

83 "Business district" means the territory contiguous to a highway where 75 percent or more of the
84 property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more
85 along the highway, is occupied by land and buildings actually in use for business purposes.

86 "Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but
87 may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

88 "Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or
89 terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and
90 reapplication may be made at any time after cancellation.

91 "Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and
92 every person who drives a motor vehicle while in use as a public or common carrier of persons or
93 property.

94 "Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

118 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
119 that is designed to transport only one person and powered by an electric propulsion system that limits
120 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title, an

electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a bicycle equipped with an electric motor that reduces the pedal effort required of the rider, but does not eliminate the rider's need to pedal. For the purposes of Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Electric-powered wheeled device" means any vehicle propelled by an electric motor that is capable of self-propulsion or designed for self-propulsion and attains a speed of no more than 30 miles per hour. The term does not include a golf cart, low-speed vehicle, wheel chair or wheel chair conveyance as defined in this section, but shall include vehicles such as those commonly known as razors, electric seated scooters, electric-powered mini-choppers, electric-powered go-peds and similar devices.

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

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

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

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

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

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

"Gasoline-powered wheeled device" means any vehicle powered by gasoline or similar fuel that is that is capable of self-propulsion or designed for self-propulsion and attains a speed of no more than 30 miles per hour. The term includes vehicles such as gasoline powered pocket bikes, gasoline-powered seated scooters, gasoline-powered mini-choppers, gasoline powered go-peds and similar devices.

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

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

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

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads 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.

"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.

"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, this term shall also include 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

182 maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is
183 manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations,
184 § 571.500.

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

191 "Moped" means a conveyance that is either (i) a bicycle-like device with pedals and a helper motor
192 that is rated at no more than two brake horsepower and that produces speeds up to a maximum of 30
193 miles per hour or (ii) a motorcycle with an engine displacement of 50 cubic centimeters or less and a
194 maximum speed of less than 30 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this
195 title, a moped shall be a vehicle while operated on a highway.

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

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

204 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact
205 with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in
206 this section.

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

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

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.

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

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

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

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

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.

"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.

"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 parochial 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 travelled by vehicular traffic and the lateral curbline 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.

"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.

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

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

305 thereto.

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

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

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

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

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

322 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an
323 engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or
324 horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in § 46.2-915.1,
325 riding lawn mowers, or any other vehicle whose definition is included in this section.

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

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

336 § 46.2-800. Riding bicycles, electric personal assistive mobility devices, electric power-assisted
337 bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, or mopeds; riding or
338 driving animals.

339 Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted
340 bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, moped, or an animal or
341 driving an animal on a highway shall be subject to the provisions of this chapter and shall have all of
342 the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly
343 indicates otherwise.

344 The provisions of subsections A and C of § 46.2-920 applicable to operation of emergency vehicles
345 under emergency conditions shall also apply, mutatis mutandis, to bicycles, electric personal assistive
346 mobility devices, electric power-assisted bicycles, *electric-powered wheeled devices*, *gasoline-powered*
347 *wheeled devices*, and mopeds operated under similar emergency conditions by law-enforcement officers.

348 § 46.2-839. Passing bicycle, electric personal assistive mobility device, electric power-assisted
349 bicycle, electric-powered wheeled device, gasoline-powered wheeled device, moped, animal, or
350 animal-drawn vehicle.

351 Any driver of any vehicle overtaking a bicycle, electric personal assistive mobility device, electric
352 power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, moped,
353 animal, or animal-drawn vehicle proceeding in the same direction shall pass at a reasonable speed at
354 least two feet to the left of the overtaken bicycle, electric personal assistive mobility device, electric
355 power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, moped,
356 animal, or animal-drawn vehicle and shall not again proceed to the right side of the highway until safely
357 clear of such overtaken bicycle, electric personal assistive mobility device, electric power-assisted
358 bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, moped, animal, or
359 animal-drawn vehicle.

360 § 46.2-847. Left turns by bicycles, electric personal assistive mobility devices, electric power-assisted
361 bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, and mopeds.

362 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
363 *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped and intending to turn left
364 shall either follow a course described in § 46.2-846 or make the turn as provided in this section.

365 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
366 *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped and intending to turn left

shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the rider shall comply with traffic signs or signals and continue his turn as close as practicable to the right curb or edge of the roadway being entered.

Notwithstanding the foregoing provisions of this section, the Commonwealth Transportation Board and local authorities, in their respective jurisdictions, may cause official traffic control devices to be placed at intersections to direct that a specific course be traveled by turning bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, *electric-powered wheeled devices*, *gasoline-powered wheeled devices*, and mopeds. When such devices are so placed, no person shall turn a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped other than as directed by such devices.

§ 46.2-856. Passing two vehicles abreast.

A person shall be guilty of reckless driving who passes or attempts to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways. This section shall not apply, however, to a motor vehicle passing two other vehicles when one or both of such other vehicles is a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; nor shall this section apply to a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped passing two other vehicles.

§ 46.2-903. Riding or driving vehicles other than bicycles, electric power-assisted bicycles, electric-powered wheeled devices, or electric personal assistive mobility devices on sidewalks.

No person shall ride or drive any vehicle other than (i) an emergency vehicle, as defined in § 46.2-920, (ii) a vehicle engaged in snow or ice removal and control operations, (iii) a wheel chair or wheel chair conveyance, whether self-propelled or otherwise, (iv) a bicycle, (v) an electric personal assistive mobility device, ~~or~~ (vi) *an electric-powered wheeled device*, or (vii) an electric power-assisted bicycle on the sidewalks of any county, city, or town of the Commonwealth.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles, electric power-assisted bicycles, electric-powered wheeled devices, and electric personal assistive mobility devices on sidewalks and crosswalks and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates and skateboards and/or the riding of bicycles, electric personal assistive mobility devices, *electric-powered wheeled devices*, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where use of roller skates and skateboards, and/or bicycle, electric personal assistive mobility devices, *electric-powered wheeled device*, or electric power-assisted bicycle riding is prohibited.

A person riding a bicycle, electric personal assistive mobility device, *electric-powered wheeled device*, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

No person shall ride a bicycle, electric personal assistive mobility device, *electric-powered wheeled device*, or an electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, *electric-powered wheeled devices*, or electric power-assisted bicycles is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, *electric-powered wheeled device*, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.

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

§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, and mopeds on roadways and bicycle paths.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, except under any of the following circumstances:

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn at an intersection or into a private road or driveway;
3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving

428 objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that
429 make it unsafe to continue along the right curb or edge;

430 4. When avoiding riding in a lane that must turn or diverge to the right; and

431 5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb
432 or edge of such roadway as safely practicable.

433 For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric
434 personal assistive mobility device, electric power-assisted bicycle, *electric-powered wheeled device*,
435 *gasoline-powered wheeled device*, or moped and another vehicle to pass safely side by side within the
436 lane.

437 Persons riding bicycles, electric personal assistive mobility devices, *electric-powered wheeled devices*,
438 or electric power-assisted bicycles on a highway shall not ride more than two abreast. Persons riding
439 two abreast shall not impede the normal and reasonable movement of traffic, shall move into a single
440 file formation as quickly as is practicable when being overtaken from the rear by a faster moving
441 vehicle, and, on a laned roadway, shall ride in a single lane.

442 Notwithstanding any other provision of law to the contrary, the Department of Conservation and
443 Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path
444 or trail designated by the Department for such use.

445 § 46.2-906. Carrying articles or passengers on bicycles, electric personal assistive mobility devices,
446 electric power-assisted bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices,
447 and mopeds.

448 No person operating a bicycle, electric personal assistive mobility device, electric power-assisted
449 bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped on a highway
450 shall carry any package, bundle, or article that prevents the driver from keeping at least one hand on the
451 handlebars.

452 No bicycle shall be used to carry more persons at one time than the number of persons for which it
453 was designed or is equipped, except that an adult rider may carry a child less than six years old if such
454 child is securely attached to the bicycle in a seat or trailer designed for carrying children.

455 § 46.2-906.1. Local ordinances may require riders of bicycles, electric personal assistive mobility
456 devices, electric-powered wheeled devices, and electric power-assisted bicycles to wear helmets.

457 The governing body of any county, city or town may, by ordinance, provide that every person 14
458 years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety
459 Commission standard whenever riding or being carried on a bicycle, an electric personal assistive
460 mobility device, *an electric-powered wheeled device*, or an electric power-assisted bicycle on any
461 highway as defined in § 46.2-100, sidewalk, or public bicycle path.

462 Violation of any such ordinance shall be punishable by a fine of \$25. However, such fine shall be
463 suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to
464 imposition of the fine, purchase helmets of the type required by the ordinance.

465 Violation of any such ordinance shall not constitute negligence, or assumption of risk, be considered
466 in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment
467 by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric
468 personal assistive mobility device, *electric-powered wheeled device*, or electric power-assisted bicycle,
469 nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil
470 action.

471 § 46.2-907. Overtaking and passing vehicles.

472 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
473 *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped may overtake and pass
474 another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle, or
475 changing to a different lane, or riding off the roadway as necessary to pass with safety.

476 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
477 *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped may overtake and pass
478 another vehicle only under conditions that permit the movement to be made with safety.

479 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
480 *electric-powered wheeled device*, *gasoline-powered wheeled device*, or moped shall not travel between
481 two lanes of traffic moving in the same direction, except where one lane is a separate turn lane or a
482 mandatory turn lane.

483 Except as otherwise provided in this section, a person riding a bicycle, electric personal assistive
484 mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered*
485 *wheeled device*, or moped shall comply with all rules applicable to the driver of a motor vehicle when
486 overtaking and passing.

487 § 46.2-908.1. Electric personal assistive mobility devices, electric-powered wheeled devices, and
488 electric power-assisted bicycles.

489 All electric personal assistive mobility devices, *electric-powered wheeled devices*, and electric

power-assisted bicycles shall be equipped with spill-proof, sealed, or gel batteries. No person shall at any time or at any location drive an electric personal assistive mobility device, *electric-powered wheeled device*, or an electric power-assisted bicycle faster than ~~twenty-five~~ 25 miles per hour. No person less than ~~fourteen~~ 14 years old shall drive any electric personal assistive mobility device, *electric-powered wheeled device*, or electric power-assisted bicycle unless under the immediate supervision of a person who is at least ~~eighteen~~ 18 years old.

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

§ 46.2-914. Limitations on operation of mopeds and gasoline-powered wheeled devices.

No moped or *gasoline-powered wheeled device* shall be driven on any highway or public vehicular area (i) faster than 30 miles per hour or (ii) by any person under the age of 16.

Every person driving a moped or *gasoline-powered wheeled device* shall carry with him some form of identification that includes his name, address, and date of birth.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than \$50.

§ 46.2-915. Stickers required on mopeds and other gasoline-powered wheeled devices; penalty.

Any dealer who sells any moped or *other gasoline-powered wheeled device* at retail shall affix to any such moped or *other gasoline-powered wheeled device*, or verify that there is affixed thereto a permanent decal or sticker which states (i) that the operation of mopeds or *other gasoline-powered wheeled devices* on highways and public vehicular areas by persons under the age of ~~sixteen~~ 16 is prohibited by Virginia law, (ii) the maximum horsepower of the moped or *other gasoline-powered wheeled device*, and (iii) the maximum speed at which the moped or *other gasoline-powered wheeled device* may be ~~hidden~~ lawfully attain.

Any dealer who sells any such moped or *other gasoline-powered wheeled device* which does not have affixed thereto such a permanent decal or sticker or who sells a motorcycle with such a sticker or decal attached thereto indicating that its motor is rated at no more than two brake horsepower producing only ordinary speeds up to a maximum of ~~thirty~~ 30 miles per hour shall be guilty of a Class 1 misdemeanor.

Any person who operates a moped or *other gasoline-powered wheeled device* that does not have affixed thereto such a permanent decal or sticker or who operates a motorcycle with such a sticker or decal attached thereto indicating that its motor is rated at no more than two brake horsepower, producing only ordinary speeds up to a maximum of 30 miles per hour shall be guilty of a Class 1 misdemeanor.

§ 46.2-915.2. Ordinances providing for certain safety equipment for mopeds and other gasoline-powered wheeled devices; effect of violation; penalty.

The governing body of any county, city, or town may, by ordinance, provide that every person operating a moped or *gasoline-powered wheeled device*, as defined in § 46.2-100, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. A violation of any such ordinance 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 a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates any such ordinance shall be guilty of a traffic infraction and be subject to a fine of not more than ~~fifty dollars~~ \$50.

§ 46.2-932. Playing on highways; roller skates, skateboards, toys, or other devices on wheels or runners; persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, mopeds, etc., not to attach to vehicles; exception.

A. No person shall play on a highway, other than on the sidewalks thereof, within a city or town or on any part of a highway outside the limits of a city or town designated by the Commonwealth Transportation Commissioner exclusively for vehicular travel. No person shall use roller skates, skateboards, toys, or other devices on wheels or runners, except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, *electric-powered wheeled devices*, *gasoline-powered*

551 *wheeled devices*, mopeds, and motorcycles, on highways where play is prohibited. The governing bodies
552 of counties, cities, and towns may designate areas on highways under their control where play is
553 permitted and may impose reasonable restrictions on play on such highways. If the highways have only
554 two traffic lanes, persons using such devices, except bicycles, electric personal assistive mobility
555 devices, electric power-assisted bicycles, *electric-powered wheeled devices*, *gasoline-powered wheeled*
556 *devices*, mopeds, and motorcycles, shall keep as near as safely practicable to the far right side or edge
557 of the right traffic lane so that they will be proceeding in the same direction as other traffic.

558 No person riding on any bicycle, electric personal assistive mobility device, electric power-assisted
559 bicycle, *electric-powered wheeled device*, *gasoline-powered wheeled device*, moped, roller skates,
560 skateboards, toys, or other devices on wheels or runners, shall attach the same or himself to any vehicle
561 on a roadway.

562 B. Notwithstanding the provisions of subsection A of this section, the governing body of any county
563 having a population of at least 170,000 but less than 200,000 may by ordinance permit the use of
564 devices on wheels or runners on highways under such county's control, subject to such limitations and
565 conditions as the governing body may deem necessary and reasonable.

566 § 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, electric power-assisted
567 bicycles, electric-powered wheeled devices, gasoline-powered wheeled devices, and mopeds.

568 Every bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
569 *electric-powered wheeled device*, *gasoline-powered wheeled device*, and moped when in use between
570 sunset and sunrise shall be equipped with a white light on the front emitting a white light visible in
571 clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance
572 of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor
573 vehicle. Such lights and reflector shall be of types approved by the Superintendent.

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

576 § 46.2-1066. Brakes.

577 Every motor vehicle when driven on a highway shall be equipped with brakes adequate to control
578 the movements of and to stop and hold such vehicle. The brakes shall be maintained in good working
579 order and shall conform to the provisions of this article.

580 Every bicycle, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered*
581 *wheeled device*, and moped, when operated on a highway, shall be equipped with a brake that will
582 enable the operator to make the braked wheels skid on dry, level, clean pavement. Every electric
583 personal assistive mobility device, when operated on a highway, shall be equipped with a system that,
584 when activated or engaged, will enable the operator to bring the device to a controlled stop.

585 § 46.2-1078. Unlawful to operate motor vehicle, bicycle, electric personal assistive mobility device,
586 electric power-assisted bicycle, electric-powered wheeled device, gasoline-powered wheeled device, or
587 moped while using earphones.

588 It shall be unlawful for any person to operate a motor vehicle, bicycle, electric personal assistive
589 mobility device, electric power-assisted bicycle, *electric-powered wheeled device*, *gasoline-powered*
590 *wheeled device*, or moped on the highways in the Commonwealth while using earphones on or in both
591 ears.

592 For the purpose of this section, "earphones" shall mean any device worn on or in both ears that
593 converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but
594 shall not include (i) any prosthetic device that aids the hard of hearing, (ii) earphones installed in
595 helmets worn by motorcycle operators and riders and used as part of a communications system, or (iii)
596 nonprosthetic, closed-ear, open-back, electronic noise-cancellation devices designed and used to enhance
597 the hearing ability of persons who operate vehicles in high-noise environments, provided any such
598 device is being worn by the operator of a vehicle with a gross vehicle weight rating of 26,000 pounds
599 or more. The provisions of this section shall not apply to the driver of any emergency vehicle as defined
600 in § 46.2-920.

601 § 46.2-1081. Slow-moving vehicle emblems.

602 A. Every farm tractor, self-propelled unit of farm equipment or implement of husbandry, and any
603 other vehicle designed for operation at speeds not in excess of 25 miles per hour or normally operated
604 at speeds not in excess of 25 miles per hour, shall display a triangular slow-moving vehicle emblem on
605 the rear of the vehicle when traveling on a public highway at any time of the day or night.

606 B. Should a slow-moving vehicle tow a unit on a public highway, then the towing vehicle or the
607 towed unit shall be equipped with the slow-moving vehicle emblem as follows:

608 1. If the towed unit or any load thereon obscures the slow-moving vehicle emblem on the towing
609 vehicle, the towed unit shall be equipped with a slow-moving vehicle emblem, in which case the towing
610 vehicle need not display such emblem.

611 2. If the slow-moving vehicle emblem on the towing vehicle is not obscured by the towed unit or
612 any load thereon, then either or both such vehicles may be equipped with such emblem.

613 C. The standards and specifications for the slow-moving vehicle emblem and the position of
614 mounting of the emblem shall conform to standards and specifications adopted by the American Society
615 of Agricultural Engineers, the Society of Automotive Engineers, the American National Standards
616 Institute, Inc., or the federal Department of Transportation.

617 D. The use of the slow-moving vehicle emblem shall be restricted to the uses specified in this title.

618 E. The provisions of this section shall not apply to bicycles, electric power-assisted bicycles,
619 *electric-powered wheeled devices*, *gasoline-powered wheeled devices*, or mopeds. Display of a
620 slow-moving vehicle emblem on a bicycle, electric power-assisted bicycle, *electric-powered wheeled*
621 *device*, *gasoline-powered wheeled device*, or moped shall not be deemed a violation of this section.