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## HOUSE BILL NO. 2175

Offered January 12, 2005

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A BILL to amend and reenact §§ 15.2-1719, 15.2-1720, 46.2-100, 46.2-301, 46.2-800, 46.2-839, 46.2-847, 46.2-849, 46.2-856, 46.2-857, 46.2-905, 46.2-906, 46.2-907, 46.2-914, 46.2-915, 46.2-932, 46.2-1015, 46.2-1051, 46.2-1066, 46.2-1078, and 46.2-1081 of the Code of Virginia and to repeal § 46.2-915.2 of the Code of Virginia, relating to mopeds.

Patron—Louderback

Referred to Committee on Transportation

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

1. That §§ 15.2-1719, 15.2-1720, 46.2-100, 46.2-301, 46.2-800, 46.2-839, 46.2-847, 46.2-849, 46.2-856, 46.2-857, 46.2-905, 46.2-906, 46.2-907, 46.2-914, 46.2-915, 46.2-932, 46.2-1015, 46.2-1051, 46.2-1066, 46.2-1078, and 46.2-1081 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the law-enforcement agency of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than ~~sixty~~ 60 days. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles ~~and mopeds~~ may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within ~~sixty~~ 60 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the locality within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

§ 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles, and electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted bicycles, 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, ~~or~~ electric power-assisted bicycle, ~~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, ~~or~~ electric power-assisted bicycle, ~~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

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59 prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, *or*  
60 electric power-assisted bicycle; ~~or moped~~; (iii) prescribe the license fee, the license application forms  
61 and the license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive  
62 mobility device, *or* electric power-assisted bicycle; ~~or moped~~ on public roads or streets within the  
63 locality without an attached license plate, tag, or adhesive decal. The ordinance shall require the license  
64 plates, tags, or adhesive decals to be provided by and at the cost of the locality. Any locality may  
65 provide that the license plates, tags, or adhesive decals shall be valid for the life of the bicycles, electric  
66 personal assistive mobility devices, *and* electric power-assisted bicycles; ~~and mopeds~~ to which they are  
67 attached or for such other period as it may prescribe and may prescribe such fee therefor as it may  
68 deem reasonable. When any town license is required as provided for herein, the license shall be in lieu  
69 of any license required by any county ordinance. Any bicycle, electric personal assistive mobility device,  
70 electric power-assisted, *or* bicycle; ~~or moped~~ found and delivered to the police or sheriff's department by  
71 a private person that thereafter remains unclaimed for ~~thirty~~ 30 days after the final date of publication as  
72 required herein may be given to the finder; however, the location and description of the bicycle, electric  
73 personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~ shall be published at  
74 least once a week for two successive weeks in a newspaper of general circulation within the locality. In  
75 addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal  
76 assistive mobility device, or electric power-assisted bicycle, ~~or moped~~, the record owner shall be notified  
77 directly.

78 § 46.2-100. Definitions.

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

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

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

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

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

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

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

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

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

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

108 "Commission" means the State Corporation Commission.

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

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

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

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

119 "Disabled parking license plate" means a license plate that displays the international symbol of access  
120 in the same size as the numbers and letters on the plate and in a color that contrasts with the

background.

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

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

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits 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.

"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.

"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

182 motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the  
183 Department.

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

185 "Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or  
186 low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose  
187 maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is  
188 manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations,  
189 § 571.500.

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

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

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

203 "Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for  
204 self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained  
205 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place,  
206 office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title,  
207 any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted  
208 bicycle, or moped shall be deemed not to be a motor vehicle, *except that a moped shall be deemed a*  
209 *motorcycle when it is operated on a highway.*

210 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact  
211 with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in  
212 this section, *except that a moped shall be deemed a motorcycle when it is operated on a highway.*

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

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

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

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

239 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of  
240 an agreement for its conditional sale or lease with the right of purchase on performance of the  
241 conditions stated in the agreement and with an immediate right of possession vested in the conditional  
242 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or  
243 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent

paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of 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 thereto.

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

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

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

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

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

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

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

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

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated. A clerk's notice of suspension of license for failure to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of maintaining a conviction under this section. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall ~~not~~ include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor. A third or subsequent offense occurring within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days. However, the court shall not be required to impose a mandatory minimum term of confinement in any case where a motor vehicle is operated in violation of this section in a situation of apparent extreme emergency which requires such operation to save life or limb.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked.

In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired.

E. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

§ 46.2-800. Riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles; riding or driving animals.

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

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

§ 46.2-839. Passing bicycle, electric personal assistive mobility device, electric power-assisted bicycle, animal, or animal-drawn vehicle.

Any driver of any vehicle overtaking a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~moped~~, animal, or animal-drawn vehicle proceeding in the same direction shall pass at a reasonable speed at least two feet to the left of the overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~moped~~, animal, or animal-drawn vehicle and shall not again proceed to the right side of the highway until safely clear of such overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~moped~~, animal, or animal-drawn vehicle.

§ 46.2-847. Left turns by bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles.

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

A person riding a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~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, *and* electric power-assisted bicycles; ~~and mopeds~~. When such devices are so placed, no person shall turn a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~ other than as directed by such devices.

§ 46.2-849. How signals given.

A. Signals required by § 46.2-848 shall be given by means of the hand and arm or by some mechanical or electrical device approved by the Superintendent, in the manner specified in this section. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn, or partly turn by extending the hand and arm beyond the left side of the vehicle in the manner following:

1. For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

2. For right turn or to pull to the right, the arm shall be extended upward;

3. For slowing down or stopping, the arm shall be extended downward.

B. Wherever the lawful speed is more than 35 miles per hour, such signals shall be given

continuously for a distance of at least 100 feet, and in all other cases at least 50 feet, before slowing down, stopping, turning, or partly turning.

C. A person riding a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~ shall signal his intention to stop or turn. Such signals, however, need not be given continuously if both hands are needed in the control or operation of the bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~.

D. Notwithstanding the foregoing provisions of this section, a person operating a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~ may signal a right turn or pull to the right by extending the right hand and arm in a horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped, and may signal slowing down or stopping by extending the right arm downward.

§ 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, *or* electric power-assisted bicycle; ~~or moped~~; nor shall this section apply to a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~ passing two other vehicles.

§ 46.2-857. Driving two abreast in a single lane.

A person shall be guilty of reckless driving who drives any motor vehicle, including any motorcycle, so as to be abreast of another vehicle in a lane designed for one vehicle, or drives any motor vehicle, including any motorcycle, so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle. However, this section shall not apply to any validly authorized parade, motorcade, or motorcycle escort, nor shall it apply to a motor vehicle traveling in the same lane of traffic as a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~or moped~~.

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

Any person operating a bicycle, electric personal assistive mobility device, *or* electric power-assisted bicycle; ~~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 objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;
4. When avoiding riding in a lane that must turn or diverge to the right; and
5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.

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

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

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

§ 46.2-906. Carrying articles or passengers on bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles.

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

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

§ 46.2-907. Overtaking and passing vehicles.

A person riding a bicycle, electric personal assistive mobility device, *or* electric power-assisted



bicycle, ~~or moped~~ may overtake and pass another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway as necessary to pass with safety.

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

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

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

§ 46.2-914. Limitations on operation of mopeds.

No moped 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 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.

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

Any dealer who sells any such moped 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.

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

No person riding on any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~moped~~, roller skates, skateboards, toys, or other devices on wheels or runners, shall attach the same or himself to any vehicle on a roadway.

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

§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles.

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

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

§ 46.2-1051. Certain local governments may impose restrictions on operations of certain vehicles.

551 The governing body of any county, city, or town which is located within the Northern Virginia  
552 Planning District may provide by ordinance that no person shall operate and no owner shall permit the  
553 operation of, either on a highway or on public or private property within 500 feet of any residential  
554 district, any motorcycle, ~~moped~~, electric power-assisted bicycle, motorcycle-like device commonly  
555 known as a trail-bike or mini-bike, or motorized cart commonly known as a go-cart unless it is equipped  
556 with an exhaust system of a type installed as standard equipment, or comparable to that designed for use  
557 on that particular vehicle or device as standard factory equipment, in good working order and in  
558 constant operation to prevent excessive noise.

559 § 46.2-1066. Brakes.

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

563 Every bicycle, *and* electric power-assisted bicycle, ~~and moped~~, when operated on a highway, shall be  
564 equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean  
565 pavement. Every electric personal assistive mobility device, when operated on a highway, shall be  
566 equipped with a system that, when activated or engaged, will enable the operator to bring the device to  
567 a controlled stop.

568 § 46.2-1078. Unlawful to operate motor vehicle, bicycle, electric personal assistive mobility device,  
569 or electric power-assisted bicycle while using earphones.

570 It shall be unlawful for any person to operate a motor vehicle, bicycle, electric personal assistive  
571 mobility device, *or* electric power-assisted bicycle, ~~or moped~~ on the highways in the Commonwealth  
572 while using earphones on or in both ears.

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

582 § 46.2-1081. Slow-moving vehicle emblems.

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

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

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

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

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

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

599 E. The provisions of this section shall not apply to bicycles, *or* electric power-assisted bicycles, ~~or~~  
600 ~~mopeds~~. Display of a slow-moving vehicle emblem on a bicycle, *or* electric power-assisted bicycle, ~~or~~  
601 ~~moped~~ shall not be deemed a violation of this section.

602 2. That § 46.2-915.2 of the Code of Virginia is repealed.