

2010 SESSION

HOUSE SUBSTITUTE

10104591D

HOUSE BILL NO. 674

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 4, 2010)

(Patron Prior to Substitute—Delegate May)

A BILL to amend and reenact § 52-8.4:2 of the Code of Virginia and to repeal § 46.2-1079 of the Code of Virginia, relating to use of radar detectors.

Be it enacted by the General Assembly of Virginia:

1. That § 52-8.4:2 of the Code of Virginia is amended and reenacted as follows:

§ 52-8.4:2. Certain offenses to be considered traffic infractions.

Notwithstanding subsection C of § 52-8.4, any violation of any of the following provisions of the regulations adopted pursuant to § 52-8.4 shall constitute traffic infractions as defined in § 46.2-100 and shall be eligible for designation as traffic infractions for which a pretrial waiver of appearance, plea of guilty, and fine payment may be accepted pursuant to § 16.1-69.40:1.

CORRESPONDING SECTION OF THE CODE OF FEDERAL REGULATIONS

DESCRIPTION OF OFFENSE

(a) General Violations

Marking of motor vehicle	49 C.F.R. § 390.21
Railroad crossing/stopping	49 C.F.R. § 392.10

(b) Driver Violations

No medical examiner's certificate	49 C.F.R. § 391.41
Improper medical examiner's certificate	49 C.F.R. § 391.43
Medical certificate invalid	49 C.F.R. § 391.43
No medical waiver	49 C.F.R. § 391.49
Ill/fatigued driver	49 C.F.R. § 392.3
Possess alcoholic beverage	49 C.F.R. § 392.5
Hearing aid to be worn	49 C.F.R. § 391.41
Violate 10-hour rule, 15-hour rule	49 C.F.R. § 395.3
Violate 60/70-hour rule	49 C.F.R. § 395.3
Logbook violation (general)	49 C.F.R. § 395.8
No logbook	49 C.F.R. § 395.8
Logbook not current	49 C.F.R. § 395.8
Fail to retain previous 7 days on logbook	49 C.F.R. § 395.8

(c) Equipment Violations

Equipment-inspection/use	49 C.F.R. § 392.7
Emergency equipment-inspection/use	49 C.F.R. § 392.8
Safe loading (secured)	49 C.F.R. § 392.9
Radar detectors-use/possession	49 C.F.R. § 392.71
Brakes-inoperative or missing	49 C.F.R. § 393.40-§ 393.52
Fuel tank securement	49 C.F.R. § 393.65
Fuel leak/cap	49 C.F.R. § 393.67
Coupling/towing devices	49 C.F.R. § 393.70; § 393.71
Tire exceeds weight limit	49 C.F.R. § 393.75
Bus violations	49 C.F.R. § 393.89-§ 393.92
Front end structure	49 C.F.R. § 393.106
Frame-cracked, loose, sagging,	

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56	broken	49 C.F.R. § 393.201
57	Cab/body components-defective	49 C.F.R. § 393.203
58	Wheels/rims defective	49 C.F.R. § 393.205
59	Suspension-defective	49 C.F.R. § 393.207
60	Steering system-defective	49 C.F.R. § 393.209
61	Vehicle maintenance (general)	49 C.F.R. § 396.3
62	No driver vehicle inspection	
63	report	49 C.F.R. § 396.11
64	No periodic inspection	49 C.F.R. § 396.17-§ 396.25
65	(d) Hazardous Materials; Driving and Parking	
66		
67	Fail to attend Division 1.1,	
68	1.2, or 1.3 material	49 C.F.R. § 397.5
69	Fail to attend other	
70	hazardous materials class	49 C.F.R. § 397.5
71	Improper parking Division 1.1,	
72	1.2, or 1.3 material	49 C.F.R. § 397.7; § 397.11
73	Improper parking other	
74	hazardous materials	49 C.F.R. § 397.7; § 397.11
75	Fail to have route plan	49 C.F.R. § 397.67
76	Smoking violations	49 C.F.R. § 397.13
77	Instructions and document	
78	violations	49 C.F.R. § 397.19
79	2. That § 46.2-1079 of the Code of Virginia is repealed.	