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HOUSE BILL NO. 1764

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 46.2-914 and 46.2-915.2 of the Code of Virginia, relating to operation of mopeds.

Patron—Crockett-Stark

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-914 and 46.2-915.2 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-914. Limitations on operation of mopeds.

A. No moped shall be driven on any highway or public vehicular area faster than 35 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed, for all the purposes of this title, to be operating a motorcycle.

B. No moped shall be driven on any highway by any person under the age of 16, and every person driving a moped shall carry with him some form of identification that includes his name, address, and date of birth.

C. *No moped shall be driven on any highway unless the operator and any passenger thereon is wearing a protective helmet of a type approved by the Superintendent.*

D. Operation of mopeds is prohibited on any Interstate Highway System component.

E. Violation of this subsection shall constitute a traffic infraction punishable by a fine of no more than \$50.

§ 46.2-915.2. Ordinances providing for certain safety equipment for mopeds; effect of violation; penalty.

The governing body of any county, city, or town may, by ordinance, provide that every person operating a moped, 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.

INTRODUCED

HB1764