

10100928D

HOUSE BILL NO. 20

Offered January 13, 2010

Prefiled December 11, 2009

A BILL to amend and reenact § 46.2-100 of the Code of Virginia, relating to the definition of "disabled veteran" for purposes of Title 46.2 (Motor Vehicles) of the Code of Virginia.

Patrons—Cole and Johnson

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-100 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-100. Definitions.

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

"All-terrain vehicle" means a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is intended for off-road use by an individual rider on various types of unpaved terrain. The term does not include four-wheeled vehicles, commonly known as "go-carts," that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any "utility vehicle" as defined in this section or any "farm utility vehicle" as defined in this section.

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

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

INTRODUCED

HB20

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

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

63 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;
64 (ii) is blind; or (iii) is ~~permanently and totally~~ *at least 50 percent* disabled as certified by the U.S.
65 Veterans Administration. A veteran shall be considered blind if he has a permanent impairment of both
66 eyes to the following extent: ~~(i)~~ central visual acuity of 20/200 or less in the better eye, with corrective
67 lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral
68 field has contracted to such an extent that the widest diameter of visual field subtends an angular
69 distance no greater than 20 degrees in the better eye.

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

73 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
74 that is designed to transport only one person and powered by an electric propulsion system that limits
75 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title, an
76 electric personal assistive mobility device shall be a vehicle when operated on a highway.

77 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
78 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
79 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
80 rider. For the purposes of Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle
81 when operated on a highway.

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

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

87 "Farm utility vehicle" means a vehicle that is designed for off-road use and is used as a farm,
88 agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more
89 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
90 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, riding
91 lawn mowers, or all-terrain vehicles.

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

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

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

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

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

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

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

109 "Highway" means the entire width between the boundary lines of every way or place open to the use
110 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
111 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
112 or private streets that have been specifically designated "highways" by an ordinance adopted by the
113 governing body of the county, city, or town in which such private roads or streets are located and (ii)
114 the entire width between the boundary lines of every way or place used for purposes of vehicular travel
115 on any property owned, leased, or controlled by the United States government and located in the
116 Commonwealth.

117 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
118 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one
119 another at, or approximately at, right angles, or the area within which vehicles traveling on different
120 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 maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

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

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. The term "motorcycle" does not include any "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle" or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident

182 student as defined in this section, who has actually resided in the Commonwealth for a period of six
183 months, whether employed or not, or who has registered a motor vehicle, listing an address in the
184 Commonwealth in the application for registration shall be deemed a resident for the purposes of this
185 title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

188 "Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual
189 rider with not more than two wheels in contact with the ground. Except as otherwise provided in this
190 chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

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

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

203 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
204 an agreement for its conditional sale or lease with the right of purchase on performance of the
205 conditions stated in the agreement and with an immediate right of possession vested in the conditional
206 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
207 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
208 paid by the lessee includes charges for services of any nature or when the lease does not provide that
209 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
210 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
211 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
212 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
213 private carriers.

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

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

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

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

224 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
225 materially altered from its original construction by the removal, addition, or substitution of new or used
226 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle
227 identification number, line-make, and model year.

228 "Replica vehicle" means every vehicle of a type required to be registered under this title not fully
229 constructed by a licensed manufacturer but either constructed or assembled from components. Such
230 components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The
231 kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or
232 a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model,
233 or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a
234 reconstructed or specially constructed vehicle as herein defined.

235 "Residence district" means the territory contiguous to a highway, not comprising a business district,
236 where 75 percent or more of the property abutting such highway, on either side of the highway, for a
237 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is
238 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of
239 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200
240 et seq.) of Title 15.2.

241 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or
242 restoration except through reapplication after the expiration of the period of revocation.

243 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular

244 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical
 245 barrier or barriers or an unpaved area.

246 "Safety zone" means the area officially set apart within a roadway for the exclusive use of
 247 pedestrians and that is protected or is so marked or indicated by plainly visible signs.

248 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial
 249 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private
 250 or religious schools, or used for the transportation of the mentally or physically handicapped to and
 251 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a
 252 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
 253 yellow school bus may have a white roof provided such vehicle is painted in accordance with
 254 regulations promulgated by the Department of Education.

255 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a
 256 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another
 257 vehicle.

258 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by
 259 an open space or barrier and is located either within the highway right-of-way or within a separate
 260 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel
 261 chair conveyances, joggers, and other nonmotorized users.

262 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic
 263 and the lateral curblineline or ditch.

264 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,
 265 and the adjacent property lines, intended for use by pedestrians.

266 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or
 267 runners, and supported in whole or in part by one or more skis, belts, or cleats.

268 "Specially constructed vehicle" means any vehicle that was not originally constructed under a
 269 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
 270 reconstructed vehicle as herein defined.

271 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter
 272 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
 273 below the rearmost axle of the power unit.

274 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

275 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily
 276 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the
 277 end of the period of suspension.

278 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by
 279 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight
 280 rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels
 281 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."
 282 "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or
 283 watercraft transporter," or "tractor truck" as those terms are defined in this section.

284 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled
 285 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
 286 restoring to the highway or other location where they either can be operated or removed to other
 287 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be
 288 operated.

289 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued
 290 vehicle identification number, that is designed or used to carry any person or persons, on any number of
 291 wheels, bearings, glides, blades, runners, or a cushion of air. The term does not include electric personal
 292 assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include
 293 any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

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

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

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

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

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

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

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

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

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