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**HOUSE BILL NO. 1608**

Offered January 9, 2013

Prefiled January 6, 2013

A *BILL to amend and reenact § 46.2-100 of the Code of Virginia, relating to definitions applicable to Title 46.2 of the Code of Virginia.*

\_\_\_\_\_  
Patron—Hugo

\_\_\_\_\_  
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 *having three or more wheels*, powered by a ~~gasoline or diesel engine~~ motor, 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 *manufactured for off-highway use*. The term "All-terrain vehicle" 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 *riding lawn mower*.

"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.), 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.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric

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59 propulsion.

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

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

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

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

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

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

81 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device  
82 that is designed to transport only one person and powered by an electric propulsion system that limits  
83 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et  
84 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

85 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in  
86 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)  
87 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the  
88 rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a  
89 vehicle when operated on a highway.

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

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

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

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

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

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

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

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

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

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

117 "Highway" means the entire width between the boundary lines of every way or place open to the use  
118 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,  
119 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads  
120 or private streets that have been specifically designated "highways" by an ordinance adopted by the

121 governing body of the county, city, or town in which such private roads or streets are located and (ii)  
122 the entire width between the boundary lines of every way or place used for purposes of vehicular travel  
123 on any property owned, leased, or controlled by the United States government and located in the  
124 Commonwealth.

125 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
126 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one  
127 another at, or approximately at, right angles, or the area within which vehicles traveling on different  
128 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways  
129 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting  
130 highway shall be regarded as a separate intersection, in the event such intersecting highway also  
131 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways  
132 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of  
133 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

134 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make  
135 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to  
136 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also  
137 include city and county commissioners of the revenue and treasurers, together with their duly designated  
138 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,  
139 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

140 "License plate" means a device containing letters, numerals, or a combination of both, attached to a  
141 motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the  
142 Department.

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

144 "Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or  
145 low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose  
146 maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is  
147 manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations,  
148 § 571.500.

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

155 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground  
156 that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat  
157 perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50  
158 cubic centimeters. For purposes of this title, a moped shall be a motorcycle when operated at speeds in  
159 excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle  
160 while operated on a highway.

161 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than  
162 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat  
163 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

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

182 include "electric personal assistive mobility devices."

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

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

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

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

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

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

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

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

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

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

233 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title  
234 materially altered from its original construction by the removal, addition, or substitution of new or used  
235 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle  
236 identification number, line-make, and model year. Except as otherwise provided in this title, this  
237 definition shall not include a "converted electric vehicle" as defined in this section.

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

- 244 reconstructed or specially constructed vehicle as herein defined.
- 245 "Residence district" means the territory contiguous to a highway, not comprising a business district,  
 246 where 75 percent or more of the property abutting such highway, on either side of the highway, for a  
 247 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is  
 248 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of  
 249 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200  
 250 et seq.) of Title 15.2.
- 251 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or  
 252 restoration except through reapplication after the expiration of the period of revocation.
- 253 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
 254 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical  
 255 barrier or barriers or an unpaved area.
- 256 "Safety zone" means the area officially set apart within a roadway for the exclusive use of  
 257 pedestrians and that is protected or is so marked or indicated by plainly visible signs.
- 258 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial  
 259 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private  
 260 or religious schools, or used for the transportation of the mentally or physically handicapped to and  
 261 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a  
 262 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A  
 263 yellow school bus may have a white roof provided such vehicle is painted in accordance with  
 264 regulations promulgated by the Department of Education.
- 265 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a  
 266 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another  
 267 vehicle.
- 268 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by  
 269 an open space or barrier and is located either within the highway right-of-way or within a separate  
 270 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel  
 271 chair conveyances, joggers, and other nonmotorized users.
- 272 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic  
 273 and the lateral curblin or ditch.
- 274 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,  
 275 and the adjacent property lines, intended for use by pedestrians.
- 276 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
 277 runners, and supported in whole or in part by one or more skis, belts, or cleats.
- 278 "Special construction and forestry equipment" means any vehicle which is designed primarily for  
 279 highway construction, highway maintenance, earth moving, timber harvesting or other construction or  
 280 forestry work and which is not designed for the transportation of persons or property on a public  
 281 highway.
- 282 "Specially constructed vehicle" means any vehicle that was not originally constructed under a  
 283 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a  
 284 reconstructed vehicle as herein defined.
- 285 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter  
 286 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and  
 287 below the rearmost axle of the power unit.
- 288 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.
- 289 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily  
 290 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the  
 291 end of the period of suspension.
- 292 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by  
 293 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight  
 294 rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels  
 295 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."  
 296 "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or  
 297 watercraft transporter," or "tractor truck" as those terms are defined in this section.
- 298 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled  
 299 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)  
 300 restoring to the highway or other location where they either can be operated or removed to other  
 301 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be  
 302 operated.
- 303 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued  
 304 vehicle identification number, that is designed or used to carry any person or persons, on any number of

305 wheels, bearings, glides, blades, runners, or a cushion of air. The term does not include electric personal  
306 assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include  
307 any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

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

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

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

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

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

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

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

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

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