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HOUSE BILL NO. 1984

Offered January 9, 2013

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A BILL to amend and reenact §§ 15.2-919, 15.2-1720, 46.2-100, 46.2-328, 46.2-337, 46.2-600, 46.2-613, 46.2-629, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-705, 46.2-711, 46.2-714, 46.2-715, 46.2-720, 46.2-721, 46.2-904, 46.2-905, 46.2-907, 46.2-908.1, 46.2-908.3, 46.2-914, 46.2-915, 46.2-915.2, 46.2-1047, 58.1-2401, 58.1-2402, 58.1-2404, 58.1-2424, 58.1-3503, 58.1-3504, and 58.1-3523 of the Code of Virginia, relating to mopeds, all-terrain vehicles, off-road motorcycles, foot-scooters, and other unconventional vehicles.

Patron—May

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 15.2-1720, 46.2-100, 46.2-328, 46.2-337, 46.2-600, 46.2-613, 46.2-629, 46.2-662, 46.2-694, as it is currently effective and as it may become effective, 46.2-705, 46.2-711, 46.2-714, 46.2-715, 46.2-720, 46.2-721, 46.2-904, 46.2-905, 46.2-907, 46.2-908.1, 46.2-908.3, 46.2-914, 46.2-915, 46.2-915.2, 46.2-1047, 58.1-2401, 58.1-2402, 58.1-2404, 58.1-2424, 58.1-3503, 58.1-3504, and 58.1-3523 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or foot-scooter noise.

Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or ~~seoter~~ foot-scooter, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

§ 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted bicycles, mopeds, 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, electric power-assisted bicycle, or moped that has been in the possession of the police or sheriff's department, unclaimed, for more than thirty days; (ii) require every resident owner of a bicycle, electric power-assisted bicycle, *electric personal assistive mobility device*, or moped to obtain a license therefor and a license plate, tag, and, in the case of an ~~electric personal assistive mobility device~~, an or adhesive license decal of such design and material as the ordinance may prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; (iii) prescribe the license fee, the license application forms and the license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on public roads or streets within the locality without an attached license plate, tag, or adhesive decal. The ordinance shall require the license plates, tags, or adhesive decals to be provided by and at the cost of the locality. Any locality may provide that the license plates, tags, or adhesive decals shall be valid for the life of the bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to which they are attached or for such other period as it may prescribe and may prescribe such fee therefor as it may deem reasonable. When any town license is required as provided for herein, the license shall be in lieu of any license required by any county ordinance. Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the police or sheriff's department by a private person that thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the locality. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

§ 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 that is powered by a gasoline or diesel engine motor and generally characterized by large,*

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59 low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is
60 intended for off-road use by an individual rider on various types of unpaved terrain *is manufactured for*
61 *off-highway use*. The term does not include four-wheeled vehicles, commonly known as "go-carts," that
62 have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the
63 term include any "utility vehicle" as defined in this section or any "farm utility vehicle" as defined in
64 this section *riding lawn mower*.

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

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

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

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

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

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

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

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

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

91 "Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

119 "Driver's license" means any license, including a commercial driver's license as defined in the
120 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 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

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

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

"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, (i) 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 and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"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 every vehicle that travels on not more than three wheels in contact with the ground
197 that has (i) *has* a seat that is no less than 24 inches in height, measured from the middle of the seat
198 perpendicular to the ground ~~and~~; (ii) *has* a gasoline, electric, or hybrid motor that (a) displaces ~~less than~~
199 50 cubic centimeters *or less* or (b) *has an input of 1500 watts or less*; (iii) *is power-driven, with or*
200 *without pedals that allow propulsion by human power*; and (iv) *is not operated at speeds in excess of 35*
201 *miles per hour*. For purposes of this title, a moped shall be a motorcycle when operated at speeds in
202 excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle
203 while operated on a highway.

204 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than
205 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat
206 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

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

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

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

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

243 "Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for

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

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

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or 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. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

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

"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, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"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 religious 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

305 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
306 yellow school bus may have a white roof provided such vehicle is painted in accordance with
307 regulations promulgated by the Department of Education.

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

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

315 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic
316 and the lateral curbline or ditch.

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

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

321 "Special construction and forestry equipment" means any vehicle which is designed primarily for
322 highway construction, highway maintenance, earth moving, timber harvesting or other construction or
323 forestry work and which is not designed for the transportation of persons or property on a public
324 highway.

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

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

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

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

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

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

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

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

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

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

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

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

362 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer
363 that is the subject of a bona fide written lease for a term of one year or more to another person,
364 provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted
365 common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the
366 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 this section, 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.), bicycles, electric personal assistive mobility devices, 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.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue to every person licensed as a driver, a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100, or
2. To operate a school bus as defined in § 46.2-100, or
3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A of this section, when applying for a driver's license, shall state in his application the classification of the vehicle or vehicles that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14, using the type of vehicle or vehicles for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles *and shall indicate as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only*. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325, he shall be granted a classification on his license to drive motorcycles *based on the applicable restrictions*, in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

A valid Virginia driver's license issued to a person 19 years of age or older accompanied by documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course. *The temporary motorcycle classification shall indicate whether the license holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.*

Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services shall be issued a motorcycle classification by mail upon documentation of (i) successful completion of a basic motorcycle rider course approved by the United States Armed Services and (ii) documentation of his assignment outside the Commonwealth.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section, and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section shall be guilty of a Class 1

428 misdemeanor.

429 **§ 46.2-337. Examination and road test required for license to operate motorcycle; regulations.**

430 No person shall drive any motorcycle on a highway in the Commonwealth unless he has passed a
431 special examination, including written material and a road test, pertaining to his ability to drive a
432 motorcycle with reasonable competence and with safety to other persons using the highways. The
433 Department ~~shall~~ *may* adopt regulations as may be necessary to provide for the special examination
434 under § 46.2-325 of persons desiring to qualify to drive motorcycles in the Commonwealth and for the
435 granting of licenses or permits suitably endorsed for qualified applicants. *The road test for two-wheeled*
436 *motorcycles and the road test for three-wheeled motorcycles shall be separate and distinct examinations*
437 *emphasizing the skills and maneuvers necessary to operate each type of motorcycle.*

438 No person applying for a classification to authorize the driving of a motorcycle who fails the road
439 test portion of the special examination two times shall be eligible for such classification until he
440 successfully completes a motorcycle rider safety training course offered by a provider licensed under
441 Article 23 (§ 46.2-1188 et seq.) of Chapter 10.

442 If the Commissioner is satisfied that a person intending to operate a motorcycle has demonstrated the
443 same proficiency as required by the special examination through successful completion of a motorcycle
444 rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of
445 Chapter 10, he may waive the written material or road test portion or both portions of the special
446 examination.

447 **§ 46.2-600. Owner to secure registration and certificate of title or certificate of ownership.**

448 *Except as otherwise provided, for the purposes of this chapter, a moped shall be deemed a motor*
449 *vehicle.*

450 Except as otherwise provided in this chapter every person who owns a motor vehicle, trailer or
451 semitrailer, or his authorized attorney-in-fact, shall, before it is operated on any highway in the
452 Commonwealth, register with the Department and obtain from the Department the registration card and
453 certificate of title for the vehicle. Individuals applying for registration shall provide the Department with
454 the residence address of the owner of the vehicle being registered. A business applying for registration
455 shall provide the Department with the street address of the owner or lessee of the vehicle being
456 registered.

457 At the option of the applicant for registration, the address shown on the title and registration card
458 may be either a post office box or the business or residence address of the applicant.

459 Unless he has previously applied for registration and a certificate of title or he is exempted under
460 §§ 46.2-619, 46.2-631, and 46.2-1206, every person residing in the Commonwealth who owns a motor
461 vehicle, trailer, or semitrailer, or his duly authorized attorney-in-fact, shall, within 30 days of the
462 purchase or transfer, apply to the Department for a certificate of ownership.

463 Nothing in this chapter shall be construed to require titling or registration in the Commonwealth of
464 any farm tractor or special construction and forestry equipment, as defined in § 46.2-100.

465 Notwithstanding the foregoing provisions of this section, provided such vehicle is registered and
466 titled elsewhere in the United States, nothing in this chapter shall be construed to require titling or
467 registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is
468 registered to a non-Virginia resident active duty military service member, activated reserve or national
469 guard member, or mobilized reserve or national guard member living in Virginia.

470 **§ 46.2-613. Offenses relating to registration, licensing, and certificates of title; penalty.**

471 No person shall:

472 1. Operate or permit the operation of a motor vehicle, trailer, or semitrailer owned, leased, or
473 otherwise controlled by him to be operated on a highway unless (i) it is registered, (ii) a certificate of
474 title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or
475 decals, if any, assigned to it by the Department for the current registration period, subject to the
476 exemptions mentioned in Article 5 (§ 46.2-655 et seq.) and Article 6 (§ 46.2-662 et seq.) of this chapter.
477 *The provisions of this subdivision shall apply to the registration, licensing, and titling of mopeds on or*
478 *after July 1, 2014.*

479 2. Display, cause or permit to be displayed, any registration card, certificate of title, or license plate
480 or decal which he knows is fictitious or which he knows has been cancelled, revoked, suspended, or
481 altered; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any
482 license plate or decal that he knows is currently issued for another vehicle. Violation of this subdivision
483 shall constitute a Class 2 misdemeanor.

484 3. Possess or lend or knowingly permit the use of any registration card, license plate, or decal by
485 anyone not entitled to it.

486 4. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any
487 certificate of title, registration card, or license plate or decal which has been suspended, cancelled, or
488 revoked. Violation of this subdivision shall constitute a Class 2 misdemeanor.

489 5. Use a false name or address in any application for the registration of any motor vehicle, trailer, or

semitrailer or for a certificate of title or for any renewal or duplicate certificate, or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any registration application. Violation of this subdivision shall constitute a Class 1 misdemeanor.

§ 46.2-629. Odometer reading to be reported on certificate of title, application, or power of attorney.

A. Every owner or transferor of any motor vehicle, including a dealer, shall, at the time of transfer of ownership of any motor vehicle by him, record on the certificate of title, if one is currently issued on the vehicle in the Commonwealth, and on any application for certificate of title the reading on the odometer or similar device plus any known additional distance traveled not shown by the odometer or similar device of the motor vehicle at the time of transfer. If, however, a transferor gives his power of attorney to a dealer or other person for the purpose of assigning the transferor's interest in a motor vehicle, the transferor shall conspicuously record on the power of attorney the reading on the odometer or similar device at the time of the assignment. The owner or transferor of a motor vehicle may electronically provide, in a form and format prescribed by the Commissioner, the reading on the odometer or similar device at the time of transfer if a paper certificate of title was not issued by the Department in accordance with § 46.2-603.1 and electronic provision of odometer readings is permitted under the Federal Odometer Act (49 U.S.C. § 32701 et seq.) or any federal regulations promulgated thereunder.

B. The Department shall not issue to any transferee any new certificate of title to a motor vehicle unless subsection A has been complied with.

C. It shall be unlawful for any person knowingly to record an incorrect odometer or similar device reading plus any known additional distance not shown by the odometer or similar device on any certificate of title or application for a title, or on any power of attorney as described in subsection A.

D. Notwithstanding other provisions of this section, an owner or transferor, including a dealer, of any of the following types of motor vehicles need not disclose the vehicle's odometer reading:

1. Vehicles having gross vehicle weight ratings of more than 16,000 pounds; and
2. Vehicles that were manufactured for a model year at least 10 years earlier than the calendar year in which the sale or transfer occurs and were previously exempt from recording an odometer reading on the certificate of title in another state, provided that the Department shall brand the titles of all such vehicles to indicate this exemption.

E. Violation of this section shall constitute a Class 1 misdemeanor.

F. The provisions of subsections A and B shall not apply to transfers under § 46.2-633.

G. This section shall not apply to transfers or application for certificates of title of all-terrain vehicles, *mopeds*, or off-road motorcycles as defined in § 46.2-100.

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A resident owner of any passenger car, pickup or panel truck, *moped*, or motorcycle, other than those provided for in § 46.2-652, which has been duly registered for the current calendar year in another state or country and which at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation of the passenger car, pickup or panel truck, *moped*, or motorcycle within or partly within the Commonwealth for the first thirty days of his residency in the Commonwealth without registering the passenger car, pickup or panel truck, *moped*, or motorcycle or paying any fees to the Commonwealth.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be

551 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
552 pounds.

553 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
554 beings.

555 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
556 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
557 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
558 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
559 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
560 than 4,000 pounds.

561 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
562 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
563 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
564 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
565 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
566 with the Surface Transportation Board of the United States Department of Transportation, Federal
567 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
568 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
569 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
570 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
571 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
572 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
573 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
574 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
575 representatives of the Commissioner at the end of such license year, the expense of such audit to be
576 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
577 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
578 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
579 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
580 in determining the apportionment provided for herein.

581 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
582 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
583 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
584 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

585 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
586 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
587 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
588 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

589 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
590 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

591 *10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund*
592 *to be used to meet the expenses of the Department.*

593 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
594 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
595 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

596 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying
597 vehicles.

598 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
599 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection.
600 All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside
601 as a special fund to be used only for emergency medical service purposes. The moneys in the special
602 emergency medical services fund shall be distributed as follows:

603 a. Two percent shall be distributed to the State Department of Health to provide funding to the
604 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
605 volunteer recruitment, retention and training activities;

606 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
607 medical services training programs (excluding advanced life support classes); (ii) advanced life support
608 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
609 retain volunteer emergency medical services personnel only, including public awareness campaigns,
610 technical assistance programs, and similar activities); (iv) emergency medical services system
611 development, initiatives, and priorities based on needs identified by the State Emergency Medical
612 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical

services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and

674 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
675 than 4,000 pounds.

676 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
677 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
678 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
679 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
680 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
681 with the Surface Transportation Board of the United States Department of Transportation, Federal
682 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
683 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
684 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
685 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
686 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
687 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
688 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
689 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
690 representatives of the Commissioner at the end of such license year, the expense of such audit to be
691 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
692 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
693 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
694 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
695 in determining the apportionment provided for herein.

696 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
697 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
698 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
699 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

700 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
701 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
702 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
703 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

704 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
705 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

706 *10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund*
707 *to be used to meet the expenses of the Department.*

708 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
709 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
710 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

711 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying
712 vehicles.

713 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
714 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection.
715 All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside
716 as a special fund to be used only for emergency medical service purposes. The moneys in the special
717 emergency medical services fund shall be distributed as follows:

718 a. Two percent shall be distributed to the State Department of Health to provide funding to the
719 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
720 volunteer recruitment, retention and training activities;

721 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
722 medical services training programs (excluding advanced life support classes); (ii) advanced life support
723 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
724 retain volunteer emergency medical services personnel only, including public awareness campaigns,
725 technical assistance programs, and similar activities); (iv) emergency medical services system
726 development, initiatives, and priorities based on needs identified by the State Emergency Medical
727 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
728 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
729 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
730 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
731 the Rescue Squad Assistance Fund;

732 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

733 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
734 Services for use in emergency medical services; and

735 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is

registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-705. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

"Motor vehicle" means a vehicle capable of self-propulsion which is either (i) required to be titled and licensed and for which a license fee is required to be paid by its owner, or (ii) owned by or assigned to a motor vehicle manufacturer, distributor, or dealer licensed in the Commonwealth. *For the purposes of this article, the term "motor vehicle" does not include "moped" as defined in § 46.2-100.*

"Insured motor vehicle" means a motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, both in the amounts specified in § 46.2-472, issued by an insurance carrier authorized to do business in the Commonwealth, or as to which a bond has been given or cash or securities delivered in lieu of the insurance; or as to which the owner has qualified as a self-insurer in accordance with the provisions of § 46.2-368.

"Uninsured motor vehicle" means a motor vehicle as to which there is no such bodily injury liability insurance and property damage liability insurance, or no such bond has been given or cash or securities delivered in lieu thereof, or the owner of which has not so qualified as a self-insurer.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered motorcycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips;
2. Taxicabs;
3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
4. Property-carrying motor vehicles to applicants who operate as private carriers only;
5. Applicants who operate motor vehicles as carriers for rent or hire;
6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. *The Department shall issue appropriately designated license plates for low-speed vehicles.*

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the

license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

E. F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.) of this title.

§ 46.2-714. Permanent license plates.

Notwithstanding the provisions of §§ 46.2-711 and 46.2-712 the Department may, in its discretion, issue a type of license plate suitable for permanent use on motor vehicles, trailers, semitrailers, and motorcycles, together with decals, unless decals are not required under § 46.2-712, to be attached to the license plates to indicate the registration period for which such vehicles have been properly licensed. The design of the license plates and decals, when required, shall be determined by the Commissioner.

Every permanent license plate and decal, when required, shall be returned to the Department whenever the owner of a vehicle disposes of it by sale or otherwise and when not actually in use on a motor vehicle, except dealer's plates temporarily not in use. The person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the license plate is intended to be used on a subsequently acquired motor vehicle.

Every permanent license plate and decal, when issued, shall be returned to the Department whenever the owner of a vehicle elects to garage the vehicle and discontinue the use of it on the highway. The person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the vehicle is to be returned to use on the highway.

For the purposes of this section, the term "motor vehicle" does not include "moped."

§ 46.2-715. Display of license plates.

License plates assigned to a motor vehicle, other than a *moped*, motorcycle, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a motorcycle, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

§ 46.2-720. Use of license plates from another vehicle in certain circumstances.

The owner of a motor vehicle to which license plates have been assigned by the Department may remove the license plates from the motor vehicle and use them on another motor vehicle owned by a person operating a garage or owned by a motor vehicle dealer provided such use does not extend for more than five days and provided the use is limited to the time during which the first motor vehicle is being repaired or while the second motor vehicle is loaned to him for demonstration, as provided by § 46.2-719.

For the purposes of this section, the term "motor vehicle" does not include "moped."

§ 46.2-721. Application of liability insurance policy to vehicle carrying plates from insured vehicle.

The policy of liability insurance issued to the owner of a motor vehicle and covering the operation thereof shall extend to and be the primary insurance applicable to his operation of a motor vehicle on which he has placed license tags from another motor vehicle as provided in § 46.2-720.

For the purposes of this section, the term "motor vehicle" does not include "moped."

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles, motorized skateboards or foot-scooters, motor-driven cycles, electric power-assisted bicycles, and electric personal assistive mobility devices on sidewalks and crosswalks and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates and skateboards and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or ~~seoters~~ *foot-scooters*, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where use of roller skates and skateboards, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or ~~seoters~~ *foot-scooters*, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or ~~seoter~~ *foot-scooter*, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or ~~secooter~~ *foot-scooter*, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or ~~secooter~~ *foot-scooter*, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.

A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty of not more than \$50.

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

Any person operating a bicycle, electric personal assistive mobility device, 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, electric power-assisted bicycle, motorized skateboard or ~~secooter~~ *foot-scooter*, 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.

§ 46.2-907. Overtaking and passing vehicles.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or ~~secooter~~ *foot-scooter*, 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, electric power-assisted bicycle, motorized skateboard or ~~secooter~~ *foot-scooter*, 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, electric power-assisted bicycle, motorized skateboard or ~~secooter~~ *foot-scooter*, 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, electric power-assisted bicycle, motorized skateboard or ~~secooter~~ *foot-scooter*, or moped shall comply with all rules applicable to the driver of a motor vehicle when overtaking and passing.

§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles.

All electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location drive an electric personal assistive mobility device, or an electric power-assisted bicycle faster than twenty-five miles per hour. No person less than fourteen years old shall drive any electric personal assistive mobility device, motorized skateboard or ~~secooter~~ *foot-scooter*, or electric power-assisted bicycle unless under the immediate supervision of a person who is at least eighteen years old.

An electric personal assistive mobility device or motorized skateboard or ~~secooter~~ *foot-scooter* may be operated on any highway with a maximum speed limit of twenty-five miles per hour or less. An electric

personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device or motorized skateboard or ~~seoter~~ *foot-scooter* in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, electrically powered toy vehicles, bicycles and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

§ 46.2-908.3. Low-speed vehicles; operation on highways; license required; registration required; safety and emissions inspections not required.

Low-speed vehicles may be operated on public highways where the maximum speed limit is no greater than 35 miles per hour, but this limitation shall not prohibit the operation of low-speed vehicles across intersections with highways whose maximum speed limits are greater than 35 miles per hour. Operation of low-speed vehicles shall be prohibited on any highway where the Department of Transportation or the local governing body of the locality having control of the highway, as the case may be, has prohibited their operation in the interest of safety and such prohibition is indicated by conspicuously posted signs.

Low-speed vehicles shall be operated on public highways only by persons who hold driver's licenses or learner's permits issued as provided in Chapter 3 (§ 46.2-300 et seq.).

Low-speed vehicles shall be titled and registered as provided in Chapter 6 (§ 46.2-600 et seq.) of this title and shall be subject to the same requirements as to insurance applicable to other motor vehicles under that chapter.

On or after October 1, 2013, low-speed vehicles titled and registered as provided in Chapter 6 (§ 46.2-600 et seq.) shall display license plates as provided in subsection D of § 46.2-711.

The operator of any low-speed vehicle being operated on the highways in the Commonwealth shall have in his possession: (i) the registration card issued by the Department or the registration card issued by the state or country in which the low-speed vehicle is registered, and (ii) his driver's license, learner's permit, or temporary driver's permit.

The provisions of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title shall not apply to low-speed vehicles.

§ 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~~ a government-issued form of photo identification that includes his name, address, and date of birth.

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

Violation of any provision of this ~~subsection~~ 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~~ engine displacement or wattage of the moped, and (iii) 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 35 miles per hour shall be guilty of a Class 1 misdemeanor.

§ 46.2-915.2. 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 this section 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.

§ 46.2-1047. Muffler cutout, etc., illegal.

It shall be unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device or (ii) gutted muffler, muffler cutout, or straight exhaust. It shall be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, moped, or motorized skateboard or ~~secooter~~ *foot-scooter* equipped with a gutted muffler, muffler cutout, or straight exhaust.

§ 58.1-2401. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"All-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

"Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through its duly authorized officers and agents.

"Mobile office" shall mean an industrialized building unit not subject to the federal regulation, which may be constructed on a chassis for the purpose of towing to the point of use and designed to be used with or without a permanent foundation, for commercial use and not for residential use; or two or more such units separately towable, but designed to be joined together at the point of use to form a single commercial structure, and which may be designed for removal to, and installation or erection on other sites.

"Moped" shall have the meaning ascribed in § 46.2-100.

"Motor vehicle" shall mean every vehicle, except for mobile office as herein defined, which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle, including manufactured homes as defined in § 46.2-100 and every device in, upon and by which any person or property is, or can be, transported or drawn upon a highway, but excepting devices moved by human or animal power, devices used exclusively upon stationary rails or tracks and vehicles, other than manufactured homes, used in this Commonwealth but not required to be licensed by the Commonwealth.

"Off-road motorcycle" shall have the meaning ascribed in § 46.2-100.

"Sale" shall mean any transfer of ownership or possession, by exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped*. The term shall also include a transaction whereby possession is transferred but title is retained by the seller as security. The term shall not include a transfer of ownership or possession made to secure payment of an obligation, nor shall it include a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the replacement motor vehicle is of greater value than the motor vehicle replaced, only the difference in value shall constitute a sale.

"Sale price" shall mean the total price paid for a motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* and all attachments thereon and accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers' excise tax, without any allowance or deduction for trade-ins or unpaid liens or encumbrances. However, "sale price" shall not include the cost of controls, lifts, automatic transmission, power steering, power brakes or any other equipment installed in or added to a motor vehicle which is required by law or regulation as a condition for operation of a motor vehicle by a handicapped person.

§ 58.1-2402. Levy.

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles, *all-terrain vehicles*, *off-road motorcycles*, or *mopeds* in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent of the sale price of each motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as

severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth.

2. Three percent of the sale price of each motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped*, or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in the Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. When any motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, *moped*, or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$35, except as provided by those exemptions defined in § 58.1-2403.

4 through 7. [Repealed.]

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

§ 58.1-2404. Time for payment of tax on sale or use of a motor vehicle, all-terrain vehicle, off-road motorcycle, or moped.

The tax on the sale or use of a motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* shall be paid by the purchaser or user of such motor vehicle and collected by the Commissioner at the time the owner applies to the Department of Motor Vehicles for, and obtains, a certificate of title. No tax shall be levied or collected under this chapter upon the sale or use of a motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* for which no certificate of title is required by ~~this~~ the Commonwealth.

No tax shall be levied or collected under this chapter for any all-terrain vehicle, off-road motorcycle, or moped being titled for the first time in the Commonwealth if the applicant has owned such vehicle for at least 12 months or has owned such vehicle for less than 12 months and provides evidence of a tax paid under Chapter 6 (§ 58.1-600 et seq.).

§ 58.1-2424. Credits against tax.

Credit shall be granted for the amount of tax paid to another state on a motor vehicle, *all-terrain vehicle*, *off-road motorcycle*, or *moped* purchased in another state at the time such vehicle is first registered or titled in the Commonwealth, provided the purchaser provides proof of payment of such tax. However, no credit shall be granted for any tax paid to another state if that state exempts from the tax vehicles sold to residents of a state which does not give credit for the tax. Credit for taxes collected under the Virginia retail sales and use tax (§ 58.1-600 et seq.) shall be allowed against the tax levied for specially constructed or reconstructed vehicles and other motor vehicles subject to such tax.

§ 58.1-3503. General classification of tangible personal property.

A. Tangible personal property is classified for valuation purposes according to the following separate categories which are not to be considered separate classes for rate purposes:

1. Farm animals, except as exempted under § 58.1-3505.

2. Farm machinery, except as exempted under § 58.1-3505.

3. Automobiles, except those described in subdivisions 7, 8 and 9 of this subsection and in subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide or if the model and year of the individual automobile are not listed in the recognized pricing guide, the individual vehicle may be valued on the basis of percentage or percentages of original cost. In using a recognized pricing guide, the commissioner shall use either of the following two methods. The commissioner may use all applicable adjustments in such guide to determine the value of each individual automobile, or alternatively, if the commissioner does not utilize all applicable adjustments in valuing each automobile, he shall use the base value specified in such guide which may be either average retail, wholesale, or loan value, so long as uniformly applied within classifications of property. If the model and year of the individual automobile are not listed in the recognized pricing guide, the taxpayer may present to the commissioner proof of the original cost, and the basis of the tax for purposes of the motor vehicle sales and use tax as described in § 58.1-2405 shall constitute proof of original cost. If such percentage or percentages of original cost do not accurately reflect fair market value, or if the taxpayer does not supply proof of original cost, then the commissioner may select another method which establishes fair market value.

4. Trucks of less than two tons, which may be valued by means of a recognized pricing guide or, if the model and year of the individual truck are not listed in the recognized pricing guide, on the basis of a percentage or percentages of original cost.

5. Trucks and other vehicles, as defined in § 46.2-100, except those described in subdivisions 4, and 6 through 10 of this subsection, which shall be valued by means of either a recognized pricing guide using the lowest value specified in such guide or a percentage or percentages of original cost.

6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of square footage of living space.

7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general transportation purposes as provided in subsection C of § 46.2-730.

8. Taxicabs.

9. Motor vehicles with specially designed equipment for use by the handicapped, which shall not be valued in relation to their initial cost, but by determining their actual market value if offered for sale on the open market.

10. Motorcycles, *mopeds*, all-terrain vehicles, and off-road motorcycles as defined in § 46.2-100, campers and other recreational vehicles, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

11. Boats weighing under five tons and boat trailers, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

12. Boats or watercraft weighing five tons or more, which shall be valued by means of a percentage or percentages of original cost.

13. Aircraft, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

14. Household goods and personal effects, except as exempted under § 58.1-3504.

15. Tangible personal property used in a research and development business, which shall be valued by means of a percentage or percentages of original cost.

16. Programmable computer equipment and peripherals used in business which shall be valued by means of a percentage or percentages of original cost to the taxpayer, or by such other method as may reasonably be expected to determine the actual fair market value.

17. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of this subsection, which shall be valued by means of a percentage or percentages of original cost.

18. All other tangible personal property.

B. Methods of valuing property may differ among the separate categories, so long as each method used is uniform within each category, is consistent with requirements of this section and may reasonably be expected to determine actual fair market value as determined by the commissioner of revenue or other assessing official; however, assessment ratios shall only be used with the concurrence of the local governing body. A commissioner of revenue shall upon request take into account the condition of the property. The term "condition of the property" includes, but is not limited to, technological obsolescence of property where technological obsolescence is an appropriate factor for valuing such property. The commissioner of revenue shall make available to taxpayers on request a reasonable description of his valuation methods. Such commissioner, or other assessing officer, or his authorized agent, when using a recognized pricing guide as provided for in this section, may automatically extend the assessment if the pricing information is stored in a computer.

§ 58.1-3504. Classification of certain household goods and personal effects for taxation; governing body may exempt.

A. Notwithstanding any provision of § 58.1-3503, household goods and personal effects are hereby defined as separate items of taxation and classified as follows:

1. Bicycles.
2. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
3. Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.
4. Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
5. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
6. Sporting and photographic equipment.
7. Clothing and objects of apparel.
8. Antique motor vehicles as defined in § 46.2-100 which may not be used for general transportation purposes.
9. All-terrain vehicles, *mopeds*, and off-road motorcycles as defined in § 46.2-100.
10. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

The classification above set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

The governing body of any county, city or town may, by ordinance duly adopted, exempt from taxation all of the above classes of household goods and personal effects.

B. Notwithstanding any provision set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located.

For purposes of this subsection, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals and air conditioning units.

§ 58.1-3523. Definitions.

As used in this chapter:

"Commissioner of the revenue" means the same as that set forth in § 58.1-3100. For purposes of this chapter, in a county or city which does not have an elected commissioner of the revenue, "commissioner of the revenue" means the officer who is primarily responsible for assessing motor vehicles for the purposes of tangible personal property taxation.

"Department" means the Department of Motor Vehicles.

"Effective tax rate" means the tax rate imposed by a locality on tangible personal property multiplied by any assessment ratio in effect.

"Leased" means leased by a natural person as lessee and used for nonbusiness purposes.

"Privately owned" means owned by a natural person and used for nonbusiness purposes.

"Qualifying vehicle" means any passenger car, motorcycle, and pickup or panel truck, as those terms are defined in § 46.2-100, that is determined by the commissioner of the revenue of the county or city in which the vehicle has situs as provided by § 58.1-3511 to be (i) privately owned; (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle; or (iii) held in a private trust for nonbusiness purposes. In determining whether a vehicle is a qualifying vehicle, the commissioner of revenue must rely on the registration of such vehicle with the Department pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or, for leased vehicles, the information of the Department pursuant to subsections B and C of § 46.2-623, unless the commissioner of the revenue has information that the Department's information is incorrect, or to the extent that the Department's information is incomplete. For purposes of this chapter, all-terrain vehicles, *mopeds*, and off-road motorcycles titled with the Department of Motor Vehicles shall not be deemed qualifying vehicles.

"Tangible personal property tax" means the tax levied pursuant to Article 1 (§ 58.1-3500 et seq.) of Chapter 35 of Title 58.1.

"Tax year" means the 12-month period beginning in the calendar year for which tangible personal property taxes are imposed.

"Treasurer" means the same as that set forth in § 58.1-3123, when used herein with respect to a county or city. When used herein with respect to a town, "treasurer" means the officer who is primarily responsible for the billing and collection of tangible personal property taxes levied upon motor vehicles by such town, and means the treasurer of the county or counties in which such town is located if such functions are performed for the town by the county treasurer or treasurers.

"Used for nonbusiness purposes" means the preponderance of use is for other than business purposes. The preponderance of use for other than business purposes shall be deemed not to be satisfied if: (i) the motor vehicle is expensed on the taxpayer's federal income tax return pursuant to Internal Revenue Code

1228 § 179; (ii) more than 50 percent of the basis for depreciation of the motor vehicle is depreciated for
1229 federal income tax purposes; or (iii) the allowable expense of total annual mileage in excess of 50
1230 percent is deductible for federal income tax purposes or reimbursed pursuant to an arrangement between
1231 an employer and employee.
1232 "Value" means the fair market value determined by the method prescribed in § 58.1-3503 and used
1233 by the locality in valuing the qualifying vehicle.