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HOUSE BILL NO. 2106

House Amendments in [] — January 25, 2013

A *BILL to amend and reenact §§ 46.2-100, 46.2-804, 46.2-805, 46.2-807, 46.2-821, 46.2-822, 46.2-826, 46.2-830, 46.2-831, 46.2-832, 46.2-833, 46.2-834, 46.2-835, 46.2-836, and 46.2-846 of the Code of Virginia, relating to motor vehicles and the regulation of traffic.*

Patron Prior to Engrossment—Delegate Villanueva

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-804, 46.2-805, 46.2-807, 46.2-821, 46.2-822, 46.2-826, 46.2-830, 46.2-831, 46.2-832, 46.2-833, 46.2-834, 46.2-835, 46.2-836, and 46.2-846 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

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

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

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

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

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

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

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

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

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

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

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

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

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

"Converted electric vehicle" means any motor vehicle, other than a motorcycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric

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59 propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and
60 model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this
61 section unless it has been materially altered from its original construction by the removal, addition, or
62 substitution of new or used essential parts other than those required for the conversion to electric
63 propulsion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load
120 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.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

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

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

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

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

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

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

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

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

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

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

182 "wheelchair or wheelchair conveyance" as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

239 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
240 materially altered from its original construction by the removal, addition, or substitution of new or used
241 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle
242 identification number, line-make, and model year. Except as otherwise provided in this title, this
243 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 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

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

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

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

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

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

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

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

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

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

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

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

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled

vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

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

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

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

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

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

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

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

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

§ 46.2-804. Special regulations applicable on highways laned for traffic.

Whenever any roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following:

1. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing, shall be driven in the lane nearest the right edge or right curb of the highway when such lane is available for travel except when overtaking and passing another vehicle or in preparation for a left turn or where right lanes are reserved for slow-moving traffic as permitted in this section;

2. A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from that lane until the driver has ascertained that such movement can be made safely;

3. Except as otherwise provided in subdivision 5 of this section, on a highway which is divided into three lanes, no vehicle shall be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signed or marked to give notice of such allocation. Traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of

the roadway and drivers of vehicles shall obey the directions of every such device;

4. The Commonwealth Transportation Board, or local authorities in their respective jurisdictions, may designate right lanes for slow-moving vehicles and the Virginia Department of Transportation shall post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines to a speed that is less than the posted speed limit;

5. Wherever a highway is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, but it shall be lawful to make a left turn for the purpose of entering or leaving a public, private, or commercial road or entrance. Where the middle lane of a highway is marked on both sides with a solid line immediately adjacent to a broken line, such middle lane shall be considered a left-turn or holding lane and it shall be lawful to drive to the left of such line if the solid line is on the right of the broken line for the purpose of turning left into any road or entrance, provided that the vehicle may not travel in such lane further than 150 feet;

6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid yellow lines, no vehicle shall be driven to the left of such lines, except when turning left;

7. *Whenever a highway is marked with double traffic lines consisting of two immediately adjacent solid white lines, no vehicle shall cross such lines;*

8. *For the purposes of this section, "traffic lines" shall include any temporary traffic control devices used to emulate the lines and markings in subdivisions 6 and 7.*

§ 46.2-805. Lane-use control signals.

A. When ~~lane direction~~ lane-use control signals are placed over the individual lanes of a highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown and shall vacate as soon as possible any lane over which an amber signal is shown.

B. *Vehicular traffic shall not enter or travel in a lane over which a one-way or two-way left turn white arrow lane-use control signal is shown, except to make the turning movement indicated by the signal. Such turning traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic using the intersection.*

§ 46.2-807. Path of travel at circular intersections.

A vehicle passing ~~around a rotary traffic island~~ through a circular intersection shall be driven only to the right of ~~such the central island~~, *unless otherwise directed by traffic control devices.*

§ 46.2-821. Vehicles before entering certain highways shall stop or yield right-of-way.

The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

Where a "Yield Right-of-Way" sign is posted, the driver of a vehicle approaching or entering such intersection shall slow down to a speed reasonable for the existing conditions, yield the right-of-way to the driver of another vehicle approaching or entering such intersection from another direction, and, if required for safety, shall stop at a clearly marked stop *or yield* line, or, in the absence of a stop *or yield* line, stop before entering the crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

§ 46.2-822. Right-of-way at circular intersections.

At ~~traffic circles~~ *circular intersections* vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle, *unless otherwise directed by traffic control devices.*

§ 46.2-826. Stop before entering public highway or sidewalk from private road, etc.; yielding right-of-way.

The driver of a vehicle entering a public highway or sidewalk from a private road, driveway, alley, or building shall stop immediately before entering such highway or sidewalk and yield the right-of-way to vehicles approaching on such public highway and to pedestrians or vehicles approaching on such public sidewalk.

The provisions of this section shall not apply at an intersection of public and private roads controlled by a traffic ~~signal~~ *control device*. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic ~~signal~~ *control device*.

§ 46.2-830. Uniform traffic control devices on highways; drivers to obey traffic control devices; enforcement of section.

The Commonwealth Transportation Board may classify, designate, and mark state highways and

428 provide a uniform system of ~~marking and signing~~ *traffic control devices* for such highways under the
429 jurisdiction of the Commonwealth. Such system of ~~marking and signing~~ *traffic control devices* shall
430 correlate with and, so far as possible, conform to the system adopted in other states.

431 All drivers of vehicles shall obey lawfully erected ~~signs~~ *traffic control devices*.

432 No provision of this section relating to the prohibition of disobeying ~~signs~~ *traffic control devices* or
433 violating local traffic ~~signals, markings, and lights~~ *control devices* shall be enforced against an alleged
434 violator if, at the time and place of the alleged violation, any such ~~sign, signal, marking, or light~~ *traffic*
435 *control device* is not in proper position and sufficiently legible to be seen by an ordinarily observant
436 person.

437 **§ 46.2-831. Unofficial traffic control devices prohibited; penalties.**

438 No unauthorized person shall erect or maintain on any highway any warning or direction sign, signal,
439 or light in imitation of any official ~~sign, signal, or light~~ *traffic control device* erected as provided by
440 law. No person shall erect or maintain on any highway any traffic ~~or highway sign or signal~~ *control*
441 *device* bearing any commercial advertising.

442 Nothing in this section shall prohibit the erection or maintenance of signs or signals bearing the
443 name of an organization authorized to erect it by the Commonwealth Transportation Board or by the
444 local authorities of counties, cities, and towns as provided by law. Nor shall this section be construed to
445 prohibit the erection by contractors or public utility companies of temporary signs approved by the
446 Virginia Department of Transportation warning motorists that work is in progress on or adjacent to the
447 highway.

448 Any violation of this section shall constitute a Class 4 misdemeanor.

449 **§ 46.2-832. Damaging or removing certain traffic control devices.**

450 Any [~~unauthorized~~] person who intentionally [~~alters,~~] defaces, damages, knocks down, [*or*
451 *without authorization*] *interferes with the effective operation of,* or removes any ~~legally posted highway~~
452 ~~sign~~ *traffic control device* or a street address sign posted to assist in address identification in connection
453 with enhanced 9-1-1 service as defined in § 56-484.12 ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

454 For the purposes of this section "highway sign" includes but is not limited to an electrically powered
455 or electronic device installed or erected by the Virginia Department of Transportation or a local
456 governmental agency to prevent collisions, control traffic, or provide guidance or warning to operators
457 of motor vehicles.

458 **§ 46.2-833. Traffic lights; penalty.**

459 A. Signals by traffic lights shall be as follows:

460 Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is
461 shown, except in the direction indicated by a ~~lighted~~ *steady* green arrow.

462 Green indicates the traffic shall move in the direction of the signal and remain in motion as long as
463 the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully
464 within the intersection.

465 Steady amber indicates that a change is about to be made in the direction of the moving of traffic.
466 When the amber signal is shown, traffic which has not already entered the intersection, including the
467 crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the
468 intersection shall continue to move until the intersection has been cleared. ~~The amber signal is a warning~~
469 ~~that the steady red signal is imminent.~~

470 Flashing *circular* red indicates that traffic shall stop before entering an intersection. *Such traffic shall*
471 *yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.*

472 Flashing red arrow indicates that traffic shall stop before entering an intersection. After stopping,
473 traffic may cautiously enter the intersection to turn in the direction of the signal. *Such traffic shall yield*
474 *the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.*

475 Flashing *circular* amber indicates that traffic may proceed through the intersection or past such signal
476 with reasonable care under the circumstances. *Such traffic shall yield the right-of-way to pedestrian and*
477 *vehicular traffic lawfully within the intersection.*

478 Flashing amber arrow indicates that traffic may turn in the direction of such signal with reasonable
479 care under the circumstances. *Such traffic shall yield the right-of-way to pedestrian and vehicular traffic*
480 *lawfully within the intersection.*

481 B. Notwithstanding any other provision of law, if a driver of a motorcycle or moped or a bicycle
482 rider approaches an intersection that is controlled by a traffic light, the driver or rider may proceed
483 through the intersection on a steady red light only if the driver or rider (i) comes to a full and complete
484 stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is
485 shorter, (ii) exercises due care as provided by law, (iii) otherwise treats the traffic control device as a
486 stop sign, (iv) determines that it is safe to proceed, and (v) yields the right of way to the driver of any
487 vehicle approaching on such other highway from either direction.

488 C. If the traffic lights controlling an intersection are out of service because of a power failure or
489 other event that prevents the giving of signals by the traffic lights, the drivers of vehicles approaching

such an intersection shall proceed as though such intersection were controlled by a stop sign on all approaches. The provisions of this subsection shall not apply to: intersections controlled by portable stop signs, intersections with law-enforcement officers or other authorized persons directing traffic, or intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in subsection A.

D. The driver of any motor vehicle may be detained or arrested for a violation of this section if the detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed the violation or (ii) has received a message by radio or other wireless telecommunication device from another law-enforcement officer who observed the violation. In the case of a person being detained or arrested based on a radio message, the message shall be sent immediately after the violation is observed, and the observing officer shall furnish the license number or other positive identification of the vehicle to the detaining officer.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than \$350.

§ 46.2-834. Signals by law-enforcement officers, crossing guards, and flaggers.

A. Law-enforcement officers may assume control of traffic at any intersection, regardless of whether such intersection is controlled by lights, controlled by other traffic control devices, or uncontrolled. Whenever any law-enforcement officer so assumes control of traffic, all drivers of vehicles shall obey his signals.

B. Law-enforcement officers and uniformed school crossing guards may assume control of traffic otherwise controlled by lights, and in such event, signals by such officers and uniformed crossing guards shall take precedence over such traffic control devices.

C. Uniformed school crossing guards may control traffic at any marked school crossing, whether such crossing is at an intersection or another location. Uniformed school crossing guards who are supplied by their local school division with hand-held stop signs shall use such signs whenever controlling traffic as authorized in this subsection.

D. Whenever an authorized flagger assumes control of vehicular traffic into or through a temporary traffic control zone using hand-signaling devices or an automated flagger assistance device, all drivers of vehicles shall obey his signals.

§ 46.2-835. Right turn on steady red light after stopping.

Notwithstanding the provisions of § 46.2-833, except where ~~signs are a traffic control device~~ is placed prohibiting turns on steady red, vehicular traffic facing a steady red ~~circular~~ signal, after coming to a full stop, may cautiously enter the intersection and make a right turn.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed permitting turns on a steady red, vehicular traffic facing a steady red arrow, after coming to a full stop, shall remain standing until a signal to proceed is shown.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

§ 46.2-836. Left turn on steady red after stopping.

Notwithstanding the provisions of § 46.2-833, except where ~~signs are a traffic control device~~ is placed prohibiting turns on steady [~~circular~~] red, vehicular traffic facing a steady red [~~circular~~] signal on a one-way highway, after coming to a full stop, may cautiously enter the intersection and make a left turn onto another one-way highway.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed permitting turns on a steady red, vehicular traffic facing a steady red arrow signal, after coming to a full stop, shall remain standing until a signal to proceed is shown.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

§ 46.2-846. Required position and method of turning at intersections; local regulations.

A. Except where turning is prohibited, a driver intending to turn at an intersection or other location on any highway shall execute the turn as provided in this section.

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right curb or edge of the roadway.

2. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made from the right half of the roadway and as close as possible to the roadway's center line, passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made to the left of the center of the intersection.

3. Left turns on other than two-way roadways: At any intersection where traffic is restricted to one direction on one or more of the roadways, and at any crossover from one roadway of a divided highway

551 to another roadway thereof on which traffic moves in the opposite direction, the driver intending to turn
552 left at any such intersection or crossover shall approach the intersection or crossover in the extreme left
553 lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the
554 intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as
555 nearly as practicable, in the left lane lawfully available to traffic moving in such direction upon the
556 roadway being entered.

557 B. Local authorities having the power to regulate traffic in their respective jurisdictions may cause
558 ~~markers or signs~~ *traffic control devices* to be placed within or adjacent to intersections and thereby
559 direct that a different course from that specified in this section be traveled by vehicles turning at any
560 intersection. When ~~markers or signs~~ *traffic control devices* are so placed, no driver shall turn a vehicle
561 at an intersection other than as directed by such ~~markers or signs~~ *traffic control devices*.