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HOUSE BILL NO. 2447

Offered January 20, 2017

A *BILL to amend and reenact §§ 46.2-100, 46.2-102, 46.2-752, and 58.1-3995 of the Code of Virginia and to repeal §§ 46.2-753, 46.2-754, 46.2-755, and 46.2-756 of the Code of Virginia, relating to local licensure of motor vehicles.*

 Patron—Marshall, R.G.

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-102, 46.2-752, and 58.1-3995 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

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

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

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"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 or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this

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59 section unless it has been materially altered from its original construction by the removal, addition, or
60 substitution of new or used essential parts other than those required for the conversion to electric
61 propulsion.

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

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

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

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

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

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

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

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

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

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

97 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use
98 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more
99 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.

100 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding
101 lawn mowers.

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

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

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

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

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

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

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

119 "Highway" means the entire width between the boundary lines of every way or place open to the use
120 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, "law-enforcement officer" also includes 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 or gas-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 (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. 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. Except as otherwise provided, 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. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or

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

183 "Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels
184 in 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 "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include
188 "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) a nonresident student as
197 defined in this section or (b) a person who is serving a full-time church service or proselyting mission
198 of not more than 36 months and who is not gainfully employed, who has actually resided in the
199 Commonwealth for a period of six months, whether employed or not, or who has registered a motor
200 vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a
201 resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's
202 License Act (§ 46.2-341.1 et seq.).

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

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

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

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

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

231 "Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used
232 primarily for the transportation of no more than 10 persons, including the driver.

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

237 "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and
238 having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for
239 personal use, designed to transport property on its own structure independent of any other vehicle, and
240 having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

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

243 "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 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

305 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."
306 "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or
307 watercraft transporter," or "tractor truck" as those terms are defined in this section.

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

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

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

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

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

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

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

332 "Truck" means every motor vehicle designed to transport property on its own structure independent
333 of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not
334 include any pickup or panel truck.

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

343 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor,
344 and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle"
345 does not include riding lawn mowers.

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

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

355 **§ 46.2-102. Enforcement by law-enforcement officers; officers to be uniformed; officers to be**
356 **paid fixed salaries.**

357 State police officers and law-enforcement officers of every county, city, town, or other political
358 subdivision of the Commonwealth shall enforce the provisions of this title punishable as felonies,
359 misdemeanors, or traffic infractions. ~~Additionally, notwithstanding § 52-22, state police officers may~~
360 ~~enforce local ordinances, adopted under subsection G of § 46.2-752, requiring the obtaining and~~
361 ~~displaying of local motor vehicle licenses.~~ Fifty percent of the revenue collected from such enforcement
362 shall be remitted by the locality to the Department of State Police and disposed of by the Department to
363 cover its costs of operation. Every law-enforcement officer shall be uniformed at the time of the
364 enforcement or shall display his badge or other sign of authority. All officers making arrests incident to
365 the enforcement of this title shall be paid fixed salaries for their services and shall have no interest in,
366 nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction

of an offender against any provision of this title.

With the consent of the landowner, any such officer or other uniformed employee of the local law-enforcement agency may patrol the landowner's property to enforce state, county, city, or town motor vehicle registration and licensing requirements.

Any law-enforcement officer may patrol the streets and roads within subdivisions of real property or within land submitted to a horizontal property regime pursuant to Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§ 55-79.39 et seq.) of Title 55, which streets and roads are maintained by the owners of the lots or parcels of land within the subdivision or the owners of condominium units within any horizontal property regime or any association of owners, on the request or with the consent of the owners or association of owners, to enforce the provisions of this title punishable as felonies, misdemeanors, or traffic infractions.

§ 46.2-752. Vehicle registration renewal; require payment of personal property taxes and certain fines; fee for volunteers for fire departments or emergency medical services agencies.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles;
2. Vehicles owned by volunteer emergency medical services agencies;
3. Vehicles owned by volunteer fire departments;
4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies;
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments;
6. Vehicles owned or leased by auxiliary police officers;
7. Vehicles owned or leased by volunteer police chaplains;
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739;
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs;
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739;
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies; former members of volunteer fire departments; former auxiliary police officers; members and former members of authorized police volunteer citizen support units; members and former members of authorized sheriff's volunteer citizen support units; former volunteer police chaplains; and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge;
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality;
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge;
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge;
15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police

428 shall be issued more than one such license free of charge,

429 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued
430 more than one such license free of charge;

431 17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried
432 emergency medical services personnel shall be issued more than one such license free of charge;

433 18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated
434 by the Commonwealth;

435 19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates
436 under subsection A of §46.2-743; and

437 20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of
438 the Virginia Defense Force shall be issued more than one such license free of charge.

439 The governing body of any county, city, or town issuing licenses under this section may by
440 ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license
441 issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount,
442 however, shall be available for more than one vehicle owned or leased by the same person.

443 The governing body of any county, city, or town issuing licenses free of charge under this subsection
444 may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an
445 otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who
446 has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for
447 such limitation, restriction, or denial.

448 The situs for the imposition of licensing fees under this section shall in all cases, except as
449 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
450 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
451 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the
452 motor vehicle is a full-time student attending an institution of higher education, the situs shall be the
453 domicile of such student, provided the student has presented sufficient evidence that he has paid a
454 personal property tax on the motor vehicle in his domicile.

455 B. The revenue derived from all county, city, or town taxes and license fees imposed on motor
456 vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

457 C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally
458 licensed until the applicant has produced satisfactory evidence that all personal property taxes on the
459 motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any
460 delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which
461 have been properly assessed or are assessable against the applicant by the county, city, or town. A
462 county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible
463 personal property taxes properly assessed or assessable by that locality on any tangible personal property
464 used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer
465 have been paid. Any county and any town within any such county may by agreement require that all
466 personal property taxes assessed by either the county or the town on any vehicle be paid before
467 licensure of such vehicle by either the county or the town.

468 C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public
469 notice and hearing and, with the consent of the treasurer, require that no license may be issued under
470 this section unless the applicant has produced satisfactory evidence that all fees, including delinquent
471 fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to
472 the Virginia Water and Waste Authorities Act (§15.2-5100 et seq.), or pursuant to §15.2-2159, have
473 been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county
474 for waste disposal services described herein, shall be paid to the treasurer of such county; however, in
475 Wise County, the fee shall be paid to the county or its agent.

476 D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any
477 city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless
478 all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the
479 jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection
480 shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

481 E. If in any county imposing license fees and taxes under this section, a town therein imposes like
482 fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees
483 or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to
484 receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid
485 to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from
486 increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the
487 limitations provided in subsection D. The governing body of any county and the governing body of any
488 town in that county wherein each imposes the license tax herein provided may provide mutual
489 agreements so that not more than one license plate or decal in addition to the state plate shall be

required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered; or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each

participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, *B. Counties*, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect current, non-delinquent license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county or for the county treasurer to collect current, non-delinquent license fees or taxes owed to the town. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

§ 58.1-3995. Effect of application for correction of assessment or appeal upon applications for local permits and licenses.

A. Except as otherwise provided in subsection B, no county, city or town shall deny to any person a permit or license to which such person otherwise is entitled solely on the grounds that such person has failed to pay taxes, penalties and interest due such locality, as applicable, when and to the extent that such taxes, penalties and interest are the subject of a pending, bona fide: (i) application for correction of an assessment of taxes pursuant to § 58.1-3980; (ii) appeal of a local license tax pursuant to § 58.1-3703.1; (iii) appeal by a political subdivision pursuant to § 58.1-3982 of a correction of assessment of local taxes; (iv) appeal of a local tax or local business tax pursuant to § 58.1-3983.1; (v) an application pursuant to § 58.1-3984 for correction of a local tax or local business tax as those terms are defined in § 58.1-3983.1; or (vi) an application for correction or equalization of an assessment with respect to real property pursuant to § 58.1-3350.

B. Nothing in this section shall be construed to require: (i) the issuance by a county, city or town of a local vehicle license that has been withheld pursuant to the provisions of § 46.2-752 or any subsection thereof; or (ii) the issuance by the Commissioner of Motor Vehicles of a vehicle registration or renewal of registration with respect to a vehicle as to which registration has been withheld pursuant to the provisions of subsection J A of § 46.2-752.

C. Nothing in this section shall be construed to limit the ability of a locality to exercise powers granted under general law, including without limitation §§ 15.2-2286 and 58.1-3700, to deny a license or permit to a taxpayer who is delinquent in the payment of taxes, penalties, or interest and who does not have presently pending a bona fide application or appeal enumerated in subsection A with respect to such taxes, penalties, or interest.

2. That §§ 46.2-753, 46.2-754, 46.2-755, and 46.2-756 of the Code of Virginia are repealed.

3. That the provisions of this act shall become effective on July 1, 2018.