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SENATE BILL NO. 1384

Senate Amendments in [] — January 30, 2017

A *BILL to amend and reenact §§ 46.2-100, 46.2-1114, 46.2-1129.2, 46.2-1137, 46.2-1139, 46.2-1141, and 46.2-2000 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-1114.1, 46.2-1117.1, 46.2-1127.1, and 46.2-1151.1, relating to motor carrier size and weight limitations; compliance with federal law.*

Patron Prior to Engrossment—Senator Carrico

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-1114, 46.2-1129.2, 46.2-1137, 46.2-1139, 46.2-1141, and 46.2-2000 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-1114.1, 46.2-1117.1, 46.2-1127.1, and 46.2-1151.1 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 transporter" 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 or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"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.

ENGROSSED

SB1384E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"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.

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

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

194 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any
195 foreign corporation that is authorized to do business in the Commonwealth by the State Corporation
196 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of
197 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only
198 such principal place of business or branches located within the Commonwealth shall be dealt with as
199 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the
200 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except
201 for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as
202 defined in this section or (b) a person who is serving a full-time church service or proselyting mission
203 of not more than 36 months and who is not gainfully employed, who has actually resided in the
204 Commonwealth for a period of six months, whether employed or not, or who has registered a motor
205 vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a
206 resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's
207 License Act (§ 46.2-341.1 et seq.).

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

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

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

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

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

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

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

242 "Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and
243 having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for
244 personal use, 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 but not in excess of 10,000 pounds.

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

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

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

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

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

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

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

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a 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 curblin 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

306 end of the period of suspension.

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

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

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

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

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

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

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

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

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

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

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

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

355 "Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles
356 or combinations that transport watercraft on their power unit, designed and used exclusively for the
357 transportation of watercraft.

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

363 **§ 46.2-1114. Length of watercraft transporters; operation on certain highways.**

364 ~~Automobile or watercraft~~ Watercraft transporters shall not exceed a length of 65 feet when operated
365 on any interstate highway or on any highway as designated by the Commonwealth Transportation Board.
366 ~~Stinger-steered automobile or~~ watercraft transporters shall not exceed a length of 75 feet when operated
367 on any interstate highway or on any highway designated by the Commonwealth Transportation Board. In

addition, watercraft may be transported on a truck/trailer combination no more than 65 feet long when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board. Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. However, an additional three-foot overhang shall be allowed beyond the front and a four-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

§ 46.2-1114.1. Length of automobile transporters; operation on certain highways.

Automobile transporters shall not exceed a length of 65 feet [when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board] and stinger-steered automobile transporters shall not exceed a length of 80 feet when operated on [~~any interstate highway or on any highway designated by the Commonwealth Transportation Board~~ the national network of interstate and primary highways as defined in 23 CFR 658.5, as amended] . Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. Notwithstanding the provisions of § 46.2-1120, a four-foot overhang shall be allowed beyond the front and a six-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

§ 46.2-1117.1. Commercial delivery of towaway trailers.

A. For the purposes of this section:

"Towaway trailer transporter combination" means a combination of vehicles consisting of a trailer transporting towing unit and two trailers or semitrailers that carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

"Trailer transporting towing unit" means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

B. Notwithstanding the provisions of §§ 46.2-1116 and 46.2-1117, a towaway trailer transporter combination may operate with a length of not more than 82 feet and a gross weight of not more than 26,000 pounds. When operating on a highway other than an interstate highway, the operator shall comply with flashing high-intensity amber warning light requirements of § 46.2-1026 if such combination exceeds 75 feet long.

§ 46.2-1127.1. Weight limit exception for certain emergency vehicles using the interstate highways.

A. For purposes of this section, "emergency vehicle" means a vehicle designed to be used under emergency conditions to (i) transport personnel and equipment and (ii) support the suppression of fires and mitigation of other hazardous situations.

B. An emergency vehicle shall not exceed the following weight limitations when operated on any interstate highway: (i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 52,000 pounds on a tandem rear drive steer axle; and (iv) 62,000 pounds on a tandem axle that is not a tandem rear drive steer axle. However, the maximum gross weight of such emergency vehicle shall not exceed 86,000 pounds.

§ 46.2-1129.2. Further extension of weight limits for vehicles fueled by natural gas.

~~Any~~ A. On any highway other than an interstate highway, any motor vehicle that is fueled, wholly or partially, by natural gas shall be allowed up to an additional 2,000 pounds total in gross, single axle, tandem axle, or bridge formula weight limits.

To be eligible for this exception, the operator of the vehicle must be able to demonstrate that the vehicle is a natural gas vehicle, a bi-fuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle. ~~No such allowance shall authorize any extension of the limitations provided in § 46.2-1127 for Interstate highways.~~

B. ~~On an interstate highway, any motor vehicle that is fueled primarily by natural gas may exceed the weight limits provided in § 46.2-1127 by an amount equal to the difference between (i) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and (ii) the weight of a comparable diesel fuel tank and fueling system. However, the gross weight of such vehicle shall not exceed 82,000 pounds.~~

§ 46.2-1137. Weighing vehicles; procedure; shifting loads; unloading excess load; weighing fee; certificate as to accuracy of scales admissible in evidence; penalties.

A. For the purposes of this section, a permanent weighing station includes any location equipped with fixed, permanent scales for weighing motor vehicles.

B. Any officer or size and weight compliance agent authorized to enforce the law under this title, having reason to believe that the weight of a vehicle and load is unlawful, is authorized to weigh the load and the vehicle. If the place where the vehicle is stopped is 10 road miles or less from a permanent weighing station, the officer may, and upon demand of the driver shall, require the vehicle to proceed to such station. If the distance to the nearest permanent weighing station is more than 10 road miles such

vehicle may be weighed by wheel load weighers. Any driver who fails or unreasonably refuses to drive his vehicle to such permanent weighing station or such scales or wheel load weighers upon the request and direction of the officer to do so ~~shall be~~ is guilty of a Class 4 misdemeanor. The penalty for such violation shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation.

C. Any person operating a vehicle with a gross vehicle weight or registered gross weight of more than 10,000 pounds shall drive into a permanent weighing station for inspection when directed to do so by highway signs. Any person who fails or refuses to comply with this subsection is guilty of a Class 4 misdemeanor, which shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation.

D. Notwithstanding the provisions of subsection C, a person instructed by a bypass system to bypass a permanent weighing station may do so unless directed to drive onto the scales for weight inspection by an officer or size and weight compliance agent pursuant to the provisions of subsection B. For purposes of this subsection, a "bypass system" means any system approved by the Commissioner that (i) communicates information about a vehicle to a permanent weighing station, (ii) is capable of receiving return communications from the permanent weighing station indicating whether the driver may bypass the weighing station or must drive onto the scales, and (iii) is capable of instructing the driver in accordance with the communication received.

E. In the event of such failure or unreasonable refusal the operator of a vehicle fails or unreasonably refuses to submit a vehicle required to be inspected for an inspection, where the officer has reason to believe the vehicle is overweight, the officer may use whatever reasonable means are available to have the vehicle weighed, including the employment of a tow truck to move the vehicle to the weighing area. He may also use whatever means are necessary to reload the vehicle if the load is intentionally dumped. In such a case, any expenses incurred in having the vehicle weighed may be taxed as costs to be imposed upon the operator who failed or unreasonably refused to drive his vehicle to such weighing area submit his vehicle for inspection, when he has been convicted of such failure or refusal and an overweight violation. In all cases where such failure or refusal or overweight charges are dismissed or the defendant acquitted, payment shall be made from highway funds.

F. Should the officer or size and weight compliance agent find that the weight of any vehicle and its load is greater than that permitted by this title or that the weight of the load carried in or on such vehicle is greater than that which the vehicle is licensed to carry under the provisions of this title, he may require the driver to unload, at the nearest place where the property unloaded may be stored or transferred to another vehicle, such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor permitted by this title. Any property so unloaded shall be stored or cared for by the owner or operator of the overweight vehicle at the risk of such owner or operator.

~~However, notwithstanding~~ *G. Notwithstanding the provisions of §§ 46.2-1122 through 46.2-1127, should the officer or size and weight compliance agent find that the gross weight of the vehicle and its load is within limits permitted under this title and does not exceed the limit for which the vehicle is registered, but that the axle weight of any axle or axles of the vehicle exceeds that permitted under this title, the driver shall be allowed one hour to shift his load within or on that same vehicle in order to bring the axle weight or axle weights within proper limits. However, liquidated damages shall be assessed under § 46.2-1135 based on the weight prior to shifting the load, unless the load can be successfully shifted to bring the vehicle's axle weight within limits permitted under this title by (i) sliding the axle or axles of the semitrailer or the fifth wheel of the tractor truck, (ii) repositioning the load if the motor vehicle is transporting off-the-road mobile construction equipment, or (iii) adjusting the load if the vehicle is operating on non-interstate highways and qualifies for weight extensions pursuant to § 46.2-1129. Such load shifting shall be performed at the site where the vehicle was weighed and found to exceed allowable axle weight limits. No such load shifting shall be allowed if such load is required to be placarded as defined in § 10.1-1450 and consists of hazardous material as defined in § 10.1-1400.*

H. If the driver of an overloaded vehicle is convicted, forfeits bail, or purchases an increased license as a result of such weighing, the court in addition to all other penalties shall assess and collect a weighing fee of two dollars from the owner or operator of the vehicle and shall forward such fee to the State Treasurer. Upon receipt of the fee, the State Treasurer shall allocate the same to the fund appropriated for the administration and maintenance of the Department of State Police.

I. In any court or legal proceedings in which any question arises as to the calibration or accuracy of any such scales at permanent weighing stations or wheel load weighers, a certificate, executed and signed under oath by the inspector calibrating or testing such device as to its accuracy as well as to the accuracy of the test weights used in such test, and stating the date of such test, type of test and results of testing, shall be admissible when attested by one such inspector who executed and signed it as evidence of the facts therein stated and the results of such testing.

§ 46.2-1139. Permits for excessive size and weight generally; penalty.

A. The Commissioner and, unless otherwise indicated in this article, local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, and pursuant to the requirements of subsection A1, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads from the secondary system of state highways that opts to issue permits under this article shall enter into a memorandum of understanding with the Commissioner that:

1. Allows the Commissioner to issue permits on behalf of that locality; and
 2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:
 - a. The locality shall have applications for each permit type available online.
 - b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.
 - c. The locality shall have at least one staff member whose primary function is to issue permits.
 - d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections and provide analysis for overweight vehicles.
 - e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations and limitations.
 - f. The locality shall provide to the Department an emergency contact phone number and assign a staff person who is authorized to issue the permit or authorized to make a decision regarding the permit request at all times (24 hours a day, seven days a week).
 - g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day after receiving the completed permit application. Each locality shall define "standard vehicle" and "standard permit" and provide the Department with those definitions. All other requests for permits shall be processed within 10 business days.
 - h. The locality shall retain for at least 36 months all permit data it collects.
 - i. The locality shall maintain an updated list of all maintenance and construction projects within that locality. The list shall provide starting and ending locations and dates for each project, and shall be updated as those dates change.
 - j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.
- If the locality satisfies the requirements in the memorandum of understanding, the locality may issue permits under this article.

B. Except for permits issued under § 46.2-1141 for ~~overweight vehicles transporting containerized freight~~ and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or
2. A tandem axle weight in excess of 34,000 pounds; or
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in § 46.2-1500 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D.1. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer or size and weight compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title may be transferred to another vehicle no more than two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an administrative fee of \$10 for each transfer.

E. Any permit issued by the Commissioner or local authorities pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such

highway would result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

F. When application is made for permits issued by the Commissioner as well as local authorities, any fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the Department of Transportation or local authority, shall be conducted of a proposed routing before the Commissioner or local authority issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner or local authority shall not issue a permit when the Department of Transportation or local authority determines that the roadway and bridges to be traversed cannot sustain a vehicle's size and weight.

§ 46.2-1141. Overweight permits for containerized freight and fluid milk.

Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title shall be granted ~~if the~~ *for a* vehicle is hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been or will be transported by marine shipment *and for a tank vehicle hauling fluid milk*. In order *for a vehicle hauling containerized cargo in a sealed, seagoing container bound to or from a seaport* to qualify for such a permit, the contents of such seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to specifications shown in this section shall be considered irreducible and eligible for permits under regulations of the Commissioner.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

For purposes of this section "tank vehicle" has the same meaning ascribed to it in § 46.2-341.4.

§ 46.2-1151.1. Weight limit exception for covered heavy duty tow and recovery vehicles.

The provisions of §§ 46.2-1126 and 46.2-1127 shall not apply to a covered heavy duty tow and recovery vehicle when operating on an interstate highway.

This section shall not permit the violation of any lawfully established load limit on any bridge. Covered heavy duty tow and recovery vehicles shall have reasonable access to terminals and facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

For purposes of this section, "covered heavy duty tow and recovery vehicle" means a vehicle that is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility and has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

§ 46.2-2000. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier, which carrier uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract passenger carrier, a sight-seeing carrier, a transportation network company, or a nonemergency medical transportation carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter. "Common carrier" does not include nonemergency medical transportation carriers, transportation network companies, or TNC partners as defined in this section.

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier. "Contract passenger carrier" does not include a

transportation network company or TNC partner as defined in this section.

"Department" means the Department of Motor Vehicles.

"Digital platform" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with TNC partners.

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued or required by the Department to show one or more of the following: (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1; (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.); (iii) proof that the vehicle has been registered with the Department as a TNC partner vehicle under subsection B of § 46.2-2099.50; (iv) proof that the vehicle has been authorized by a transportation network company to be operated as a TNC partner vehicle, in accordance with subsection C of § 46.2-2099.50; or (v) proof of compliance with the insurance requirements of this chapter.

"Interstate" means transportation of passengers between states.

"Intrastate" means transportation of passengers solely within a state.

"License" means a license issued by the Department to a broker.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than 31 passengers, including the driver, and used in the transportation of passengers.

"Motor carrier" means any person who undertakes, whether directly or by lease, to transport passengers for compensation over the highways of the Commonwealth.

"Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of 50 passengers. "Motor launch" does not include sight-seeing vessels, special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be regarded as a steamship company.

"Nonemergency medical transportation carrier" means a motor carrier that exclusively provides nonemergency medical transportation and provides such transportation only (i) through the Department of Medical Assistance Services; (ii) through a broker operating under a contract with the Department of Medical Assistance Services; or (iii) as a Medicaid Managed Care Organization *or through a contractor of a Medicaid Managed Care Organization* contracted with the Department of Medical Assistance Services to provide such transportation.

"Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in §§ 501(c)(3) and 501(c)(4) of the Internal Revenue Code, as amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the transportation, for compensation, of members of such organization if it is a membership corporation, or of elderly, disabled, or economically disadvantaged members of the community if it is not a membership corporation.

"Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Operation of a TNC partner vehicle" means (i) any time a TNC partner is logged into a digital platform and is available to pick up passengers; (ii) any time a passenger is in the TNC partner vehicle; and (iii) any time the TNC partner has accepted a prearranged ride request through the digital platform and is en route to a passenger.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Permit" means a permit issued by the Department to carriers operating as employee haulers or

675 nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab
676 service under this chapter.

677 "Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock
678 association, and includes any trustee, receiver, assignee, or personal representative thereof.

679 "Personal vehicle" means a motor vehicle that is not used to transport passengers for compensation
680 except as a TNC partner vehicle.

681 "Prearranged ride" means passenger transportation for compensation in a TNC partner vehicle
682 arranged through a digital platform. "Prearranged ride" includes the period of time that begins when a
683 TNC partner accepts a ride requested through a digital platform, continues while the TNC partner
684 transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner
685 vehicle.

686 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
687 other arrangement, to transport passengers for compensation, whereby such transportation service has
688 been restricted. "Restricted common carrier" does not include a transportation network company or TNC
689 partner as defined in this section.

690 "Route," when used in connection with or with respect to a certificate of public convenience and
691 necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of
692 public convenience and necessity or proposed to be operated over by an applicant therefor, whether such
693 road or highway is designated by one or more highway numbers.

694 "Services" and "transportation" include the service of, and all transportation by, all vehicles operated
695 by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or
696 implied, together with all facilities and property operated or controlled by any such carrier or carriers
697 and used in the transportation of passengers or the performance of any service in connection therewith.

698 "Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the
699 provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience
700 and enjoyment or the promotion of tourism.

701 "Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier
702 uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby
703 the primary purpose of the operation is the passengers' experience and enjoyment or the promotion of
704 tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

705 "Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing
706 that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other
707 qualified jurisdictions.

708 "Special or charter party carrier by boat" means a restricted common carrier which transports groups
709 of persons under a single contract made with one person for an agreed charge for such movement
710 regardless of the number of persons transported. Special or charter party carriers by boat shall not be
711 regarded as steamship companies.

712 "Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a
713 seating capacity of not more than six passengers, excluding the driver, not operating on a regular route
714 or between fixed terminals used in the transportation of passengers for hire or for compensation, and not
715 a common carrier, restricted common carrier, transportation network company, TNC partner, or
716 nonemergency medical transportation carrier as defined in this chapter.

717 "TNC insurance" means a motor vehicle liability insurance policy that specifically covers liabilities
718 arising from a TNC partner's operation of a TNC partner vehicle.

719 "TNC partner" means a person authorized by a transportation network company to use a TNC partner
720 vehicle to provide prearranged rides on an intrastate basis in the Commonwealth.

721 "TNC partner vehicle" means a personal vehicle authorized by a transportation network company and
722 used by a TNC partner to provide prearranged rides on an intrastate basis in the Commonwealth.

723 "Trade dress" means a logo, insignia, or emblem attached to or visible from the exterior of a TNC
724 partner vehicle that identifies a transportation network company or digital platform with which the TNC
725 partner vehicle is affiliated.

726 "Transportation network company" means a person who provides prearranged rides using a digital
727 platform that connects passengers with TNC partners.