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HOUSE BILL NO. 2232

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 46.2-100, 46.2-800, 46.2-849, 46.2-903, 46.2-904, 46.2-905, 46.2-908.1, 46.2-1015, 46.2-1041, and 46.2-1081 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1315, relating to motorized skateboards or foot-scooters; operation; local authority.

Patrons—Bagby and Sickles

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-800, 46.2-849, 46.2-903, 46.2-904, 46.2-905, 46.2-908.1, 46.2-1015, 46.2-1041, and 46.2-1081 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1315 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 transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles 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, motorized skateboards or foot-scooters, 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.

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

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

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

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

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

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

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

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

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

93 "Electric personal delivery device" means an electrically powered device that (i) is operated on  
94 sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less  
95 than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped  
96 with technology to allow for operation of the device with or without the active control or monitoring of  
97 a natural person.

98 "Electric personal delivery device operator" means an entity or its agent who exercises direct physical  
99 control or monitoring over the navigation system and operation of an electric personal delivery device.  
100 For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an  
101 entity with the responsibility of navigating and operating an electric personal delivery device. "Electric  
102 personal delivery device operator" does not include (i) an entity or person who requests the services of  
103 an electric personal delivery device to transport property or (ii) an entity or person who only arranges  
104 for and dispatches the requested services of an electric personal delivery device.

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

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

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

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

120 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all

121 administrative regulations and policies adopted pursuant thereto.

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

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

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

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

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

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

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

145 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
146 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one  
147 another at, or approximately at, right angles, or the area within which vehicles traveling on different  
148 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways  
149 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting  
150 highway shall be regarded as a separate intersection, in the event such intersecting highway also  
151 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways  
152 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of  
153 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

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

156 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make  
157 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to  
158 law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement  
159 officer" also includes city and county commissioners of the revenue and treasurers, together with their  
160 duly designated deputies and employees, when such officials are actually engaged in the enforcement of  
161 §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

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

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

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

171 "Manufactured home" means a structure subject to federal regulation, transportable in one or more  
172 sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in  
173 length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis  
174 and designed to be used as a dwelling with or without a permanent foundation when connected to the  
175 required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained  
176 therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that  
177 is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal  
178 use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single  
179 chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American  
180 National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

181 "Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by

182 or under the direction of the United States Armed Forces for off-road use and subsequently authorized  
183 for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as  
184 defined in § 46.2-700, trailers, or semitrailers.

185 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground  
186 that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat  
187 perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic  
188 centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without  
189 pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles  
190 per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of  
191 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while  
192 operated on a highway.

193 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than  
194 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat  
195 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

210 "Motorized skateboard or foot-scooter" means every ~~vehicle device~~, regardless of the number of its  
211 wheels in contact with the ground, *weighing less than 100 pounds that has a maximum speed on a*  
212 *paved level surface of no more than 20 miles per hour* that (i) has no seat, ~~but~~ is designed to be stood  
213 upon by the operator (ii) ~~has no manufacturer-issued vehicle identification number, and (iii), and~~ is  
214 powered *in whole or in part* by an electric motor ~~having an input of no more than 1,000 watts~~ or a  
215 gasoline engine that displaces less than 36 cubic centimeters. "Motorized skateboard or foot-scooter"  
216 includes ~~vehicles devices~~ with or without handlebars, but does not include "electric personal assistive  
217 mobility devices." *For the purposes of Chapter 8 (§ 46.2-800 et seq.), a motorized skateboard or*  
218 *foot-scooter shall be a vehicle while operating on a highway.*

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

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

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

238 "Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for  
239 compensation," and "business of transporting persons or property" mean any owner or operator of any  
240 motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or  
241 receives compensation for the service, directly or indirectly; but these terms do not mean a "truck  
242 lessor" as defined in this section and do not include persons or businesses that receive compensation for  
243 delivering a product that they themselves sell or produce, where a separate charge is made for delivery

244 of the product or the cost of delivery is included in the sale price of the product, but where the person  
 245 or business does not derive all or a substantial portion of its income from the transportation of persons  
 246 or property except as part of a sales transaction.

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

250 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of  
 251 an agreement for its conditional sale or lease with the right of purchase on performance of the  
 252 conditions stated in the agreement and with an immediate right of possession vested in the conditional  
 253 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or  
 254 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent  
 255 paid by the lessee includes charges for services of any nature or when the lease does not provide that  
 256 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner  
 257 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to  
 258 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the  
 259 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of  
 260 private carriers.

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

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

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

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

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

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

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

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

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

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

298 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial  
 299 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private  
 300 or religious schools, or used for the transportation of the mentally or physically handicapped to and  
 301 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a  
 302 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A  
 303 yellow school bus may have a white roof provided such vehicle is painted in accordance with  
 304 regulations promulgated by the Department of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

366 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer

367 that is the subject of a bona fide written lease for a term of one year or more to another person,  
 368 provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted  
 369 common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the  
 370 leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the  
 371 lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased  
 372 motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor;  
 373 and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

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

377 "Vehicle" means every device in, on or by which any person or property is or may be transported or  
 378 drawn on a highway, except electric personal delivery devices and devices moved by human power or  
 379 used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.),  
 380 bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, *motorized*  
 381 *skateboards or foot-scooters*, and mopeds shall be vehicles while operated on a highway.

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

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

390 **§ 46.2-800. Riding bicycles, electric personal assistive mobility devices, electric power-assisted**  
 391 **bicycles, mopeds, or motorized skateboards or foot-scooters; riding or driving animals.**

392 Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted  
 393 bicycle, moped, *motorized skateboard or foot-scooter*, or ~~an~~ animal or driving an animal on a highway  
 394 shall be subject to the provisions of this chapter and shall have all of the rights and duties applicable to  
 395 the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

396 The provisions of subsections A and C of § 46.2-920 applicable to operation of emergency vehicles  
 397 under emergency conditions shall also apply, mutatis mutandis, to bicycles, electric personal assistive  
 398 mobility devices, electric power-assisted bicycles, ~~and~~ mopeds, *and motorized skateboards or*  
 399 *foot-scooters* operated under similar emergency conditions by law-enforcement officers.

400 **§ 46.2-849. How signals given.**

401 A. Signals required by § 46.2-848 shall be given by means of the hand and arm or by some  
 402 mechanical or electrical device approved by the Superintendent, in the manner specified in this section.  
 403 Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to  
 404 start, stop, turn, or partly turn by extending the hand and arm beyond the left side of the vehicle in the  
 405 manner following:

406 1. For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from  
 407 and level with the shoulder;

408 2. For right turn or to pull to the right, the arm shall be extended upward;

409 3. For slowing down or stopping, the arm shall be extended downward.

410 B. Wherever the lawful speed is more than 35 miles per hour, such signals shall be given  
 411 continuously for a distance of at least 100 feet, and in all other cases at least 50 feet, before slowing  
 412 down, stopping, turning, or partly turning.

413 C. A person riding a bicycle, electric personal assistive mobility device, electric power-assisted  
 414 bicycle, ~~or~~ moped, *or motorized skateboard or foot-scooter* shall signal his intention to stop or turn.  
 415 Such signals, however, need not be given continuously if both hands are needed in the control or  
 416 operation of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~or~~  
 417 moped, *or motorized skateboard or foot-scooter*.

418 D. Notwithstanding the foregoing provisions of this section, a person operating a bicycle, electric  
 419 personal assistive mobility device, electric power-assisted bicycle, ~~or~~ moped, *or motorized skateboard or*  
 420 *foot-scooter* may signal a right turn or pull to the right by extending the right hand and arm in a  
 421 horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric  
 422 personal assistive mobility device, electric power-assisted bicycle, ~~or~~ moped, *or motorized skateboard or*  
 423 *foot-scooter* and may signal slowing down or stopping by extending the right arm downward.

424 **§ 46.2-903. Riding or driving vehicles on sidewalks; exceptions.**

425 No person shall ride or drive any vehicle other than (i) an emergency vehicle, as defined in  
 426 § 46.2-920, (ii) a vehicle engaged in snow or ice removal and control operations, (iii) a wheel chair or  
 427 wheel chair conveyance, whether self-propelled or otherwise, (iv) a bicycle, (v) an electric personal

428 assistive mobility device, or (vi) an electric power-assisted bicycle, or (vii) a motorized skateboard or  
 429 foot-scooter on the sidewalks of any county, city, or town of the Commonwealth.

430 **§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation**  
 431 **of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and**  
 432 **shared-use paths; local ordinances.**

433 The governing body of any county, city, or town may by ordinance prohibit the use of roller skates,  
 434 skateboards, and electric personal delivery devices and/or the riding of bicycles, electric personal  
 435 assistive mobility devices, motorized skateboards or foot-scooters, motor-driven cycles, or electric  
 436 power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school,  
 437 recreational facility, or any business property open to the public where such activity is prohibited. Signs  
 438 indicating such prohibition shall be conspicuously posted in general areas where use of roller skates,  
 439 skateboards, and electric personal delivery devices; and/or bicycle, electric personal assistive mobility  
 440 devices, motorized skateboards or foot-scooters, motor-driven cycles, or electric power-assisted bicycle  
 441 riding is prohibited. *No such ordinance shall prohibit the parking of a bicycle, electric power-assisted*  
 442 *bicycle, or motorized skateboard or foot-scooter on any sidewalk.* Unless otherwise prohibited, electric  
 443 personal delivery devices may be operated on the sidewalks and shared-use paths and across the  
 444 roadway on a crosswalk of any locality of the Commonwealth.

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

451 No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or  
 452 foot-scooter, motor-driven cycle, or electric power-assisted bicycle or operate an electric personal  
 453 delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric  
 454 personal assistive mobility devices, electric personal delivery devices, motorized skateboards or  
 455 foot-scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic  
 456 control devices. *No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard*  
 457 *or foot-scooter in a manner that impedes the normal movement of pedestrian or other traffic or where*  
 458 *such parking is prohibited by official traffic control devices.*

459 A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or  
 460 foot-scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or  
 461 across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same  
 462 circumstances. An electric personal delivery device operated on a sidewalk or shared-use path or across  
 463 a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same  
 464 circumstances.

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

467 **§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted**  
 468 **bicycles, motorized skateboards or foot-scooters, and mopeds on roadways and bicycle paths.**

469 Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted  
 470 bicycle, *motorized skateboard or foot-scooter*, or moped on a roadway at less than the normal speed of  
 471 traffic at the time and place under conditions then existing shall ride as close as safely practicable to the  
 472 right curb or edge of the roadway, except under any of the following circumstances:

- 473 1. When overtaking and passing another vehicle proceeding in the same direction;
- 474 2. When preparing for a left turn at an intersection or into a private road or driveway;
- 475 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving  
 476 objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that  
 477 make it unsafe to continue along the right curb or edge;
- 478 4. When avoiding riding in a lane that must turn or diverge to the right; and
- 479 5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb  
 480 or edge of such roadway as safely practicable.

481 For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric  
 482 personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter,  
 483 or moped and another vehicle to pass safely side by side within the lane.

484 Persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted  
 485 bicycles, or *motorized skateboards or foot-scooters* on a highway shall not ride more than two abreast.  
 486 Persons riding two abreast shall not impede the normal and reasonable movement of traffic, shall move  
 487 into a single file formation as quickly as is practicable when being overtaken from the rear by a faster  
 488 moving vehicle, and, on a laned roadway, shall ride in a single lane.

489 Notwithstanding any other provision of law to the contrary, the Department of Conservation and

490 Recreation shall permit the operation of electric personal assistive mobility devices *and motorized*  
491 *skateboards or foot-scooters* on any bicycle path or trail designated by the Department for such use.

492 **§ 46.2-908.1. Electric personal assistive mobility devices, electric personal delivery devices,**  
493 **electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or**  
494 **foot-scooters.**

495 All electric personal assistive mobility devices, electric personal delivery devices, electrically  
496 powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or  
497 gelled electrolyte batteries. No person shall at any time or at any location (i) drive an electric personal  
498 assistive mobility device or an electric power-assisted bicycle faster than 25 miles per hour or (ii)  
499 operate an electric personal delivery device at a speed faster than 10 miles per hour. No person less than  
500 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or  
501 foot-scooter, or electric power-assisted bicycle unless under the immediate supervision of a person who  
502 is at least 18 years old.

503 An electric personal assistive mobility device ~~or motorized skateboard or foot-scooter~~ may be  
504 operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal  
505 assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is  
506 not provided along such highway or if operation of the electric personal assistive mobility device on  
507 such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of  
508 an electric personal assistive mobility device, electric personal delivery device, or motorized skateboard  
509 or foot-scooter in the crosswalk of any highway where the use of such crosswalk is authorized for  
510 pedestrians, bicycles, or electric power-assisted bicycles.

511 Operation of electric personal assistive mobility devices, *motorized skateboards or foot-scooters*,  
512 electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any  
513 Interstate Highway System component except as provided by the section.

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

518 **§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, electric personal**  
519 **delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or**  
520 **foot-scooters.**

521 A. Every bicycle, electric personal assistive mobility device, electric personal delivery device, electric  
522 power-assisted bicycle, ~~and~~ moped, *and motorized skateboard or foot-scooter with handlebars* when in  
523 use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light  
524 visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from  
525 a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on  
526 a motor vehicle. Such lights and reflector shall be of types approved by the Superintendent.

527 In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with  
528 lights or reflectors. These lights may be steady burning or blinking.

529 B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light  
530 plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between  
531 sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such  
532 taillight shall be of a type approved by the Superintendent.

533 **§ 46.2-1041. Restrictions as to solid rubber tires.**

534 Every tire, other than a pneumatic tire, made of rubber on a *motor* vehicle moved on any highway  
535 shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the  
536 entire periphery. No *motor* vehicle equipped with such tires shall be operated on any highway in the  
537 Commonwealth unless a permit therefor is first secured from the Department of Transportation.

538 **§ 46.2-1081. Slow-moving vehicle emblems.**

539 A. Every farm tractor, self-propelled unit of farm equipment or implement of husbandry, and any  
540 other vehicle designed for operation at speeds not in excess of 25 miles per hour or normally operated  
541 at speeds not in excess of 25 miles per hour, shall display a triangular slow-moving vehicle emblem on  
542 the rear of the vehicle when traveling on a public highway at any time of the day or night.

543 B. Should a slow-moving vehicle tow a unit on a public highway, then the towing vehicle or the  
544 towed unit shall be equipped with the slow-moving vehicle emblem as follows:

545 1. If the towed unit or any load thereon obscures the slow-moving vehicle emblem on the towing  
546 vehicle, the towed unit shall be equipped with a slow-moving vehicle emblem, in which case the towing  
547 vehicle need not display such emblem.

548 2. If the slow-moving vehicle emblem on the towing vehicle is not obscured by the towed unit or  
549 any load thereon, then either or both such vehicles may be equipped with such emblem.

550 C. The standards and specifications for the slow-moving vehicle emblem and the position of

551 mounting of the emblem shall conform to standards and specifications adopted by the American Society  
 552 of Agricultural Engineers, the Society of Automotive Engineers, the American National Standards  
 553 Institute, Inc., or the federal Department of Transportation.

554 D. The use of the slow-moving vehicle emblem shall be restricted to the uses specified in this title.

555 E. The provisions of this section shall not apply to bicycles, electric power-assisted bicycles, or  
 556 mopeds, or motorized skateboards or foot-scooters. Display of a slow-moving vehicle emblem on a  
 557 bicycle, electric power-assisted bicycle, or moped, or motorized skateboard or foot-scooter shall not be  
 558 deemed a violation of this section.

559 **§ 46.2-1315. Powers of local authorities to regulate use of motorized skateboards or foot-scooters;**  
 560 **license motorized skateboard or foot-scooter companies.**

561 A. The governing body of any county, city, or town may, by ordinance, in addition to any other  
 562 authority granted by law, (i) set a maximum speed for the operation of motorized skateboards or  
 563 foot-scooters on certain highways, paths, sidewalks, or other public spaces; (ii) prohibit the operation of  
 564 motorized skateboards or foot-scooters on certain highways, paths, and public spaces; and (iii) prohibit  
 565 the parking of motorized skateboards or foot-scooters on certain highways, paths, or other public  
 566 spaces. Such governing body shall only enact an ordinance authorized pursuant to this subsection upon  
 567 a determination, based on analysis that includes a public hearing, that such regulation is necessary to  
 568 ensure the normal and safe flow of vehicular or pedestrian traffic on such highway, path, sidewalk, or  
 569 other public space. No such regulation shall conflict with this chapter, nor shall it be more restrictive  
 570 than operating regulations applicable to bicycles. Any locality that enacts an ordinance pursuant to this  
 571 subsection shall erect adequate signage indicating such speed limit or prohibitions.

572 B. The governing body of any county, city, or town may, by ordinance, require persons offering  
 573 motorized skateboards or foot-scooters for hire to be licensed pursuant to this section and may limit the  
 574 number of such licenses, provided that in the absence of any licensing ordinance or regulation a person  
 575 may offer motorized skateboards or foot-scooters for hire unless otherwise prohibited by law. A locality  
 576 may prohibit the offering of motorized skateboards and foot-scooters for hire or limit the maximum fleet  
 577 size of any or all licensees. A licensee previously authorized to operate in the locality shall be  
 578 authorized to increase its maximum fleet size if the licensee provides verified data demonstrating that  
 579 the utilization of its existing fleet of motorized skateboards or foot-scooters within the jurisdiction of the  
 580 locality maintains an average of two or more rides per scooter per day. The maximum fleet size of a  
 581 licensee previously authorized to operate in a locality shall be decreased if the licensee, upon request of  
 582 the locality, provides verified data demonstrating that the utilization of the licensee's existing fleet within  
 583 the jurisdiction of the locality is less than an average of one-half ride per scooter per day, provided that  
 584 the locality may exclude from this calculation any motorized skateboards or foot-scooters that are  
 585 specifically designated for disadvantaged or underserved populations. Notwithstanding any other  
 586 provision of this subsection, a local governing body may establish a lower maximum fleet size for all  
 587 licensees if it determines, on the basis of analysis that includes a public hearing, that the operation of  
 588 any greater number of motorized skateboards or foot-scooters would be incompatible with the normal  
 589 and safe flow of vehicular or pedestrian traffic on its highways and would present a clear public safety  
 590 hazard and that no reasonable alternative exists that is less restrictive to mobility, economic equity, and  
 591 environmental sustainability.

592 C. An application for licensure pursuant to this section shall require the applicant to:

593 1. Maintain a minimum starting fleet size of at least one motorized skateboard or foot-scooter per  
 594 1,000 residents of the locality or 500 motorized skateboards or foot-scooters, whichever is greater;

595 2. Increase and decrease maximum fleet size in response to utilization and as directed by the  
 596 locality; and

597 3. Post a bond or obtain commercial insurance in an amount not to exceed \$2 million dollars.

598 D. The governing body of any county, city, or town may:

599 1. Require licensees to provide to the locality anonymized fleet and ride activity data for all trips  
 600 starting or ending within the jurisdiction of the locality on any vehicle provided by the licensee or any  
 601 company controlled by, controlling, or under common control with the licensee, provided that (i) such  
 602 data is provided via an application programming interface complying with the format requirements of  
 603 the Mobility Data Specification and subject to the licensee's license agreement for such interface; (ii)  
 604 any such data provided shall be treated as trade secret and proprietary business information, shall not  
 605 be shared to third parties without the licensee's consent, and shall not be treated as owned by the local  
 606 authority; and (iii) disaggregated ride history data containing GPS location traces of rides taken by  
 607 users shall be considered personally identifiable information and shall under no circumstances be  
 608 disclosed pursuant to public records requests received by the locality without prior aggregation or  
 609 obfuscation to protect individual privacy; and

610 2. Require indemnification of the locality for liability, claims, demands, costs, losses, or damages  
 611 resulting from and arising out of the licensee's operations of its motorized skateboards or foot-scooters,  
 612 except for liability, claims, demands, costs, losses, or damages resulting from and arising out of the

**613** *locality's negligence or willful misconduct.*