

20101215D

HOUSE BILL NO. 130

Offered January 8, 2020

Prefiled December 17, 2019

A BILL to amend and reenact §§ 16.1-69.48:1, 17.1-275.7, 46.2-325, 46.2-602, 46.2-602.1, 46.2-602.3, 46.2-602.4, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-1000, 46.2-1005.1, 46.2-1025, 46.2-1043, 46.2-1048, 46.2-1053, 46.2-1065, 46.2-1072.1, 46.2-1092, 46.2-1150, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, as it shall become effective, 46.2-1605, 46.2-2099.50, and 63.2-1716 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.2-1001.2, 46.2-1005.2, 46.2-1060.1, and 46.2-2000.4, and to repeal Article 21 (§§ 46.2-1157 through 46.2-1175.1) of Chapter 10 of Title 46.2 and § 46.2-1540 of the Code of Virginia, relating to motor vehicle safety inspection program.

Patron—McNamara

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275.7, 46.2-325, 46.2-602, 46.2-602.1, 46.2-602.3, 46.2-602.4, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-1000, 46.2-1005.1, 46.2-1025, 46.2-1043, 46.2-1048, 46.2-1053, 46.2-1065, 46.2-1072.1, 46.2-1092, 46.2-1150, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, as it shall become effective, 46.2-1605, 46.2-2099.50, and 63.2-1716 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-1001.2, 46.2-1005.2, 46.2-1060.1, and 46.2-2000.4 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, and 46.2-1053; and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and

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59 8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

60 C. In criminal actions and proceedings in district court for a violation of any provision of Article 1
61 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136.
62 The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to
63 the following funds in the fractional amounts designated:

- 64 1. Processing fee (General Fund) (.257353);
- 65 2. Virginia Crime Victim-Witness Fund (.022059);
- 66 3. Regional Criminal Justice Training Academies Fund (.007353);
- 67 4. Courthouse Construction/Maintenance Fund (.014706);
- 68 5. Criminal Injuries Compensation Fund (.044118);
- 69 6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
- 70 7. Drug Offender Assessment and Treatment Fund (.551471);
- 71 8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
- 72 9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

73 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of
74 \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
75 law, to the following funds in the fractional amounts designated:

- 76 1. Processing fee (General Fund) (.764706);
- 77 2. Virginia Crime Victim-Witness Fund (.058824);
- 78 3. Regional Criminal Justice Training Academies Fund (.019608);
- 79 4. Courthouse Construction/Maintenance Fund (.039216);
- 80 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
- 81 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

82 **§ 17.1-275.7. Fixed misdemeanor fee.**

83 In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony;
84 (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally
85 charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8,
86 16.1-278.9, 18.2-57.3, or 19.2-303.2; (iii) any and each conviction of a traffic infraction or referral to a
87 driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv)
88 proof of compliance with law under §§ § 46.2-104 and 46.2-1158.02, there shall be assessed as court
89 costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to
90 those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the
91 district court.

92 The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as
93 provided by law, to the following funds in the fractional amounts designated:

- 94 1. Sentencing/supervision fee (General Fund) (.0125000);
- 95 2. Witness expenses/expert witness fee (General Fund) (.0250000);
- 96 3. Virginia Crime Victim-Witness Fund (.0375000);
- 97 4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
- 98 5. Criminal Injuries Compensation Fund (.2500000);
- 99 6. Commonwealth's Attorney Fund (state share) (.0937500);
- 100 7. Commonwealth's Attorney Fund (local share) (.0937500);
- 101 8. Regional Criminal Justice Academy Training Fund (.0125000);
- 102 9. Warrant fee, as prescribed by § 17.1-272 (.1500000);
- 103 10. Courthouse Construction/Maintenance Fund (.0250000); and
- 104 11. Clerk of the circuit court (.2500000).

105 **§ 46.2-325. Examination of applicants; waiver of Department's examination under certain**
106 **circumstances; behind-the-wheel and knowledge examinations.**

107 A. The Department shall examine every applicant for a driver's license before issuing any license to
108 determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without
109 jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of
110 a license under §§ § 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall
111 not include investigation of any facts other than those directly pertaining to the ability of the applicant
112 to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance
113 of a license under this chapter. No applicant otherwise competent shall be required to demonstrate
114 ability to park any motor vehicle except in an adequate parking space between horizontal markers, and
115 not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants
116 for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to
117 examinations which relate to the operation of those vehicles. The motor vehicle to be used by the
118 applicant for the behind-the-wheel examination shall meet the safety and equipment requirements
119 specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant
120 to § 46.2-1157. An autocycle shall not be used by the applicant for a behind-the-wheel examination.

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education or, for (i) persons at least 18 years old or (ii) persons less than 18 years old who have previously completed the classroom component of driver instruction, a course of instruction based on the Virginia Driver's Manual, which may be conducted in a classroom or online, offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. Any driver training school authorized to provide the Virginia Driver's Manual course online shall be a computer-based driver education provider as defined in § 46.2-1700. Providers of the Virginia Driver's Manual course online shall ensure that the certificate of completion is issued to the same person who took the course in a manner prescribed by the Department. All persons required to complete the in-vehicle component of driver instruction or the classroom component of driver instruction pursuant to this section shall be required after successful completion of the necessary courses to have the applicable examination administered by the Department.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

§ 46.2-602. Titling and registration of foreign market vehicles.

A. The Department shall not issue a permanent certificate of title or registration for a foreign market vehicle until the applicant submits proof that the vehicle complies with federal safety requirements.

B. The Department shall accept as proof that a foreign market vehicle complies with federal safety requirements documents from either the United States Department of Transportation or the United States Customs Service stating that the vehicle conforms or has been brought into conformity with federal safety requirements.

C. The certificate of title of any foreign market vehicle titled under this section shall contain an appropriate notation that the owner has submitted proof that it complies with federal safety requirements.

D. Any foreign market vehicle previously titled in the Commonwealth shall be titled and registered without further proof of compliance with federal safety requirements. If, however, proof of compliance is not submitted to the Department, the certificate of title shall contain an appropriate notation that the owner of the foreign market vehicle has not submitted proof that the vehicle complies with federal safety requirements.

E. No foreign market vehicle manufactured prior to 1968 shall be subject to this section.

F. Notwithstanding the provisions of subsection A of this section, the Department shall issue a nonnegotiable title for a foreign market vehicle on submission of a complete application for a title including all necessary documents of ownership. A negotiable title will be issued on proof of compliance as provided in subsection A of this section. The Department shall show on the face of any title issued under this section any negotiable security interests in the motor vehicle as provided in §§ 46.2-636 through 46.2-643.

G. The Department shall not transfer the title to a foreign market vehicle if ownership of the vehicle is evidenced by a nonnegotiable title, unless the nonnegotiable title owner is deceased. If the

182 nonnegotiable title owner is deceased, a new, nonnegotiable title may be issued to the legatee or
183 distributee in accordance with §§ 46.2-633 and 46.2-634.

184 H. A nonnegotiable title may be issued for the purpose of recording a lien. A negotiable certificate
185 of title shall be issued on proof of compliance with all regulations prescribed in this section.

186 I. Notwithstanding other provisions of this section, the Department shall issue, on application, a
187 temporary, nonrenewable 180-day registration to a foreign market vehicle upon:

188 1. Proof that the vehicle has been brought into compliance with all federal safety requirements and
189 that the applicant is merely waiting for documentary releases from the Federal Department of
190 Transportation; and

191 2. Proof of satisfactory passage of a Virginia safety inspection; and

192 3. Submission of a complete application for a title, including all necessary documents of ownership.

193 J. The Department shall withhold delivery of the certificate of title during the 180-day period of
194 conditional registration and shall not issue the permanent title until the requirements of subsection A of
195 this section have been met.

196 K. Upon application, the Department shall issue a temporary one-trip permit for the purpose of
197 transporting a foreign market vehicle from the port of entry to the applicant's home or to a conversion
198 facility. The one-trip permit shall be issued in accordance with § 46.2-651.

199 **§ 46.2-602.1. Titling and registration of replica vehicles.**

200 Notwithstanding any other provision of this chapter, the model year of vehicles constructed or
201 assembled by multiple manufacturers or assemblers shall be the model year of which the vehicle is a
202 replica. No vehicle titled under this section shall be driven more than 5,000 miles per year as shown by
203 the vehicle's odometer. No vehicle titled under this section shall be automatically eligible for antique
204 motor vehicle license plates provided for in § 46.2-730.

205 Any vehicle registered under this section shall be subject to vehicle safety inspections as provided for
206 in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 and emissions inspections as provided for in Article 22
207 (§ 46.2-1176 et seq.) of Chapter 10. Such vehicles shall meet such safety and emission requirements as
208 established for the model year of which the vehicle is a replica.

209 The Department shall assign each such vehicle a new vehicle identification number, line-make, and
210 model year, if required.

211 **§ 46.2-602.3. Titling and registration of converted electric vehicles.**

212 A. Upon receipt of an application and such evidence of ownership as required by the Commissioner
213 pursuant to § 46.2-625, the Department shall issue a certificate of title for a converted electric vehicle.
214 The first certificate of title issued for a converted electric vehicle shall be an original certificate of title,
215 regardless of the submission of a Virginia certificate of title issued for the vehicle prior to conversion.

216 B. 1. No converted electric vehicle shall be registered or operated on the highways of the
217 Commonwealth until the owner submits to the Department a certification by a ~~certified Virginia safety~~
218 ~~inspector~~ *vehicle service center lawfully operating in the Commonwealth* that the conversion to electric
219 propulsion is complete and ~~proof that the vehicle has passed a Virginia safety inspection subsequent to~~
220 ~~the certification that the vehicle meets the applicable safety and equipment requirements specified in~~
221 *Chapter 10 (§ 46.2-1000 et seq.)*. Such certification shall be on a form approved by the Commissioner
222 and the Superintendent and shall state that the ~~inspector~~ *person inspecting the vehicle* has verified that
223 (i) the internal combustion engine has been removed; (ii) the fuel tank has been removed and not
224 replaced; (iii) a traction battery pack has been installed that is distinct from the vehicle's original
225 auxiliary battery system; and (iv) an electric motor has been installed to drive the wheels of the vehicle.
226 The ~~safety inspector~~ *person inspecting the vehicle* may charge a fee not to exceed \$40 to complete a
227 certification pursuant to this subsection, but no such charge shall be mandatory. ~~Any fee charged for~~
228 ~~such certification shall be in addition to any fee imposed pursuant to § 46.2-1167 for the completion of~~
229 ~~a Virginia safety inspection.~~

230 2. The completion of the certification required by this section shall not impose any liability on the
231 ~~safety inspector~~ *person inspecting the vehicle* for the quality of the conversion process; ~~however, nothing~~
232 ~~in this section shall be construed so as to relieve the safety inspector of any liability that may be~~
233 ~~imposed pursuant to Article 21 (§ 46.2-1157 et seq.) of Chapter 10 or under any regulation promulgated~~
234 ~~pursuant to § 46.2-1165, relating to the safety inspection of the converted electric vehicle.~~

235 3. The submission of a certification pursuant to this section shall be sufficient documentation to
236 exempt the converted electric vehicle for which it is submitted from the emissions inspection program
237 required by Article 22 (§ 46.2-1176 et seq.) of Chapter 10.

238 4. When necessary and upon application, the Department shall issue temporary trip permits in
239 accordance with § 46.2-651 for the purpose of transporting the converted electric vehicle to and from an
240 official Virginia safety inspection station.

241 C. The provisions of this section need only be satisfied once for each converted electric vehicle.

242 **§ 46.2-602.4. Titling and registration of off-road motorcycle converted to on-road use.**

243 A. For the purpose of this section:

"Converter" means a person who, through the act of conversion, alters an off-road motorcycle for on-road use on the highways by the addition, substitution, or removal of motor vehicle equipment, creating a motor vehicle to which Federal Motor Vehicle Safety Standards for new motorcycles will become applicable at the time of the conversion. A converter shall be considered a manufacturer responsible under 49 U.S.C. § 30112 for compliance of the motorcycle with Federal Motor Vehicle Safety Standards and the certification of compliance required by those standards.

"Federal Motor Vehicle Safety Standards" means the standards prescribed by 49 C.F.R. Part 571.

"Manufacturer" means a person manufacturing or assembling motor vehicles or motor vehicle equipment.

"Motor vehicle equipment" means (i) any system, part, or component of a motor vehicle as originally manufactured or (ii) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle.

"Off-road motorcycle converted to on-road use" means every off-road motorcycle that has been converted for use on the public highways with the addition of such necessary equipment to meet all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted.

B. Each converter shall certify in accordance with the requirements of subsection E that the off-road motorcycle converted to on-road use meets all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted. If the converter is unavailable or unknown, the owner shall certify that the converter is unavailable or unknown and that he assumes responsibility for all duties and corresponding liabilities under the Federal Motor Vehicle Safety Act. If a converter or owner fails or refuses to provide the required certification, the vehicle shall remain an off-road motorcycle.

C. Each converter, or owner if the converter is unavailable or unknown, shall permanently affix to each vehicle a label containing the following: (i) the name of manufacturer, (ii) the month and year of manufacture, (iii) the gross vehicle weight rating, (iv) the gross axle weight rating, (v) certification that the vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture in the year in which it is converted, (vi) the vehicle identification number, and (vii) the motorcycle vehicle classification. Such label shall meet the requirements set forth in 49 C.F.R. § 567.4.

D. Upon receipt of an application and such evidence of ownership as required by the Commissioner pursuant to § 46.2-625, the Department shall issue a certificate of title for an off-road motorcycle converted to on-road use. The first certificate of title issued for an off-road motorcycle converted to on-road use shall be an original certificate of title, regardless of the submission of a Virginia certificate of title issued for the off-road motorcycle prior to conversion.

E. No off-road motorcycle converted to on-road use shall be registered or operated on the highways of the Commonwealth until the owner submits to the Department, upon a form approved and furnished by the Department, (i) ~~certification that the motor vehicle has passed the motor vehicle safety inspection subsequent to the conversion;~~ (ii) certification from the converter, or owner if the converter is unavailable or unknown, that the motor vehicle meets all applicable Federal Motor Vehicle Safety Standards; and (iii) (ii) certification that the motor vehicle has been labeled in accordance with subsection C.

F. ~~When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the off-road motorcycle converted to on-road use to and from an official motor vehicle safety inspection station.~~

G. Notwithstanding §§ 46.2-105 and 46.2-605, any certification required by this section found to be knowingly given falsely is punishable as a Class 1 misdemeanor.

§ 46.2-694.1. (Contingent expiration date) Fees for trailers and semitrailers not designed and used for transportation of passengers.

Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$18.00	\$36.00	\$70.00
1,501-4,000 lbs	\$28.50	\$57.00	\$75.00
4,001 lbs & above	\$40.00	\$80.00	\$100.00

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (~~§ 46.2-1157 et seq.~~) of Chapter 10 of this title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

§ 46.2-694.1. (Contingent effective date) Fees for trailers and semitrailers not designed and used for transportation of passengers.

Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed

and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$8.00	\$16.00	\$50.00
1,501-4,000 lbs	\$18.50	\$37.00	\$50.00
4,001 lbs & above	\$23.50	\$47.00	\$50.00

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of \$50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept only the first such application.

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;
2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and
3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;
2. The license plate or plates are registered to the specific vehicle by the Department;

3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;

4. The vehicle passes a periodic safety inspection as provided in Article 21 (~~§ 46.2-1157 et seq.~~) of Chapter 10;

5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and

6. ~~When applicable, the~~ 5. The vehicle meets the requirement of Article 22 (~~§ 46.2-1176 et seq.~~) ~~applicable safety and equipment requirements~~ of Chapter 10 (~~§ 46.2-1000 et seq.~~).

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another autocycle, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.

§ 46.2-730.1. License plates for military surplus motor vehicles; fee; penalty.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue a registration card and appropriately designed license plates to owners of military surplus motor vehicles. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates for any of these vehicles shall be a one-time fee of \$100.

B. Military surplus motor vehicles registered with license plates issued under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in off-road events, on-road club activities, exhibits, tours, parades, and similar events; and

2. On the highways of the Commonwealth for the purpose of selling the vehicle, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and occasional pleasure driving not exceeding 125 miles from the address at which the vehicle is stored for use.

The registration card issued to the owner of a military surplus motor vehicle registered pursuant to this section shall indicate that such vehicle is for limited use.

C. Any owner of a military surplus motor vehicle applying for registration pursuant to this section shall submit to the Department, in the manner prescribed by the Department, certification that such vehicle is capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or is otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card, and decals, if any, of any vehicle registered with license plates issued under this section when he observes any defect in such vehicle as set forth in § 46.2-1000.

D. Any law-enforcement officer may require any person operating a military surplus motor vehicle registered pursuant to this section to provide, upon request, the address at which the vehicle is stored for use and the destination of such operation. Any owner of a military surplus motor vehicle registered with license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this

section with license plates issued pursuant to this section for a period of five years from the date of conviction.

E. Military surplus motor vehicles registered with the Department under any other provision of this Code prior to January 1, 2019, may continue to be registered under such provision. ~~Such vehicles shall be considered to be registered under this section for the purpose of § 46.2-1158.01.~~ In the event that any such vehicle is transferred to a new owner, the vehicle must be registered pursuant to this section.

F. No military surplus motor vehicle shall be registered as an antique vehicle pursuant to § 46.2-730.

§ 46.2-1000. Department to suspend registration of vehicles lacking certain equipment; officer to take possession of registration card, license plates and decals when observing defect in motor vehicle; when to be returned.

The Department shall suspend the registration of any motor vehicle, trailer, or semitrailer which the Department or the Department of State Police determines is not equipped with proper (i) brakes, (ii) lights, (iii) horn or warning device, (iv) turn signals, (v) safety glass when required by law, (vi) mirror, (vii) muffler, (viii) windshield wiper, (ix) steering gear adequate to ensure the safe movement of the vehicle as required by this title or when such vehicle is equipped with a smoke screen device or cutout or when such motor vehicle, trailer, or semitrailer is otherwise unsafe to be operated.

Any law-enforcement officer shall, when he observes any defect in a motor vehicle as described above, take possession of the registration card, license plates, and decals of any such vehicle and retain the same in his possession for a period of 15 days unless the owner of the vehicle corrects the defects or obtains a new safety inspection sticker from an authorized safety inspection station. When the defect or defects are corrected as indicated above the registration card, license plates, and decals shall be returned to the owner.

For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

§ 46.2-1001.2. Vehicle inspection stickers.

The owner or lessee of a motor vehicle may remove a state safety inspection approval or rejection sticker from such vehicle on or after July 1, 2020, provided that such sticker shall be removed prior to the expiration date of such sticker.

§ 46.2-1005.1. Auxiliary lights on motorcycles.

The Superintendent of State Police shall establish guidelines setting forth a procedure pursuant to § 46.2-1005 to allow for the submission and approval of auxiliary lights on motorcycles that are not approved by the Society of Automotive Engineers and shall publish such procedure on the Department of State Police's website by January 1, 2017. The approval of any lights or equipment shall also be published on the Department's website and the Department shall notify official safety inspection stations of such approved equipment.

§ 46.2-1005.2. Inspection of emergency vehicles.

Inspections of firefighting vehicles and emergency medical services vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;

8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are

not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;

12. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

16. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

17. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

18. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

19. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

20. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

21. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

22. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion;

23. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site;

24. Vehicles used or operated by federally licensed amateur radio operators, provided that the amber lights are not lit while the vehicle is in motion, (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) while providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted;

25. Publicly owned or operated transit buses; and

26. Vehicles used for hauling trees, logs, or any other forest products when hauling such products, provided that the amber lights are mounted or installed so as to be visible from behind the vehicle.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

§ 46.2-1043. Tire tread depth.

A. No person shall operate a motor vehicle, trailer, or semitrailer on any highway in the Commonwealth if it is equipped with one or more tires which:

1. When measured in any two adjacent major tread grooves where the tread is thinnest, at three equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth

gauge calibrated in thirty-seconds of an inch, are found to have tread depth of less than two thirty-seconds of an inch at such locations; or

2. When equipped with tread wear indicators, are found to have such indicators in contact with pavement at any two adjacent grooves at three equally spaced intervals around the circumference of the tire.

~~B. No motor vehicle, trailer, or semitrailer shall be issued a safety inspection approval sticker if equipped with any tire whose use is prohibited under the provisions of this section.~~

~~C.~~ This section shall not apply to tires mounted on dual wheels installed on motor vehicles which have seats for more than seven passengers and are (i) operated wholly within a municipality, or (ii) operated by urban and suburban bus lines. For purposes of this section, "urban and suburban bus lines" are defined as bus lines operating over regular scheduled routes the majority of whose passengers use the buses for traveling one-way distances not exceeding ~~forty~~ 40 miles on the same day between their residence and their place of work, shopping areas, or schools.

~~D.~~ C. The foregoing exemptions shall not apply to buses owned or operated by any public school district, private school, or contract operator of school buses.

~~E.~~ D. The provisions of this section shall not apply to any vehicle not required to be registered or licensed.

§ 46.2-1048. Pollution control systems or devices.

No motor vehicle registered in the Commonwealth and manufactured for the model year 1973 or for subsequent model years shall be operated on the highways in the Commonwealth unless it is equipped with an air pollution control system, device, or combination of such systems or devices installed in accordance with federal laws and regulations.

It shall be unlawful for any person to operate a motor vehicle, as herein described, on the highways in the Commonwealth with its pollution control system or device removed or otherwise rendered inoperable.

It shall be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, as described in this section, equipped with any emission control system or device unless it is of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment.

~~No motor vehicle, as described in this section, shall be issued a safety inspection approval sticker unless it is equipped as provided under the foregoing provisions of this section or if it violates this section.~~

The provisions of this section shall not prohibit or prevent shop adjustments or replacements of equipment for maintenance or repair or the conversion of engines to low polluting fuels, such as, but not limited to, natural gas or propane, so long as such action does not degrade the antipollution capabilities of the vehicle power system.

The provisions of this section shall not apply to converted electric vehicles.

§ 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications.

Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders him susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its windows, with sun-shading or tinting films or applications which reduce the transmission of light into the vehicle to levels not less than 35 percent. Such sun-shading or tinting film when applied to the windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less than 70 percent except for the upper five inches of such windshield or the AS-1 line, whichever is closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting films shall not be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle has in his possession a written authorization issued by the Commissioner of the Department of Motor Vehicles authorizing such operation. The Commissioner shall issue such written authorization only upon receipt of a signed statement from a licensed physician or licensed optometrist (i) identifying with reasonable specificity the person seeking the written authorization and (ii) stating that, in the physician's or optometrist's professional opinion, the equipping of a vehicle with sun-shading or tinting films or applications is necessary to safeguard the health of the person seeking the written authorization. Written authorizations issued by the Commissioner under this section shall be valid so long as the condition requiring the use of sun-shading or tinting films or applications persists or until the vehicle is sold, whichever first occurs. ~~Such written authorizations shall permit the approval of any such vehicle upon its safety inspection as required by this chapter if such vehicle otherwise qualifies for inspection approval.~~ In the discretion of the Commissioner, one or more written authorizations may be issued to an individual or a family. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements

made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

§ 46.2-1060.1. Alarm signal; certain refuse collection and highway maintenance vehicles.

Any publicly or privately owned vehicle (i) used for garbage and refuse collection and disposal or (ii) having a manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily for highway repair or maintenance shall be equipped with a device, in good working order, which automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Any such device shall be of a type approved by the Superintendent of State Police.

§ 46.2-1065. Steering gear; installation, sale, etc., of repair kit or preventive maintenance kit for use on part of steering gear prohibited.

Every motor vehicle driven on a highway shall be equipped with steering gear adequate to ensure the safe control of the vehicle. Such steering gear shall not show signs of weakness or breaking under ordinary conditions. The Superintendent may promulgate regulations establishing standards of adequacy of steering gear, which shall be the current standard specifications of steering gear adopted by the United States Bureau of Standards or the Society of Automotive Engineers, or the regulations of the federal Department of Transportation, for determining whether or not any motor vehicle operated on any highway conforms to the requirements of the Department of State Police.

No Virginia-registered motor vehicle shall be issued a safety inspection approval sticker or be operated on a highway in the Commonwealth if equipped with a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.

It shall be unlawful for any person to sell or offer for sale any repair kit or preventive maintenance kit for use on a tie rod end, idler arm, ball joint, or any other part of a vehicle's steering gear to prevent wear or to repair or remove play or looseness in the steering gear components.

Nothing contained in this section shall prohibit or prevent shop adjustments or the replacement of parts or complete components of a motor vehicle's steering gear that meet Society of Automotive Engineers standards of excellence, in order to correct deficiencies in the steering gear.

§ 46.2-1072.1. Fees.

The Commissioner may charge a fee of \$125 per vehicle, for the examination, verification, or identification of the serial or identification number of any vehicle, motor vehicle, trailer, or semitrailer. The Commissioner may also receive applications for the issuance of an identification number and investigate the circumstances of the application. When the Commissioner is satisfied that the applicant is entitled to the identification number, the fee for the issuance of such identification number shall be five dollars. If any inspection under this provision is done at the same time as an inspection examination under § 46.2-1605, then only one \$125 fee shall be charged for both inspections. All fees collected under this section shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the expenses of the vehicle identification number and salvage vehicle inspection program.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car or autocycle registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval sticker operated on the highways in the Commonwealth if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocycle registered in the Commonwealth shall be issued a safety inspection sticker operated on the highways in the Commonwealth if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocycle or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

675 No passenger car, including convertibles, registered in the Commonwealth and manufactured on or
676 after September 1, 1991, shall be operated on the highways in the Commonwealth unless the
677 forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types
678 required to be installed at the time of manufacture by the federal Department of Transportation.

679 No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle
680 weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after
681 September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing
682 rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed
683 at the time of manufacture by the federal Department of Transportation.

684 Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes,
685 registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated
686 on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types
687 required to be installed at the time of manufacture by the federal Department of Transportation for each
688 forward-facing rear outboard seating position on a readily removable seat.

689 For the purposes of this section, forward-facing rear outboard seats are defined as those designated
690 seating positions for passengers in outside front facing seats behind the driver and front passenger seats,
691 except any designated seating position adjacent to a walkway that is located between the seat and the
692 near side of the vehicle and is designed to allow access to a more rearward seating position.

693 The Superintendent of State Police shall ~~include in the Official Motor Vehicle Inspection Regulations~~
694 ~~a section which identifies~~ *enact regulations identifying* each classification of motor vehicle required to
695 be equipped with any of the devices described in the foregoing provisions of this section.

696 Such regulations shall ~~also~~ include a listing of the exact devices which are required to be installed in
697 each motor vehicle classification and the model year of each motor vehicle classification on which the
698 standards of the federal Department of Transportation first became applicable.

699 **§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.**

700 Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle ~~which that~~
701 has not been inspected pursuant to Article 24 (~~§ 46.2-1157 et seq.~~) or 22 (§ 46.2-1176 et seq.) of
702 Chapter 10 of this title.

703 Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a
704 construction site as an office or for storage or a trailer or semitrailer ~~which that~~ has been used on a
705 construction site as an office or for storage, ~~but which has not been inspected pursuant to Article 24 of~~
706 ~~Chapter 10 of this title~~, provided that any such unlicensed or uninspected trailer or semitrailer (i) is
707 towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled
708 vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents,
709 of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v)
710 is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as
711 provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section
712 shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of
713 a tractor truck ~~except for the purpose of having such trailer or semitrailer inspected as provided in~~
714 ~~§ 46.2-1157.~~

715 **§ 46.2-1176. Definitions.**

716 The following words and phrases when used in this article shall have the following meanings except
717 where the context clearly indicates a different meaning:

718 "Basic, test and repair program" means a motor vehicle emissions inspection system established by
719 regulations of the Board which shall designate the use of an OBD-II (on-board diagnostic system) with
720 wireless capability, and a two-speed idle analyzer as the only authorized testing equipment. Only those
721 computer software programs and emissions testing procedures necessary to comply with the applicable
722 provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be
723 approvable for motor vehicle manufacturers' warranty repairs.

724 "Board" means the State Air Pollution Control Board.

725 "Certificate of emissions inspection" means a document, device, or symbol, prescribed by the
726 Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily
727 complied with the emissions standards and passed the emissions inspection provided for in this article;
728 (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor
729 vehicle has failed such emissions inspection.

730 "Director" means the Director of the Department of Environmental Quality.

731 "Emissions inspection station" means any facility or portion of a facility that has obtained an
732 emissions inspection station permit from the Director authorizing the facility to perform emissions
733 inspections in accordance with this article.

734 "Enhanced emissions inspection program" means a motor vehicle emissions inspection system
735 established by regulations of the Board that shall designate, as the only authorized testing equipment for
736 emissions inspection stations, (i) the use of the ASM 50-15 (acceleration simulation mode or method)

together with an OBD-II (on-board diagnostic system) with wireless capability, (ii) the use of the ASM 50-15 together with the use of a dynamometer, and (iii) two-speed tailpipe testing equipment. Possession and availability of a dynamometer shall be required for enhanced emissions inspection stations. Only those computer software programs and emissions testing procedures necessary to comply with applicable provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be approvable for motor vehicle manufacturers' warranty repairs. An enhanced emissions inspection program shall include remote sensing and an on-road clean screen program as provided in this article.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Director.

"Motor vehicle" means any vehicle that:

1. Is designed for the transportation of persons or property; and
2. Is powered by an internal combustion engine.

"On-road clean screen program" means a program that allows a motor vehicle owner to voluntarily certify compliance with emissions standards by means of on-road remote sensing.

"On-road emissions inspector" means the entity or entities authorized by the Department of Environmental Quality to perform on-road testing, including on-road testing in accordance with the on-road clean screen program.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Program coordinator" means any person or corporation that has entered into a contract with the Director to provide services in accordance with this article.

"Qualified hybrid motor vehicle" means a motor vehicle that (i) meets or exceeds all applicable regulatory requirements, (ii) meets or exceeds the applicable federal motor vehicle emissions standards for gasoline-powered passenger cars, and (iii) can draw propulsion energy both from gasoline or diesel fuel and a rechargeable energy storage system.

"Referee station" means an inspection facility operated or used by the Department of Environmental Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support and information, as appropriate, to emissions inspection stations and vehicle owners.

"Remote sensing" means the measurement of motor vehicle emissions through electronic or light-sensing equipment from a remote location such as the roadside. Remote sensing equipment may include devices to detect and record the vehicle's registration or other identification numbers.

"Test and repair" means motor vehicle emissions inspection facilities that perform official motor vehicle emissions inspections and may also perform vehicle repairs. No regulation of the Board pertaining to test and repair shall bar inspection facilities from also performing vehicle repairs. Emissions inspections and vehicle safety inspections may be performed in the same service bay, provided that the facility is both an emissions inspection station and an official safety inspection station pursuant to §§ 46.2-1163 and 46.2-1166. Emissions inspections may be performed in any service bay of the emissions inspection station or, if by wireless means, in any other area on the premises of the emissions inspection station.

"Validation program" or "program validation" means a program approved by the Director by which vehicles are randomly identified and provided a free emissions inspection for the purpose of monitoring the effectiveness of the emissions inspection program. A "validation program" may be conducted at an emissions inspection station, as defined by § 46.2-1176, in conjunction with a state safety inspection or using on-road testing.

§ 46.2-1190.2. Facilities and equipment; requirements and approval.

A. A training center shall possess or have access to the use of all classroom, range, storage facilities, and equipment. A training center's facilities and equipment shall be approved by the Department and include, but not be limited to:

1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced, and sidecar and three-wheeled motorcycle rider courses;

2. A paved range area for the on-cycle portion of the novice, experienced rider, and sidecar and three-wheeled motorcycle courses consistent with the minimum range requirements established by the Department-approved curriculum used in the course;

3. For those agencies, organizations, businesses and individuals that apply to receive reimbursement, adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental damage;

4. Audio-visual equipment; and

5. Fire extinguisher and first aid kit.

B. The training center shall be responsible for procuring and providing a minimum of one motorcycle per student. Each such motorcycle shall be of a type that may lawfully be operated on the

highways of the Commonwealth and, subject to the provisions of subsection D, meets two of the following three criteria: (i) an engine displacement of no more than 500 cubic centimeters, (ii) a weight of less than 400 pounds, and (iii) a seat height of 30 inches or less. Each participant in the experienced rider course shall provide a motorcycle for use in the course. One sidecar rig or three-wheeled motorcycle, provided by either a participant or the training center, shall be required for use by every two students in the sidecar and three-wheeled motorcycle course.

C. The training center shall be responsible for the normal maintenance and repair of all motorcycles it provides for each novice rider and sidecar and three-wheeled motorcycle course participant. All motorcycles used in course instruction shall ~~pass a safety inspection performed by the instructors be inspected by an instructor and certified by such instructor to be lawful to operate on the highways of the Commonwealth~~ prior to use in any motorcycle rider-training course.

D. The Department, or its authorized agent, shall inspect and approve each training center's facilities and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria under subsection B, the Department or its authorized agent may deny its use by motorcycle rider safety training centers if it is deemed unsafe by the Department. A motorcycle may be deemed unsafe because of modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety reason.

§ 46.2-1213. Removal and disposition of unattended or immobile vehicles; ordinances in counties, cities, and towns.

A. The governing body of any county, city, or town may by ordinance provide for the removal for safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
2. It is illegally parked;
3. It is left unattended for more than 10 days either on public property or on private property without the permission of the property owner, lessee, or occupant;
4. It is immobilized on a public roadway by weather conditions or other emergency situation.

B. Removal shall be carried out by or under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee. The ordinance, however, shall not authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. The ordinance may also provide that the person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the county, city, or town against any loss or expense incurred by reason of removal, storage, or sale thereof. Any such ordinance may also provide that it shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a current county, city, or town license plate or sticker; ~~or a valid state safety inspection certificate or sticker~~; and (ii) it has been in a specific location for four days without being moved. As promptly as possible, each removal shall be reported to a local governmental office to be designated in the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Article 1 (§ 46.2-1200 et seq.).

§ 46.2-1531. Consignment vehicles; contract.

Any motor vehicle dealer offering a vehicle for sale on consignment shall have in his possession a consignment contract for the vehicle, executed and signed by the dealer and the consignor. The consignment contract shall include:

1. The complete name, address, and the telephone number of the owners.
2. The name, address, and dealer certificate number of the selling dealer.
3. A complete description of the vehicle on consignment, including the make, model year, vehicle identification number, and body style, except that trailers shall not be subject to the requirement for vehicle identification number or body style.
4. The beginning and termination dates of the contract.
5. The percentage of commission, the amount of the commission, or the net amount the owner is to receive, if the vehicle is sold.
6. Any fees for which the owner is responsible.
7. A disclosure of all unsatisfied liens on the vehicle and the location of the certificate of title to the vehicle.
8. ~~A requirement that the motor vehicle pass a safety inspection prior to sale~~ *certification that the*

motor vehicle meets the applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et seq.) or, if the motor vehicle is found not to be in compliance with any safety inspection requirement after having been inspected meet such requirements, the dealer shall either take steps to bring it in compliance or furnish any buyer intending to use that vehicle on the public highways a written disclosure, prior to sale, that the vehicle did not pass a safety inspection meet such requirements.

Any dealer offering a vehicle for sale on consignment shall inform any prospective customer that the vehicle is on consignment.

Dealer license plates shall not be used to demonstrate a vehicle on consignment except on (i) motor vehicles with gross vehicle weight of 15,000 pounds or more, excluding RVs, (ii) vehicles on consignment from another licensed motor vehicle dealer, and (iii) vehicles on consignment from a nonprofit organization certified pursuant to subsection B of § 46.2-1508.1. The owner's license plates may be used if liability insurance coverage is in effect in the amounts prescribed by § 46.2-472.

No vehicles except motorcycles shall be sold on consignment by motorcycle dealers.

No vehicles except recreational vehicles shall be sold on consignment by recreational vehicle dealers.

No vehicles other than trailers shall be sold on consignment by trailer dealers.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

§ 46.2-1539. Inspection of vehicles required; penalty.

No person required to be licensed as a dealer under this chapter shall sell at retail any motor vehicle which is intended by the buyer for use on the public highways, and which is required to comply with the safety inspection requirements provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 unless between the time the vehicle comes into the possession of the dealer and the time it is sold at retail it is inspected by an official safety inspection station unless the vehicle meets the applicable safety and equipment requirements to be lawfully operated on the highways of the Commonwealth. In the event the vehicle is found not to be in compliance with all safety inspection such requirements, the dealer shall either take steps to bring it into compliance or shall furnish any buyer intending it for use on the public highway highways a written disclosure, prior to sale, that the vehicle did not pass a safety inspection may not be lawfully operated on the highways of the Commonwealth. Any person found guilty of violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

§ 46.2-1539.1. Inspections or disclosure required before sale of certain trailers; penalty.

Any trailer required by any provision of this title to undergo periodic safety inspections shall be inspected by an official inspection station between the time it comes into the possession of a retail dealer and the time the trailer is sold by the dealer. Retail dealers shall inspect or cause to be inspected any trailer prior to the sale of such trailer and shall certify that such trailer meets the applicable safety and equipment requirements to be used on the highways in the Commonwealth or, in lieu of an inspection such certification, the dealer shall present to the purchaser, prior to purchase of the trailer, a written itemization of all the trailer's deficiencies relative to applicable safety inspection and equipment requirements. The provisions of this section shall not apply to (i) sales of trailers or watercraft trailers by individuals not ordinarily engaged in the business of selling trailers or watercraft trailers or (ii) the retail sale of five or more trailers to the same buyer. Any person found guilty of violating any provision of this section is guilty of a Class 1 misdemeanor.

§ 46.2-1600. (Effective July 1, 2021) Definitions.

The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context indicates otherwise:

"Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to damage as determined, using recognized evaluation sources, either (i) by an insurance company responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the Department.

"Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage dealer, rebuilder, demolisher, or scrap metal processor.

"Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by the manufacturer or (ii) damage that requires any repair to enable a vehicle to pass a safety inspection pursuant to § 46.2-1157 be lawfully operated on the highways of the Commonwealth. The cost for cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the calculation for a nonrepairable vehicle.

"Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as determined by the insurer responsible for paying the claim, or (ii) if no insurance company is responsible therefor, 25 percent of the actual cash value.

"Demolisher" means any person whose business is to crush, flatten, bale, shred, log, or otherwise

921 reduce a vehicle to a state where it can no longer be considered a vehicle.

922 "Diminished value compensation" means the amount of compensation that an insurance company
923 pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle
924 due to damage.

925 "Independent appraisal firm" means any business providing cost estimates for the repair of damaged
926 motor vehicles for insurance purposes and having all required business licenses and zoning approvals.
927 This term shall not include insurance companies that provide the same service, nor shall any such entity
928 be a rebuilder or affiliated with a rebuilder.

929 "Late model vehicle" means the current-year model of a vehicle and the five preceding model years,
930 or any vehicle whose actual cash value is determined to have been at least \$ 10,000 prior to being
931 damaged.

932 "Licensee" means any person who is licensed or is required to be licensed under this chapter.

933 "Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip
934 assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission;
935 (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related
936 parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

937 "Nonrepairable certificate" means a document of ownership issued by the Department for any
938 nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage
939 certificate.

940 "Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose
941 estimated cost of repair, excluding the cost to repair cosmetic damages, exceeds 90 percent of its actual
942 cash value prior to damage; (ii) any vehicle that has been determined to be nonrepairable by its insurer
943 or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other
944 vehicle that has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

945 "Rebuilder" means any person who acquires and repairs, for use on the public highways, two or
946 more salvage vehicles within a 12-month period.

947 "Rebuilt vehicle" means (i) any salvage vehicle that has been repaired for use on the public highways
948 and the estimated cost of repair did not exceed 90 percent of its actual cash value or (ii) any late model
949 vehicle that has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash
950 value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

951 "Repairable vehicle" means a late model vehicle that is not a rebuilt vehicle, but is repaired to its
952 pre-loss condition by an insurance company and is not accepted by the owner of said vehicle
953 immediately prior to its acquisition by said insurance company as part of the claims process.

954 "Salvage certificate" means a document of ownership issued by the Department for any salvage
955 vehicle upon surrender or cancellation of the vehicle's title and registration.

956 "Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts
957 thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2
958 of § 46.2-1602.

959 "Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable
960 vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or
961 nonrepairable vehicles, but this definition shall not apply to an insurance company that stores and
962 displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two
963 or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same
964 facilities, shall be considered a salvage pool.

965 "Salvage vehicle" means (i) any late model vehicle that has been (a) acquired by an insurance
966 company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of
967 collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost
968 of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment
969 for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii)
970 any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose
971 estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle that is
972 determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage
973 certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

974 "Scrap metal processor" means any person who acquires one or more whole vehicles to process into
975 scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for
976 processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose
977 principal product is metallic scrap.

978 "Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or
979 declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the
980 purposes of this chapter, a major component shall not be considered a vehicle.

981 "Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it
982 to a demolisher, scrap metal processor, or salvage dealer.

§ 46.2-1605. Vehicles rebuilt for highway use; examinations; branding of titles.

A. Each salvage vehicle that has been rebuilt for use on the highways shall be submitted for a state safety inspection in accordance with § 46.2-1157. The inspection shall be conducted by an inspector wholly unaffiliated with the person requesting the inspection of the vehicle.

B. Upon passage of a state safety inspection, each rebuilt vehicle shall be examined by the Department prior to the issuance of a title for the vehicle. The examination by the Department shall include a review of video or photographic images of the vehicle prior to being rebuilt, if available; all documentation for the parts and labor used for the repair of the salvage vehicle; and verification of the vehicle's identification number, confidential number, odometer reading, and engine, transmission, or electronic modules, if applicable. This inspection shall serve as an antitheft and antifraud measure and shall not certify the safety or roadworthiness of the vehicle. The Commissioner shall ensure that, in scheduling and performing examinations of salvage vehicles under this section, single vehicles owned by private owner-operators are afforded no lower priority than examinations of vehicles owned by motor vehicle dealers, salvage pools, licensed auto recyclers, or vehicle removal operators. The Commissioner may charge a fee of \$125 per vehicle, for the examination of rebuilt vehicles.

C. B. Any salvage vehicle whose vehicle identification number or confidential number has been altered, is missing, or appears to have been tampered with may be impounded by the Department until completion of an investigation by the Department. The vehicle may not be moved, sold, or tampered with until the completion of this investigation. Upon completion of an investigation by the Department, if the vehicle identification number is found to be missing or altered, a new vehicle identification number may be issued by the Department. If the vehicle is found to be a stolen vehicle and its owner can be determined, the vehicle shall be returned to him. If the owner cannot be determined or located and the person seeking to title the vehicle has been convicted of a violation of § 46.2-1074 or 46.2-1075, the vehicle shall be deemed forfeited to the Commonwealth and said forfeiture shall proceed in accordance with Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

D. C. If the Department's examination of a rebuilt salvage vehicle indicates no irregularities, a title and registration may be issued for the vehicle upon application therefor to the Department by the owner of the salvage vehicle. The title issued by the Department and any subsequent title thereafter issued for the rebuilt vehicle shall be permanently branded to indicate that it is a rebuilt vehicle. All rebuilt vehicles shall be subject to all safety equipment requirements provided by law. Except as otherwise provided in this chapter, no title or registration shall be issued by the Department for any rebuilt vehicle that has not first passed a safety inspection been certified by the Department to be roadworthy or for any vehicle for which a nonrepairable certificate has ever been issued.

E. D. If the Department's examination of a rebuilt salvage vehicle reveals irregularities in the required documentation or obvious defects, the Department shall identify to the owner the irregularities and defects that must be corrected before the Department's examination can be completed.

F. E. Notwithstanding § 46.2-1550, a licensed salvage dealer or rebuilder who is also licensed as a motor vehicle dealer pursuant to Chapter 15 (§ 46.2-1500 et seq.) may use dealer's license plates for the sole purpose of transporting a rebuilt salvage vehicle to and from an official safety inspection station an inspection station operated by the Department. Such dealer's license plates may not be used on any vehicle not owned by the licensed salvage dealer or rebuilder. For all other rebuilt salvage vehicles, when necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for this purpose.

§ 46.2-2000.4. Operators of certain commuter buses to maintain certain records; inspection of records and buses by employees of Department of State Police; penalty.

A. For the purpose of this section, "commuter bus" means a motor vehicle that has a seating capacity of more than 17 passengers, is used primarily to transport workers directly to and from factories, plants, offices, or other places where they work, and is registered with the Department for such operation.

B. Persons, firms, corporations, and other business entities operating commuter buses for compensation in intrastate commerce shall maintain records of all maintenance performed on such buses. Such records shall include the dates of service, the odometer reading of the bus on that date, the maintenance performed, and the name of the person or persons performing the maintenance. Such records shall be open to inspection during the operator's normal business hours by employees of the Department of State Police specifically designated by the Superintendent. Employees of the Department of State Police designated for that purpose by the Superintendent shall also be authorized with the consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2 to go onto the property of business entities operating commuter buses for compensation in intrastate commerce to inspect buses directly on such property or on the property where such buses are principally garaged at any time during normal business hours. Such inspections may be either for the purpose of determining the safe condition of the

1044 *buses or to verify the accuracy of the maintenance logs or for both purposes.*

1045 *C. A violation of any provision of this section constitutes a Class 3 misdemeanor.*

1046 *D. The provisions of this section shall not apply to local or regional governments, to authorities*
1047 *created to provide local or regional mass transit service, or to buses that those governments or*
1048 *authorities own or operate.*

1049 **§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation**
1050 **network company.**

1051 A. A TNC partner vehicle shall:

1052 1. Be a personal vehicle;

1053 2. Have a seating capacity of no more than eight persons, including the driver;

1054 3. Be validly titled and registered in the Commonwealth or in another state;

1055 4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the
1056 vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;

1057 5. ~~Have a valid Virginia safety inspection or an annual inspection conducted in another state for~~
1058 ~~which the Department of State Police has determined that such motor vehicle safety inspection standards~~
1059 ~~adequately ensure public safety and carry proof of that inspection on or in the vehicle~~ *Meet the*
1060 *applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et seq.); and*

1061 6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or
1062 46.2-2099.52, as applicable.

1063 No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of
1064 this subsection.

1065 B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network
1066 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
1067 TNC partner with proof of any TNC insurance policy maintained by the transportation network
1068 company.

1069 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress
1070 to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the
1071 transportation network company or digital platform with which the vehicle is affiliated and shall be
1072 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and
1073 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is
1074 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade
1075 dress may take the form of a removable device that meets the identification and visibility requirements
1076 of this subsection.

1077 Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no
1078 more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in
1079 identifying and communicating with TNC partners. Such devices may use a single steady-burning color
1080 while the TNC partner is logged in to a transportation network company's associated digital platform
1081 and may change to a different steady-burning color once the TNC partner accepts a request to transport
1082 a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall
1083 not (i) exceed five candlepower; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv)
1084 project a glaring or dazzling light; or (v) attach to the windshield.

1085 The transportation network company shall submit to the Department proof that the transportation
1086 network company has established the trade dress required under this subsection by filing with the
1087 Department an illustration or photograph of the trade dress. Any TNC that issues an illuminated
1088 removable interior trade dress device for use in the Commonwealth shall file with the Department the
1089 specifications of such device, including the default color.

1090 A TNC partner shall keep the trade dress issued under this subsection visible at all times while the
1091 vehicle is being operated as a TNC partner vehicle.

1092 No person shall operate a vehicle bearing trade dress issued under this subsection without the
1093 authorization of the transportation network company issuing the trade dress.

1094 **§ 63.2-1716. Child day center operated by religious institution exempt from licensure; annual**
1095 **statement and documentary evidence required; enforcement; injunctive relief.**

1096 A. Notwithstanding any other provisions of this chapter, a child day center, including a child day
1097 center that is a child welfare agency operated or conducted under the auspices of a religious institution,
1098 shall be exempt from the licensure requirements of this subtitle, but shall comply with the provisions of
1099 this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it
1100 shall file with the Commissioner, prior to beginning operation of a child day center and thereafter
1101 annually, a statement of intent to operate a child day center, certification that the child day center has
1102 disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt
1103 from licensure and has posted the fact that it is exempt from licensure in a visible location on the
1104 premises, the qualifications of the personnel employed therein, and documentary evidence that:

1105 1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance

with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from ages zero to 16 months.
- b. One staff member to five children from ages 16 months to 24 months.
- c. One staff member to eight children from ages 24 months to 36 months.
- d. One staff member to 10 children from ages 36 months to five years.
- e. One staff member to 20 children from ages five years to nine years.
- f. One staff member to 25 children from ages nine years to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. In each grouping of children, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 63.2-1724 relating to background checks.
- c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; ~~Article 21 (§ 46.2-1157 et seq.) of the applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et seq.) of Title 46.2, regarding vehicle inspections;~~ ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

7. The individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.

8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.

9. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.

B. The center shall establish and implement procedures for:

- 1. Hand washing by staff and children before eating and after toileting and diapering.
- 2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.
- 3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

1167 4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46
1168 regarding the immunization of children against certain diseases.

1169 5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards,
1170 including providing and maintaining sand or other cushioning material under playground equipment.

1171 6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

1172 7. Ensuring that all incidents involving serious physical injury to or death of children attending the
1173 child day center are reported to the Commissioner. Reports of serious physical injuries, which shall
1174 include any physical injuries that require an emergency referral to an offsite health care professional or
1175 treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than
1176 one business day after the death occurred.

1177 C. The Commissioner may perform on-site inspections of religious institutions to confirm compliance
1178 with the provisions of this section and to investigate complaints that the religious institution is not in
1179 compliance with the provisions of this section. The Commissioner may revoke the exemption for any
1180 child day center in serious or persistent violation of the requirements of this section. If a religious
1181 institution operates a child day center and does not file the statement and documentary evidence required
1182 by this section, the Commissioner shall give reasonable notice to such religious institution of the nature
1183 of its noncompliance and may thereafter take such action as he determines appropriate, including a suit
1184 to enjoin the operation of the child day center.

1185 D. Any person who has reason to believe that a child day center falling within the provisions of this
1186 section is not in compliance with the requirements of this section may report the same to the local
1187 department, the local health department or the local fire marshal, each of which may inspect the child
1188 day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take
1189 appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

1190 E. Nothing in this section shall prohibit a child day center operated by or conducted under the
1191 auspices of a religious institution from obtaining a license pursuant to this chapter.

1192 **2. That Article 21 (§§ 46.2-1157 through 46.2-1175.1) of Chapter 10 of Title 46.2 and § 46.2-1540**
1193 **of the Code of Virginia are repealed.**