

20104140D

HOUSE BILL NO. 1439

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend and reenact §§ 16.1-69.48:1, 17.1-275.7, 18.2-323.1, 46.2-208, 46.2-325, 46.2-602, 46.2-602.1, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-882, 46.2-947, 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, 46.2-1078.1, 46.2-1092, 46.2-1094, 46.2-1150, 46.2-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1165, 46.2-1171, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1300, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, and 46.2-2099.50 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.1-882.1, 46.2-1005.2, 46.2-1060.1, and 46.2-2000.4, and to repeal §§ 46.2-1158.01, 46.2-1158.02, 46.2-1158.1, 46.2-1159, 46.2-1160, 46.2-1164, 46.2-1168, 46.2-1172, 46.2-1173, 46.2-1175, 46.2-1175.1, and 46.2-1540 of the Code of Virginia, relating to transportation safety.

Patrons—Jones, Willett and Carr

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, 18.2-323.1, 46.2-208, 46.2-325, 46.2-602, 46.2-602.1, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-882, 46.2-947, 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, 46.2-1078.1, 46.2-1092, 46.2-1094, 46.2-1150, 46.2-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1165, 46.2-1171, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1300, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, and 46.2-2099.50 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.1-882.1, 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);

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- 59 6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
 60 7. Sentencing/supervision fee (General Fund) (.131148); and
 61 8. Virginia Sexual and Domestic Violence Victim Fund (.032787).
 62 C. In criminal actions and proceedings in district court for a violation of any provision of Article 1
 63 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136.
 64 The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to
 65 the following funds in the fractional amounts designated:
 66 1. Processing fee (General Fund) (.257353);
 67 2. Virginia Crime Victim-Witness Fund (.022059);
 68 3. Regional Criminal Justice Training Academies Fund (.007353);
 69 4. Courthouse Construction/Maintenance Fund (.014706);
 70 5. Criminal Injuries Compensation Fund (.044118);
 71 6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
 72 7. Drug Offender Assessment and Treatment Fund (.551471);
 73 8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
 74 9. Virginia Sexual and Domestic Violence Victim Fund (.014706).
 75 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of
 76 \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
 77 law, to the following funds in the fractional amounts designated:
 78 1. Processing fee (General Fund) (.764706);
 79 2. Virginia Crime Victim-Witness Fund (.058824);
 80 3. Regional Criminal Justice Training Academies Fund (.019608);
 81 4. Courthouse Construction/Maintenance Fund (.039216);
 82 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
 83 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

84 **§ 17.1-275.7. Fixed misdemeanor fee.**

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

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

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

107 **§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container in a motor**
 108 **vehicle and presumption; penalty.**

109 A. It ~~shall be~~ is unlawful for any person to consume ~~an~~ or knowingly or intentionally possess any
 110 alcoholic beverage while driving other than in the manufacturer's unopened original container in a
 111 motor vehicle that is upon a public highway of this the Commonwealth, including the shoulder thereof,
 112 as defined in § 46.2-100. If the seal on a container of an alcoholic beverage is broken or some of the
 113 contents have been removed, a container shall presumed to be open.

114 B. A rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this
 115 section shall be created if (i) an open container is located within the passenger area of the motor
 116 vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed and (iii) the
 117 appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver of the motor
 118 vehicle may be reasonably associated with the consumption of an alcoholic beverage.

119 C. The provisions of this section shall not apply:

- 120 1. If an open container containing an alcoholic beverage is in a locked glove compartment or in the

trunk of the motor vehicle, or is behind the last upright seat or in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk; or

2. If an open container containing an alcoholic beverage is in the passenger area of a motor vehicle designed, maintained, and used primarily for the transportation of persons for compensation or is in the living quarters of a motor home, provided that the container is not in the possession of the driver of the motor vehicle.

D. For the purposes of this section:

"Open container" means any vessel containing an alcoholic beverage, except the originally sealed manufacturer's container.

"Passenger area" means the area designed to seat the driver of any motor vehicle, any area within the reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers. This term shall not include the trunk of any passenger vehicle, the area behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle or any similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the transportation of such persons.

"Public highway" shall not include any motor vehicle parking lot.

C. E. A violation of this section is punishable as a Class 4 misdemeanor.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such

182 business' or agent's written request. Disclosures made under this subdivision shall not include any
183 personal information and shall not be subject to the limitations contained in subdivision 6.

184 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the
185 Commissioner shall (i) compare personal information supplied by the company or agent with that
186 contained in the Department's records and, when the information supplied by the company or agent is
187 different from that contained in the Department's records, provide the company or agent with correct
188 information as contained in the Department's records and (ii) provide the company or agent with driver
189 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
190 shall include any record of any conviction of a violation of any provision of any statute or ordinance
191 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
192 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
193 shall include any record of any conviction or accident more than 60 months after the date of such
194 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
195 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
196 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
197 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
198 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

199 9. On the request of any federal, state, or local governmental entity, local government group
200 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
201 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
202 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
203 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
204 Department's records and, when the information supplied by the governmental entity, local government
205 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
206 authorized agent of any of the foregoing, is different from that contained in the Department's records,
207 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
208 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
209 information as contained in the Department's records and (ii) provide driver and vehicle information in
210 the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions
211 or revocations. The Commissioner may also release other appropriate information as the governmental
212 entity, local government group self-insurance pool, law-enforcement officer, attorney for the
213 Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out
214 its official functions. The abstract shall be provided free of charge.

215 10. On request of the driver licensing authority in any other state or foreign country, the
216 Commissioner shall provide whatever classes of information the requesting authority shall require in
217 order to carry out its official functions. The information shall be provided free of charge.

218 11. On the written request of any employer, prospective employer, or authorized agent of either, and
219 with the written consent of the individual concerned, the Commissioner shall (i) compare personal
220 information supplied by the employer, prospective employer, or agent with that contained in the
221 Department's records and, when the information supplied by the employer, prospective employer, or
222 agent is different from that contained in the Department's records, provide the employer, prospective
223 employer, or agent with correct information as contained in the Department's records and (ii) provide the
224 employer, prospective employer, or agent with driver information in the form of an abstract of an
225 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
226 any type of driver's license that the individual currently possesses, provided that the individual's position
227 or the position that the individual is being considered for involves the operation of a motor vehicle.

228 12. On the written request of any member of or applicant for membership in a volunteer fire
229 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
230 emergency medical services personnel, the Commissioner shall (i) compare personal information
231 supplied by the volunteer fire company or volunteer emergency medical services agency with that
232 contained in the Department's records and, when the information supplied by the volunteer fire company
233 or volunteer emergency medical services agency is different from that contained in the Department's
234 records, provide the volunteer fire company or volunteer emergency medical services agency with
235 correct information as contained in the Department's records and (ii) provide driver information in the
236 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,
237 license suspensions or revocations, and any type of driver's license that the individual currently
238 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate
239 written evidence that the person is a member of or applicant for membership in a volunteer fire
240 company or a volunteer emergency medical services agency to serve as a member of a volunteer
241 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer
242 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant
243 to operate equipment owned by the volunteer fire company or volunteer emergency medical services

agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility, ~~or~~ traffic light photo-monitoring system, *or speed monitoring system* acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator, ~~or~~ traffic light photo-monitoring system operator, *or speed monitoring system* acting on behalf of a government entity, or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 ~~or~~, subsection H of § 15.2-968.1 ~~or~~, subsection N of § 46.2-819.5, *or subdivision B 6 of § 46.2-882.1*. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having (i) failed to pay a toll ~~or~~ *having*, (ii) failed to comply with a traffic light signal, (iii) *driven in excess of maximum speed limits*, or (iv) having improperly used the Dulles Access Highway, and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

305 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
306 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of
307 Compeer with that contained in the Department's records and, when the information supplied by a
308 Virginia affiliate of Compeer is different from that contained in the Department's records, provide the
309 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)
310 provide driver information in the form of an abstract of the applicant's record showing all convictions,
311 accidents, license suspensions or revocations, and any type of driver's license that the individual
312 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the
313 request is accompanied by appropriate written evidence that the person has applied to be a volunteer
314 with a Virginia affiliate of Compeer.

315 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
316 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
317 pursuant to § 46.2-1178.1.

318 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
319 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
320 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
321 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
322 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
323 with correct information as contained in the Department's records and (ii) provide driver information in
324 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
325 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
326 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
327 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a
328 Virginia chapter of the American Red Cross.

329 25. On the written request of any person who has applied to be a volunteer vehicle operator with a
330 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
331 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
332 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
333 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
334 information as contained in the Department's records and (ii) provide driver information in the form of
335 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
336 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
337 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
338 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
339 the Civil Air Patrol.

340 26. On the written request of any person who has applied to be a volunteer vehicle operator with
341 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action
342 with that contained in the Department's records and, when the information supplied by Faith in Action is
343 different from that contained in the Department's records, provide Faith in Action with correct
344 information as contained in the Department's records and (ii) provide driver information in the form of
345 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
346 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
347 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
348 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

349 27. On the written request of the surviving spouse or child of a deceased person or the executor or
350 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued
351 a driver's license or special identification card by the Department, supply the requestor with a hard copy
352 image of any photograph of the deceased person kept in the Department's records.

353 28. On the written request of any person who has applied to be a volunteer with a Virginia Council
354 of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a
355 Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and,
356 when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from
357 that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA
358 with correct information as contained in the Department's records and (ii) provide driver information in
359 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
360 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
361 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
362 appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of
363 the Girl Scouts of the USA.

364 29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a
365 driver's license, learner's permit, or special identification card to the American Association of Motor
366 Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved

by the Commissioner.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

§ 46.2-224.1. Education and oversight of enforcement of highway safety policies.

A. The Commissioner shall establish an advisory council to monitor the effectiveness and enforcement of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. The council shall include members representing (i) DRIVE SMART Virginia, (ii) the Virginia Association of Chiefs of Police, (iii) organizations focused on social equity and justice issues, (iv) the Virginia State Police, and (v) a traffic safety organization. The council shall review whether the enforcement of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094 has a disproportionate impact on minority or low-income populations.

B. The Commissioner, working with the Virginia Association of Chiefs of Police and DRIVE SMART Virginia, shall create training and educational materials on the implementation and enforcement of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. These materials shall be reviewed by the advisory council established pursuant to subsection A and made available to law-enforcement agencies.

C. The Commissioner, working with DRIVE SMART Virginia and other traffic safety organizations, shall create and provide educational materials for the public regarding the provisions of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094.

D. The Commissioner shall report annually to the Governor and the General Assembly on (i) the citations issued pursuant to §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094, including, to the extent available, the relevant demographic characteristics of those persons issued citations, and (ii) any findings of the advisory council created pursuant to subsection A.

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

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants

for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant 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 nonnegotiable title owner is deceased, a new, nonnegotiable title may be issued to the legatee or distributee in accordance with §§ 46.2-633 and 46.2-634.

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

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

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

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

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

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

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

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

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

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

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

§ 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.) the applicable safety and equipment requirements of Chapter 10.~~

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.

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures

and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100, *or (v) a speed monitoring system as provided in § 46.2-882.1.* The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, ~~or~~ microcomputer device, *or speed monitoring system* as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of ~~(i)~~ (a) the speedometer of any vehicle, ~~(ii)~~ (b) any tuning fork employed in calibrating or testing the radar or other speed determination device, or ~~(iii)~~ (c) any other method employed in calibrating or testing any laser speed determination device *or speed monitoring system*, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such device *or system* shall be valid for longer than six months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device, radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section. All localities may use radar ~~and~~, laser speed determination devices, *or speed monitoring devices as provided in § 46.2-882.1* to measure speed. The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.

~~The~~ *With the exception of a speed monitoring system as defined in § 46.2-882.1, the* Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

§ 46.2-882.1. Use of speed monitoring systems.

A. For purposes of this section:

"Highway safety corridor" means those portions of highways in the primary state highway system and Interstate System designed in accordance with § 33.2-253.

"Speed monitoring system" means a vehicle sensor that automatically produces two or more photographs, two or more microphotographs, video, or other recorded data of a motor vehicle traveling at a speed of at least 10 miles per hour in excess of the maximum applicable speed limit. For each such vehicle, at least two recorded images shall include the motor vehicle and the same stationary object near the motor vehicle and at least one recorded image shall include the license plate of the motor vehicle. All recorded images shall include the time, date, and location of the vehicle when the image is recorded.

B. The Department of State Police shall establish a speed enforcement program by installing and operating a speed monitoring system in highway safety corridors for the purpose of recording violations of §§ 46.2-870 and 46.2-878.

1. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a speed monitoring system, to have violated the maximum speed limit in a designated highway safety corridor. Notwithstanding the provisions of § 46.2-947, such civil penalty imposed pursuant to this section shall not be doubled and shall not exceed the applicable fine set forth in the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayments of fines for violations of §§ 46.2-870 and 46.2-878, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions. Any finding in a district court that an operator has violated the maximum applicable speed limit in a highway safety corridor shall be appealable to the circuit court in a civil proceeding. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

2. If a speed monitoring system is used, proof of a violation of § 46.2-870 or 46.2-878 shall be evidenced by information obtained from such system. A certificate, sworn to or affirmed by a technician employed or authorized by the speed monitoring system operator, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a speed monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-870 or 46.2-878.

3. In the prosecution for a violation of § 46.2-870 or 46.2-878, in which a summons was issued pursuant to this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-870 or 46.2-878, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-870 or 46.2-878, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. A summons for a violation of § 46.2-870 or 46.2-878 issued pursuant to this section shall be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-870 or 46.2-878 shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a speed monitoring system in connection with the violation. If the Department of State Police does not execute a summons for a violation § 46.2-870 or 46.2-878 within 14 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 16 days from the date of the violation.

5. Information collected by a speed monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of speed limits in a highway safety corridor. On behalf of the Department of State Police, a private entity that operates a speed monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with the maximum speed limit in a highway safety corridor. Information provided to the operator of a speed monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a speed monitoring system shall be used exclusively for enforcing applicable speed limits and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a speed limit violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a speed limit violation or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. The Department of State Police when operating a speed monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who

discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

6. A private entity may enter into an agreement with the Department of State Police to be compensated for providing the speed monitoring system or equipment, and all related support services, to include consulting, operations, and administration. The Department of State Police shall enter into an agreement for compensation based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed.

7. The Department of State Police shall evaluate the system on a monthly basis to ensure all cameras are functioning properly and shall have the speed monitoring system calibrated on a semiannual basis by an independent laboratory that is unaffiliated with the manufacturer of the speed monitoring system or equipment. Evaluation and calibration results shall be made available to the public.

8. The Department of Transportation shall place a conspicuous sign, in accordance with § 33.2-253, indicating the use of a speed monitoring system for speed enforcement in the highway safety corridor. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the speed limit violation.

9. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a speed monitoring system is owned, leased, or rented by the Commonwealth, or a county, city, or town, then the Commonwealth, county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

§ 46.2-947. Violations committed within highway safety corridor; report on benefits.

Notwithstanding any other provision of law, the fine for any moving violation of any provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253 shall be no more than \$500 for any violation which is a traffic infraction and not less than \$200 for any violation which is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-69.40:1 or § 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. *The fine for any moving violation imposed pursuant to § 46.2-882.1 shall not be doubled.* The Commissioner shall report, on an annual basis, statistical data related to benefits derived from the designation of such highway safety corridors. This information may be posted on the Virginia Department of Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities and towns may not adopt ordinances providing for penalties under this section.

§ 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.

§ 46.2-1005.1. 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 and emergency medical services vehicles shall be conducted pursuant to

regulations promulgated by the Department of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they are operated.

§ 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

921 at a towing and recovery site;

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

927 25. Publicly owned or operated transit buses; and

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

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

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

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

940 **§ 46.2-1043. Tire tread depth.**

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

943 1. When measured in any two adjacent major tread grooves where the tread is thinnest, at three
944 equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth
945 gauge calibrated in thirty-seconds of an inch, are found to have tread depth of less than two
946 thirty-seconds of an inch at such locations; or

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

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

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

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

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

962 **§ 46.2-1048. Pollution control systems or devices.**

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

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

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

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

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

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

982 **§ 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, that 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~~ *is* 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* \$5. 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

1044 fund to be used to meet the expenses of the vehicle identification number and salvage vehicle inspection
1045 program.

1046 **§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles;**
1047 **exceptions; penalty.**

1048 A. It is unlawful for any person ~~to operate~~ *while driving* a moving motor vehicle on the highways in
1049 the Commonwealth ~~while using any to hold, in his hand, a~~ handheld personal communications device
1050 to:

1051 1. ~~Manually enter multiple letters or text in the device as a means of communicating with another~~
1052 ~~person; or~~

1053 2. ~~Read any email or text message transmitted to the device or stored within the device, provided~~
1054 ~~that this prohibition shall not apply to any name or number stored within the device nor to any caller~~
1055 ~~identification information while physically manipulating the device to view, read, or enter data.~~

1056 B. It is unlawful for any person while driving a moving motor vehicle in a highway work zone to
1057 hold in his hand a handheld personal communications device.

1058 C. The provisions of this section shall not apply to:

1059 1. The operator of any emergency vehicle while he is engaged in the performance of his official
1060 duties;

1061 2. An operator who is lawfully parked or stopped;

1062 3. ~~The use of factory-installed or aftermarket global positioning systems (GPS) or wireless~~
1063 ~~communications devices used to transmit or receive data as part of a digital dispatch system; or~~

1064 4. Any person using a handheld personal communications device to report an emergency;

1065 4. ~~A person using an amateur radio or citizen band radio; or~~

1066 5. ~~The operator of any Department of Transportation vehicle or vehicle operated pursuant to the~~
1067 ~~Department of Transportation safety service patrol program or pursuant to a contract with the~~
1068 ~~Department of Transportation for, or that includes, traffic incident management services as defined in~~
1069 ~~subsection B of § 46.2-920.1 during the performance of traffic incident management services.~~

1070 D. A violation of subsection A is a traffic infraction punishable, for a first offense, by a fine of \$125
1071 and, for a second or subsequent offense, by a fine of \$250. A violation of subsection B is punishable by
1072 a mandatory fine of \$250. *Upon a conviction under this section, the court shall furnish to the*
1073 *Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the*
1074 *record of such conviction, which shall become a part of the person's driving record.*

1075 E. For the purposes of this section:

1076 "Emergency vehicle" means:

1077 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
1078 law-enforcement officer *while engaged in the performance of official duties*;

1079 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
1080 responding to an emergency call or operating in an emergency situation;

1081 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
1082 traveling in response to a fire alarm or emergency call;

1083 4. Any emergency medical services vehicle designed or used for the principal purpose of *supplying*
1084 *resuscitation or emergency medical services relief* where human life is endangered;

1085 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
1086 vehicle, when responding to an emergency call or operating in an emergency situation;

1087 6. Any Department of Corrections vehicle designated by the Director of the Department of
1088 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
1089 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
1090 request for assistance from a law-enforcement officer; and

1091 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
1092 secondary warning lights pursuant to § 46.2-1029.2.

1093 "Highway work zone" means a construction or maintenance area that is located on or beside a
1094 highway and is marked by appropriate warning signs with attached flashing lights or other traffic control
1095 devices indicating that work is in progress.

1096 F. Distracted driving shall be included as a part of the driver's license knowledge examination.

1097 **§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be**
1098 **installed in certain motor vehicles.**

1099 No passenger car or autocycle registered in the Commonwealth and manufactured for the year 1963
1100 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats
1101 thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of
1102 types approved by the Superintendent.

1103 Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after
1104 installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be
1105 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.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, 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.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, 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.

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

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

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

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

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.

A. Any driver, and any other person at least 18 years of age and occupying the front seat, any seat of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such

1167 personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or
1168 when the vehicle is in transit to or from a point of final disposition or disposal, including but not
1169 limited to solid waste facilities, terminals, or other location where the vehicle may be principally
1170 garaged; or

1171 7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

1172 8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor
1173 vehicle parking.

1174 C. Any person who violates this section shall be subject to a civil penalty of ~~twenty-five dollars~~ \$25
1175 *for a first offense, \$35 for a second offense, and \$50 for a third or subsequent offense* to be paid into
1176 the state treasury and credited to the Literary Fund. *Upon a conviction under this section, the court shall*
1177 *furnish the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an*
1178 *abstract of the record of such conviction, which shall become part of the person's driving record.* No
1179 assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this
1180 title and no court costs shall be assessed for violations of this section.

1181 D. A violation of this section shall not constitute negligence, be considered in mitigation of damages
1182 of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for
1183 the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor
1184 shall anything in this section change any existing law, rule, or procedure pertaining to any such civil
1185 action.

1186 E. A violation of this section may be charged on the uniform traffic summons form.

1187 F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation~~
1188 ~~has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of~~
1189 ~~this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or~~
1190 ~~any criminal statute.~~

1191 G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the
1192 provisions of this section, requiring the use of safety belt systems. The penalty for violating any such
1193 ordinance shall not exceed a fine or civil penalty of ~~twenty-five dollars~~ \$25.

1194 **§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.**

1195 Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle ~~which that~~
1196 has not been inspected pursuant to Article 21 (§ 46.2-1157 et seq.) or 22 (§ 46.2-1176 et seq.) of
1197 Chapter 10 of this title.

1198 Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a
1199 construction site as an office or for storage or a trailer or semitrailer ~~which that~~ has been used on a
1200 construction site as an office or for storage, ~~but which has not been inspected pursuant to Article 21 of~~
1201 ~~Chapter 10 of this title,~~ provided that any such unlicensed or uninspected trailer or semitrailer (i) is
1202 towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled
1203 vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents,
1204 of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v)
1205 is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as
1206 provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section
1207 shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of
1208 a tractor truck except for the purpose of having such trailer or semitrailer inspected as provided in
1209 § 46.2-1157.

1210 **§ 46.2-1157. Inspection of salvaged and converted electric vehicles required.**

1211 A. The owner or operator of any motor salvage vehicle, trailer, or semitrailer registered in Virginia
1212 and operated or parked on a highway within the Commonwealth as defined in § 46.2-1600 that has been
1213 rebuilt for use on the highway, converted electric vehicle as defined in § 46.2-100, or off-road
1214 motorcycle converted to on-road use as defined in § 46.2-602.4 shall submit his vehicle to an
1215 inspection of its mechanism and equipment by an official inspection station, designated for that purpose,
1216 in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor salvage vehicle,
1217 trailer, or semitrailer operated or parked on the highways in the Commonwealth that has been rebuilt for
1218 use on the highway, a converted electric vehicle, or an off-road motorcycle converted to on-road use to
1219 such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this
1220 title any mechanical defects found by such inspection to exist. *If no defects are discovered or when the*
1221 *equipment has been corrected in accordance with this title, the official inspection station shall issue to*
1222 *the owner of the vehicle, in a manner prescribed by the Department, a certification that such salvage*
1223 *vehicle that has been rebuilt for use on the highway, converted electric vehicle, or off-road motorcycle*
1224 *converted to on-road use has passed the safety inspection.*

1225 B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to
1226 vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to
1227 regulations promulgated by the Superintendent of State Police, taking into consideration the special
1228 purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, autocycles shall be inspected as motoreycles under this article.

§ 46.2-1158. Timing of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of ~~§ 46.2-1157~~ *A salvage vehicle as defined in § 46.2-1600 that has been rebuilt for use on the highway shall be reinspected within 12 months of the month of the first inspection and at least once every 12 months thereafter inspected prior to a salvage examination conducted by the Department pursuant to § 46.2-1605.*

A converted electric vehicle required to be inspected pursuant to the provisions of § 46.2-1157 shall be inspected after a safety inspector has certified that the conversion to electric propulsion as required by § 46.2-602.3 has been completed, but prior to application for certificate of title to the Department.

An off-road motorcycle converted to on-road use required to be inspected pursuant to § 46.2-1157 shall be inspected prior to application for registration to the Department.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection sticker shall be valid for 15 calendar days beyond the day of issuance. A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

The completion of the conversion process for a converted electric vehicle shall invalidate any inspection of such vehicle conducted in accordance with this section prior to the conversion. Following the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of this chapter, such vehicle shall be reinspected in accordance with this section.

§ 46.2-1161.1. Inspections of trailers and semitrailers equipped with heating or cooking appliances.

If any trailer or semitrailer subject to the periodic safety inspections required by this article § 33.2-1158 is equipped with a heating or cooking appliance, the safety inspection of such trailer or semitrailer shall include a visual inspection of the venting of such cooking or heating appliance to the outside of the trailer or semitrailer. No safety inspection approval sticker shall be issued to any such trailer or semitrailer unless any such heating or cooking appliance is adequately vented to prevent the asphyxiation of occupants of any such trailer or semitrailer by the operation of the heating or cooking appliance.

§ 46.2-1163. Official inspection stations; actions of Superintendent subject to the Administrative Process Act.

The Superintendent may designate, furnish instructions to, and supervise official inspection stations for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the making of inspections required by this chapter. The Superintendent may at any time, after five days' written notice, revoke the designation of any official inspection station designated by him.

If no defects are discovered or when the equipment has been corrected in accordance with this title, the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by the Department of State Police, a duplicate of which is retained by such station, a certificate showing the date of correction, registration number of the vehicle, and the official designation of such station. On or before December 1, 2010, any information an official inspection station is required to provide to the Department of State Police shall be accepted by the Department in electronic form. There also shall be placed on the windshield of the vehicle at a place to be designated by the Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is not equipped with a windshield, the approval sticker shall be placed on the vehicle in a location designated by the Superintendent. If the vehicle is a motoreycle, the approval sticker may, at the discretion of the motoreycle owner, be placed on a plate securely fastened to the motoreycle for the purpose of displaying the sticker or affixed to the motoreycle. The Superintendent shall designate the location on which such plate shall be fastened or such sticker shall be affixed to the motoreycle. This sticker shall be displayed on the windshield of such vehicle or at such other designated place upon the vehicle at all times when it is operated or parked on the highways in the Commonwealth and until such time as a new inspection period shall be designated and a new inspection sticker issued. Common carriers, operating under certificate from the State Corporation Commission or the Department of Motor Vehicles, who desire to do so may use with the approval of the Superintendent private inspection stations for the inspection and correction of their equipment.

The Superintendent shall provide motor vehicle safety inspection information upon the written

request of an individual or corporate entity or such entity's agent. Any information provided shall not include personal information. The Superintendent may make a reasonable charge for furnishing information under this section but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government self-insurance pools; or the court, police, or licensing officials of other states or of the federal government, provided that the information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. Vehicle information, including all descriptive vehicle data, submitted to or received from the Department of State Police related to such a request shall not be considered a public record for the purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the Superintendent pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of State Police's motor vehicle safety inspection program.

Actions of the Superintendent relating to official inspection stations shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 46.2-1165. Regulations for inspection of vehicles; posting.

The Superintendent shall promulgate regulations for the inspection of ~~motor~~ salvage vehicles ~~under this title~~ rebuilt for use on the highways, converted electric vehicles, and off-road motorcycles converted to on-road use required to be inspected pursuant to § 46.2-1157 and shall furnish each official inspection station with a printed set of such regulations suitable for posting. Such station shall post the regulations in a conspicuous place in the portion of its premises where inspections are made and shall cause its employees making official inspections to be conversant with such regulations.

§ 46.2-1171. Penalties for violation of article.

Any person violating the provisions of this article, with the exception of the provision requiring a safety inspection pursuant to § 46.2-1157, shall be guilty of a Class 3 misdemeanor for the first offense and guilty of a Class 1 misdemeanor for each subsequent offense except as otherwise provided in this article. If the violation of this article or regulations of the Superintendent made pursuant thereto is by an official inspection station in addition to or in lieu of such fine imposed by a court the Superintendent may, whether or not the violation is a first offense against this article or regulation of the Superintendent, suspend the appointment of the inspection station or, if in his opinion after a hearing, the facts warrant such action, the Superintendent may revoke the designation of such inspection station.

§ 46.2-1176. Definitions.

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

"Basic, test and repair program" means a motor vehicle emissions inspection system established by regulations of the Board which shall designate the use of an OBD-II (on-board diagnostic system) with wireless capability, and a two-speed idle analyzer as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with the 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.

"Board" means the State Air Pollution Control Board.

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

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

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

"Enhanced emissions inspection program" means a motor vehicle emissions inspection system established by regulations of the Board that shall designate, as the only authorized testing equipment for 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

1413 *the Commonwealth* prior to use in any motorcycle rider-training course.

1414 D. The Department, or its authorized agent, shall inspect and approve each training center's facilities
1415 and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria under
1416 subsection B, the Department or its authorized agent may deny its use by motorcycle rider safety
1417 training centers if it is deemed unsafe by the Department. A motorcycle may be deemed unsafe because
1418 of modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety
1419 reason.

1420 **§ 46.2-1213. Removal and disposition of unattended, or immobile vehicles; ordinances in**
1421 **counties, cities, and towns.**

1422 A. The governing body of any county, city, or town may by ordinance provide for the removal for
1423 safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

1424 1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;

1425 2. It is illegally parked;

1426 3. It is left unattended for more than 10 days either on public property or on private property without
1427 the permission of the property owner, lessee, or occupant;

1428 4. It is immobilized on a public roadway by weather conditions or other emergency situation.

1429 B. Removal shall be carried out by or under the direction of a law-enforcement officer or other
1430 uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the
1431 chief law-enforcement officer or his designee. The ordinance, however, shall not authorize removal of
1432 motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request
1433 of the owner, lessee, or occupant of the premises. The ordinance may also provide that the person at
1434 whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is
1435 removed from private property shall indemnify the county, city, or town against any loss or expense
1436 incurred by reason of removal, storage, or sale thereof. Any such ordinance may also provide that it
1437 shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks
1438 either a current license plate; or a current county, city or town license plate or sticker; ~~or a valid state~~
1439 ~~safety inspection certificate or sticker~~; and (ii) it has been in a specific location for four days without
1440 being moved. As promptly as possible, each removal shall be reported to a local governmental office to
1441 be designated in the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before
1442 obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the
1443 parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the
1444 owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable
1445 after a diligent search has been made, and after notice to him at his last known address and to the
1446 holder of any lien of record with the office of the Department against the motor vehicle, trailer,
1447 semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned
1448 vehicle under the provisions of Article 1 (§ 46.2-1200 et seq.).

1449 **§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum**
1450 **penalties.**

1451 A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the
1452 provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and
1453 towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or
1454 markers on the highway showing the general regulations applicable to the operation of vehicles on such
1455 highways. The governing body of any county, city, or town may by ordinance, or may by ordinance
1456 authorize its chief administrative officer to:

1457 1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in
1458 speed shall be based upon an engineering and traffic investigation by such county, city or town and
1459 provided such speed area or zone is clearly indicated by markers or signs;

1460 2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a
1461 temporary period not to exceed ~~sixty~~ 60 days, without such engineering and traffic investigation, the
1462 speed limit on any portion of any highway of the city or town on which work is being done or where
1463 the highway is under construction or repair;

1464 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or
1465 more of the intersecting streets has been designated as a part of the primary state highway system in a
1466 town which has a population of less than 3,500;

1467 4. *Reduce the speed limit to less than 25 miles per hour on any highway within its boundaries that is*
1468 *located in a business district or residential district, provided such reduced speed limit is indicated by*
1469 *lawfully placed signs.*

1470 B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker
1471 placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily
1472 observant person under the same circumstances would not be aware of the existence of the ordinance.

1473 C. No governing body of a county, city, or town may provide penalties for violating a provision of
1474 an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar

offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

§ 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 into 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 that 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 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. Safety 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 of 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

1536 of this section is guilty of a Class 1 misdemeanor.

1537 **§ 46.2-1600. (Effective July 1, 2021) Definitions.**

1538 The following words, terms, and phrases when used in this chapter shall have the meaning ascribed
1539 to them in this section, except where the context indicates otherwise:

1540 "Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to
1541 damage as determined, using recognized evaluation sources, either (i) by an insurance company
1542 responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the
1543 Department.

1544 "Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage
1545 dealer, rebuilder, demolisher, or scrap metal processor.

1546 "Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket
1547 equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail
1548 damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by
1549 the manufacturer or (ii) damage that requires any repair to enable a vehicle to ~~pass a safety inspection~~
1550 ~~pursuant to § 46.2-1157~~ *be lawfully operated on the highways of the Commonwealth*. The cost for
1551 cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the
1552 calculation for a nonrepairable vehicle.

1553 "Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as
1554 determined by the insurer responsible for paying the claim, or (ii) if no insurance company is
1555 responsible therefor, 25 percent of the actual cash value.

1556 "Demolisher" means any person whose business is to crush, flatten, bale, shred, log, or otherwise
1557 reduce a vehicle to a state where it can no longer be considered a vehicle.

1558 "Diminished value compensation" means the amount of compensation that an insurance company
1559 pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle
1560 due to damage.

1561 "Independent appraisal firm" means any business providing cost estimates for the repair of damaged
1562 motor vehicles for insurance purposes and having all required business licenses and zoning approvals.
1563 This term shall not include insurance companies that provide the same service, nor shall any such entity
1564 be a rebuilder or affiliated with a rebuilder.

1565 "Late model vehicle" means the current-year model of a vehicle and the five preceding model years,
1566 or any vehicle whose actual cash value is determined to have been at least \$ 10,000 prior to being
1567 damaged.

1568 "Licensee" means any person who is licensed or is required to be licensed under this chapter.

1569 "Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip
1570 assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission;
1571 (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related
1572 parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

1573 "Nonrepairable certificate" means a document of ownership issued by the Department for any
1574 nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage
1575 certificate.

1576 "Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose
1577 estimated cost of repair, excluding the cost to repair cosmetic damages, exceeds 90 percent of its actual
1578 cash value prior to damage; (ii) any vehicle that has been determined to be nonrepairable by its insurer
1579 or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other
1580 vehicle that has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

1581 "Rebuilder" means any person who acquires and repairs, for use on the public highways, two or
1582 more salvage vehicles within a 12-month period.

1583 "Rebuilt vehicle" means (i) any salvage vehicle that has been repaired for use on the public highways
1584 and the estimated cost of repair did not exceed 90 percent of its actual cash value or (ii) any late model
1585 vehicle that has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash
1586 value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

1587 "Repairable vehicle" means a late model vehicle that is not a rebuilt vehicle, but is repaired to its
1588 pre-loss condition by an insurance company and is not accepted by the owner of said vehicle
1589 immediately prior to its acquisition by said insurance company as part of the claims process.

1590 "Salvage certificate" means a document of ownership issued by the Department for any salvage
1591 vehicle upon surrender or cancellation of the vehicle's title and registration.

1592 "Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts
1593 thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2
1594 of § 46.2-1602.

1595 "Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable
1596 vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or
1597 nonrepairable vehicles, but this definition shall not apply to an insurance company that stores and

displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

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

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

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

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

§ 46.2-2000.4. Operators of certain commuter buses to maintain certain records; inspection of records; 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 buses or to verify the accuracy of the maintenance logs or for both purposes.

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

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

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

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for which the Department of State Police has determined that such motor vehicle safety inspection standards adequately ensure public safety and carry proof of that inspection on or in the vehicle. Meet the applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et seq.); and

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

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

B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network

1659 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
1660 TNC partner with proof of any TNC insurance policy maintained by the transportation network
1661 company.

1662 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress
1663 to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the
1664 transportation network company or digital platform with which the vehicle is affiliated and shall be
1665 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and
1666 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is
1667 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade
1668 dress may take the form of a removable device that meets the identification and visibility requirements
1669 of this subsection.

1670 Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no
1671 more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in
1672 identifying and communicating with TNC partners. Such devices may use a single steady-burning color
1673 while the TNC partner is logged in to a transportation network company's associated digital platform
1674 and may change to a different steady-burning color once the TNC partner accepts a request to transport
1675 a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall
1676 not (i) exceed five candlepower; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv)
1677 project a glaring or dazzling light; or (v) attach to the windshield.

1678 The transportation network company shall submit to the Department proof that the transportation
1679 network company has established the trade dress required under this subsection by filing with the
1680 Department an illustration or photograph of the trade dress. Any TNC that issues an illuminated
1681 removable interior trade dress device for use in the Commonwealth shall file with the Department the
1682 specifications of such device, including the default color.

1683 A TNC partner shall keep the trade dress issued under this subsection visible at all times while the
1684 vehicle is being operated as a TNC partner vehicle.

1685 No person shall operate a vehicle bearing trade dress issued under this subsection without the
1686 authorization of the transportation network company issuing the trade dress.

1687 2. That §§ 46.2-1158.01, 46.2-1158.02, 46.2-1158.1, 46.2-1159, 46.2-1160, 46.2-1164, 46.2-1168,
1688 46.2-1172, 46.2-1173, 46.2-1175, 46.2-1175.1, and 46.2-1540 of the Code of Virginia are repealed.

1689 3. That the owner or lessee of a motor vehicle may remove a safety inspection approval sticker
1690 from such motor vehicle on or after July 1, 2020, provided that the owner or lessee shall remove
1691 such sticker prior to the expiration of the sticker.