

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-100 and 46.2-908.1 of the Code of Virginia and to amend the*  
3 *Code of Virginia by adding a section numbered 46.2-904.1, relating to electric power-assisted*  
4 *bicycles.*

5 [H 543]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 46.2-100 and 46.2-908.1 of the Code of Virginia are amended and reenacted and that**  
9 **the Code of Virginia is amended by adding a section numbered 46.2-904.1 as follows:**

10 **§ 46.2-100. Definitions.**

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

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

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

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

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

26 "Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including  
27 vehicles or combinations that transport motor vehicles on their power unit, designed and used  
28 exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a  
29 backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

30 "Bicycle" means a device propelled solely by human power, upon which a person may ride either on  
31 or astride a regular seat attached thereto, having two or more wheels in tandem, including children's  
32 bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800  
33 et seq.), a bicycle shall be a vehicle while operated on the highway.

34 "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for  
35 the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and  
36 mopeds.

37 "Business district" means the territory contiguous to a highway where 75 percent or more of the  
38 property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more  
39 along the highway, is occupied by land and buildings actually in use for business purposes.

40 "Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but  
41 may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

42 "Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or  
43 terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and  
44 reapplication may be made at any time after cancellation.

45 "Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and  
46 every person who drives a motor vehicle while in use as a public or common carrier of persons or  
47 property.

48 "Circular intersection" means an intersection that has an island, generally circular in design, located  
49 in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections  
50 include roundabouts, rotaries, and traffic circles.

51 "Commission" means the State Corporation Commission.

52 "Commissioner" means the Commissioner of the Department of Motor Vehicles of the  
53 Commonwealth.

54 "Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has  
55 been modified subsequent to its manufacture to replace an internal combustion engine with an electric  
56 propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and

57 model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this  
 58 section unless it has been materially altered from its original construction by the removal, addition, or  
 59 substitution of new or used essential parts other than those required for the conversion to electric  
 60 propulsion.

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

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

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

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

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

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

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

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

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

98 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in  
 99 contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a  
 100 seat for the use of the rider, and (iii) an electric motor with an input of no more than 1,000 750  
 101 watts that reduces the pedal effort required of the rider and ceases to provide assistance when the  
 102 bicycle reaches a speed of no more than 20 miles per hour. *Electric power-assisted bicycles shall be*  
 103 *classified as follows:*

104 1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides  
 105 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle  
 106 reaches a speed of 20 miles per hour;

107 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used  
 108 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the  
 109 speed of 20 miles per hour; and

110 3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides  
 111 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle  
 112 reaches the speed of 28 miles per hour.

113 For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a  
 114 vehicle when operated on a highway.

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

117 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural

implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis

and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

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

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

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

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

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

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (iv) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices or electric power-assisted bicycles."

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

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

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual

240 rider with not more than two wheels in contact with the ground. Except as otherwise provided in this  
 241 chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

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

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

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

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

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

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

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

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

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

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

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

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

300 "Safety zone" means the area officially set apart within a roadway for the exclusive use of

301 pedestrians and that is protected or is so marked or indicated by plainly visible signs.

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

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

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

316 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic  
 317 and the lateral curbline or ditch.

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

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

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

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

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

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

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

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

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

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

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

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

361 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a

felony nor a misdemeanor.

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

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

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

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

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

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

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

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

#### **§ 46.2-904.1. Electric power-assisted bicycles.**

*A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.*

*B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of this Code relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.*

*C. 1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.*

*2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.*

*3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.*

*D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.*

*E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.*

*F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.*

*1. Following notice and a public hearing, a locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class one or class two electric power-assisted bicycles on such path, if it finds that such a restriction is necessary for public safety or compliance with other laws.*

2. A locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class three electric power-assisted bicycles on such path.

3. A locality or state agency having jurisdiction over a trail may regulate the use of electric power-assisted bicycles on such trail. For purposes of this subdivision, "trail" means a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

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

All electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device ~~or an electric power-assisted bicycle~~ at a speed faster than 25 miles per hour, (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour, or (iii) an electric personal delivery device at a speed faster than 10 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

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

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

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