

20200751D

HOUSE BILL NO. 5058

House Amendments in [] — September 3, 2020

A *BILL to amend and reenact §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia, relating to issuing citations; possession of marijuana and certain traffic offenses.*

Patron Prior to Engrossment—Delegate Hope

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or scooter noise.

A. Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or scooter, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

B. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis oil as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such oil pursuant to a valid

ENGROSSED

HB5058E

59 written certification issued by a practitioner in the course of his professional practice pursuant to
60 § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or
61 disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as
62 defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if
63 such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition
64 or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an
65 incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or
66 disease.

67 *F. [No citation for a violation of this section shall be issued unless the officer issuing such citation*
68 *has cause to stop or arrest the person for the violation of some other provision of this Code or any*
69 *criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be*
70 *admissible in any trial, hearing, or other proceeding.*

71 *G.] No law-enforcement officer, as defined in § 9.1-101, may lawfully [~~stop~~] search [~~;~~] or seize*
72 *any person, place, or thing [~~during or pursuant to a traffic stop~~] solely on the basis of the odor of*
73 *marijuana, and no evidence discovered or obtained pursuant to a violation of this subsection shall be*
74 *admissible in any trial, hearing, or other proceeding.*

75 *[G. The provisions of subsection F shall not apply if the violation occurs in a commercial motor*
76 *vehicle as defined in § 46.2-341.4.]*

77 **§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions.**

78 A. Any learner's permit or driver's license issued to any person less than 18 years old shall be
79 subject to the following:

80 1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than
81 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i)
82 an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et
83 seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et
84 seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic.
85 No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be
86 awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal
87 custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in
88 demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this
89 subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18
90 years old who attends and successfully completes a driver improvement clinic without having been
91 directed to do so by the Commissioner or required to do so by a court.

92 2. If any person less than 19 years old is convicted a second time of committing, when he was less
93 than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under
94 Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or
95 Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's
96 license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and
97 not concurrent with, any other period of license suspension, revocation, or denial. Any person who has
98 had his driver's license or privilege to operate a motor vehicle suspended in accordance with this
99 subdivision may petition the juvenile and domestic relations district court of his residence for a restricted
100 license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home,
101 his place of employment, or an institution of higher education where he is enrolled, provided there is no
102 other means of transportation by which such person may travel between his home and his place of
103 employment or the institution of higher education where he is enrolled. On such petition the court may,
104 in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the
105 suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such
106 restricted license shall be valid solely for operation of a motor vehicle between such person's home and
107 his place of employment or the institution of higher education where he is enrolled.

108 3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an
109 offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et
110 seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et
111 seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate
112 a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such
113 revocation shall be consecutive to, and not concurrent with, any other period of license suspension,
114 revocation, or denial.

115 4. In no event shall any person subject to the provisions of this section be subject to the suspension
116 or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same
117 transaction or occurrence.

118 B. The initial license issued to any person younger than 18 years of age shall be deemed a
119 provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not
120 authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years

old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old (i) when the holder is driving to or from a school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 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 motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-335. (Effective until January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the

182 certification of good academic standing or any written authorization from his parent or guardian to
183 obtain a learner's permit or motorcycle learner's permit.

184 Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is
185 issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance
186 of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12
187 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an
188 application, payment of the application fee, and successful completion of the examinations, be issued
189 another motorcycle learner's permit valid for 12 months.

190 Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but
191 who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first
192 behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving
193 privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions
194 ordered by the court.

195 B. No driver's license shall be issued to any such person who is less than 18 years old unless, while
196 holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were
197 after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or
198 otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall
199 contain the following statement:

200 "It is illegal for anyone to give false information in connection with obtaining a driver's license. This
201 certification is considered part of the driver's license application, and anyone who certifies to a false
202 statement may be prosecuted. I certify that the statements made and the information submitted by me
203 regarding this certification are true and correct."

204 Such form shall also include the driver's license or Department of Motor Vehicles-issued
205 identification card number of the person making the certification.

206 C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one
207 passenger who is less than 21 years old, except when participating in a driver education program
208 approved by the Department of Education or a course offered by a driver training school licensed by the
209 Department. This passenger limitation, however, shall not apply to the members of the driver's family or
210 household as defined in subsection B of § 46.2-334.01.

211 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and
212 four o'clock a.m.

213 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a
214 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any
215 cellular telephone or any other wireless telecommunications device, regardless of whether or not such
216 device is handheld. No citation for a violation of this subsection shall be issued unless the officer
217 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of
218 some other provision of this Code or local ordinance relating to the operation, ownership, or
219 maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to*
220 *a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

221 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of
222 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any
223 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor
224 vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to
225 any such civil action.

226 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia
227 residence and, in the case of persons of school age, compliance with the compulsory school attendance
228 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits
229 issued under this section.

230 H. For persons qualifying for a driver's license through driver education courses approved by the
231 Department of Education or courses offered by driver training schools licensed by the Department, the
232 application for the learner's permit shall be used as the application for the driver's license.

233 I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit
234 issued under this section. Fees for issuance of learner's permits shall be paid into the driver education
235 fund of the state treasury; fees for issuance of motorcycle learner's permits shall be paid into the state
236 treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to
237 § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a
238 motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of
239 this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by
240 documentation verifying that the driver is at least 16 years and three months old and has successfully
241 completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian
242 or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of
243 driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this

chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-335. (Effective January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the

305 Department. This passenger limitation, however, shall not apply to the members of the driver's family or
306 household as defined in subsection B of § 46.2-334.01.

307 D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and
308 four o'clock a.m.

309 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a
310 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any
311 cellular telephone or any other wireless telecommunications device, regardless of whether or not such
312 device is handheld. No citation for a violation of this subsection shall be issued unless the officer
313 issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of
314 some other provision of this Code or local ordinance relating to the operation, ownership, or
315 maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to*
316 *a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

317 F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of
318 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any
319 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor
320 vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to
321 any such civil action.

322 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia
323 residence and, in the case of persons of school age, compliance with the compulsory school attendance
324 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits
325 issued under this section.

326 H. For persons qualifying for a driver's license through driver education courses approved by the
327 Department of Education or courses offered by driver training schools licensed by the Department, the
328 application for the learner's permit shall be used as the application for the driver's license.

329 I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit
330 issued under this section. Fees for issuance of learner's permits shall be paid into the driver education
331 fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued
332 under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety
333 Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having
334 received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as
335 provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle
336 learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three
337 months old and has successfully completed an approved driver's education course, signed by the minor's
338 parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary
339 driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older,
340 if all other requirements of this chapter have been met. Such temporary driver's license shall only be
341 valid until the driver has received his permanent license pursuant to § 46.2-336.

342 J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a
343 person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's
344 License Act (§ 46.2-341.1 et seq.).

345 K. The following limitations shall apply to operation of motorcycles by all persons holding
346 motorcycle learner's permits:

347 1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

348 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle
349 who is 21 years of age or older.

350 3. No person other than the operator shall occupy the motorcycle.

351 L. Any violation of this section is punishable as a Class 2 misdemeanor.

352 **§ 46.2-646. Expiration and renewal of registration.**

353 A. Every registration under this title, unless otherwise provided, shall expire on the last day of the
354 twelfth month next succeeding the date of registration. Every registration, unless otherwise provided,
355 shall be renewed annually on application by the owner and by payment of the fees required by law, the
356 renewal to take effect on the first day of the month succeeding the date of expiration. Notwithstanding
357 these limitations, the Commissioner may extend the validity period of an expiring registration if (i) the
358 Department is unable to process an application for renewal due to circumstances beyond its control, and
359 (ii) the extension has been authorized under a directive from the Governor. However, in no event shall
360 the validity period be extended more than 90 days per occurrence of such conditions.

361 B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the
362 discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute
363 the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year.
364 All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a
365 period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on
366 receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor

more than 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

D. 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.

E. No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of 15 is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-923. How and where pedestrians to cross highways.

A. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross, wherever possible, only at intersections or marked crosswalks. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

B. The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the pedestrian for the violation of some other provision of this Code or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-926. Pedestrians stepping into highway where they cannot be seen.

A. No pedestrian shall step into a highway open to moving vehicular traffic at any point between intersections where his presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side. The foregoing prohibition shall not apply to a pedestrian stepping into a highway to board a bus or to enter a safety zone, in which event he shall cross the highway only at right angles.

B. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the pedestrian for the violation of some other provision of this Code or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1003. Illegal use of defective and unsafe equipment.

A. It shall be unlawful for any person to use or have as equipment on a motor vehicle operated on a highway any device or equipment mentioned in § 46.2-1002 which is defective ~~or~~ and in an unsafe

428 condition.

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

432 *C. No citation for a violation of this section shall be issued unless the officer issuing such citation*
433 *has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of*
434 *this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or*
435 *any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall*
436 *be admissible in any trial, hearing, or other proceeding.*

437 **§ 46.2-1013. Tail lights.**

438 *A. Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other*
439 *vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet*
440 *to the rear of such vehicle.*

441 ~~Such~~ *B. All tail lights required pursuant to subsection A shall be constructed and so mounted in their*
442 *relation to the rear license plate as to illuminate the license plate with a white light so that the same*
443 *may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light*
444 *shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such*
445 *vehicle. No citation for a violation of this subsection shall be issued unless the officer issuing such*
446 *citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other*
447 *provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a*
448 *motor vehicle or any criminal statute. No evidence discovered or obtained pursuant to a violation of this*
449 *subsection shall be admissible in any trial, hearing, or other proceeding.*

450 *C. Any ~~such~~ tail lights or special white light required pursuant to this section shall be of a type*
451 *approved by the Superintendent.*

452 *D. In any instance where the tail light is to be installed on a boat trailer and the boat extends beyond*
453 *the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may*
454 *be attached to the exposed rear of the boat, provided such installation complies with the visibility*
455 *requirements of this section. The provisions of this section shall not apply to motorcycles.*

456 **§ 46.2-1014. Brake lights.**

457 *A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with*
458 *a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth*
459 *shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake*
460 *lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of*
461 *500 feet to the rear of such vehicle when the brake is applied.*

462 *The provisions of this section shall not apply to motorcycles or autocycles equipped with brake lights*
463 *as required by § 46.2-1012.*

464 *B. No citation for a violation of this section shall be issued unless the officer issuing such citation*
465 *has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of*
466 *this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or*
467 *any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall*
468 *be admissible in any trial, hearing, or other proceeding.*

469 **§ 46.2-1014.1. Supplemental high mount stop light.**

470 *A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the*
471 *1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a*
472 *type approved by the Superintendent or which meets the standards adopted by the United States*
473 *Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle*
474 *as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard*
475 *lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those*
476 *requirements.*

477 *B. No citation for a violation of this section shall be issued unless the officer issuing such citation*
478 *has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of*
479 *this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or*
480 *any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall*
481 *be admissible in any trial, hearing, or other proceeding.*

482 **§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of**
483 **warning lights.**

484 *A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights*
485 *and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time*
486 *when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric*
487 *conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly*
488 *discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog,*
489 *rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when*

windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-1049. Exhaust system in good working order.

A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment *or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.* ~~An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.~~

~~The term As used in this section, "exhaust system," as used in this section,~~ means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

B. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.

A. As used in this article, unless the context requires a different meaning:

"Front side windows" means those windows located adjacent to and forward of the driver's seat;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle;

"Rear side windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger

551 compartment of a motor vehicle and that are approximately parallel to the windshield.

552 B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for
553 any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film,
554 sun-shading material, or other colored material on the windshield, front or rear side windows, or rear
555 windows of such motor vehicle. This provision, however, shall not apply to any certificate or other
556 paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield
557 or window.

558 The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in
559 compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the
560 windshield at a location designated by the Superintendent.

561 C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped
562 with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view
563 of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be
564 lawful:

565 1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view
566 lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case
567 of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which
568 enables the driver of the motor vehicle to view below the line of sight as viewed through the rear
569 window;

570 2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker
571 or stickers, regardless of size; or

572 3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or
573 windows is otherwise obstructed.

574 D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section,
575 no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such
576 motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to
577 the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the
578 sun-shading or tinting film is applied or affixed in accordance with the following:

579 1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear
580 window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce
581 the total light transmittance of such window to less than 35 percent;

582 2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor
583 vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such
584 window to less than 50 percent;

585 3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that
586 (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

587 Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading
588 or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2,
589 (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is
590 guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the
591 violation.

592 Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia
593 sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in
594 subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic
595 or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor
596 for any subsequent offense.

597 E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper
598 standards for equipment or devices used to measure light transmittance through windows of motor
599 vehicles. Law-enforcement officers shall use only such equipment or devices to measure light
600 transmittance through windows that meet the standards established by the Division. Such measurements
601 made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

602 F. No film or darkening material may be applied on the windshield except to replace the sunshield in
603 the uppermost area as installed by the manufacturer of the vehicle.

604 G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a
605 single sticker no larger than 20 square inches if such sticker is totally contained within the lower five
606 inches of the glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one
607 such sticker is so affixed.

608 H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any
609 multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light
610 transmittance of such window or windows below 35 percent.

611 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied
612 or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia

law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any emergency medical services vehicle used to transport patients.

M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed in accordance with § 9.1-139.

N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

O. 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.

P. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1054. Suspension of objects or alteration of vehicle so as to obstruct driver's view.

A. It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the Commonwealth with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to *substantially* obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to § 46.2-1216 or 46.2-1231.

B. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.

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

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

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

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section 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 motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

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

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

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

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

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

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 motorcycles under this article.

E. *No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

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

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

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

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

highway is under construction or repair;

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

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

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) *provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited 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.

E. *No citation for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle shall be cause to stop or arrest a driver of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained pursuant to a violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

ENGROSSED

HB5058E