

21101669D

HOUSE BILL NO. 1840

Offered January 13, 2021

Prefiled January 7, 2021

A BILL to amend and reenact §§ 15.2-919, 46.2-334.01, 46.2-335, 46.2-646, 46.2-810.1, 46.2-923, 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, as they shall become effective, of the Code of Virginia, relating to issuing citations; certain traffic offenses.

Patrons—Wyatt, Cole, M.L., Marshall and Wiley

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 46.2-334.01, 46.2-335, 46.2-646, 46.2-810.1, 46.2-923, 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, as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. (Effective March 1, 2021) 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 law-enforcement officer, as defined in § 9.1-101, shall stop a motorcycle, moped, motorized skateboard, or scooter for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-334.01. (Effective March 1, 2021) Licenses issued to persons less than 18 years old subject to certain restrictions.

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

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

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

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

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

69 B. The initial license issued to any person younger than 18 years of age shall be deemed a  
70 provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not  
71 authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years  
72 old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up  
73 to three passengers who are less than 21 years old (i) when the holder is driving to or from a  
74 school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat  
75 beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to  
76 members of the driver's family or household. For the purposes of this subsection, "a member of the  
77 driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren,  
78 brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common  
79 with the driver, whether or not they reside in the same home with the driver; (b) the driver's  
80 brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual  
81 who cohabits with the driver, and any children of such individual residing in the same home with the  
82 driver.

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

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

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

101 E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation  
102 of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in  
103 any action for the recovery of damages arising out of the operation, ownership, or maintenance of a  
104 motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure  
105 pertaining to any such civil action.

106 F. ~~No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
107 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
108 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
109 ~~proceeding citation for a violation of this section shall be issued unless the officer issuing such citation~~  
110 ~~has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of~~  
111 ~~this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or~~  
112 ~~any criminal statute.~~

113 **§ 46.2-335. (Effective March 1, 2021) Learner's permits; fees; certification required.**

114 A. The Department, on receiving from any Virginia resident over the age of 15 years and six months  
115 an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's  
116 satisfactory documentation of meeting the requirements of this chapter and successful completion of the  
117 written or automated knowledge and vision examinations and, in the case of a motorcycle learner's  
118 permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the  
119 permit in his immediate possession, to drive a motor vehicle or, if the application is made for a  
120 motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver

121 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother,  
 122 half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i)  
 123 alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle  
 124 instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii)  
 125 lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

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

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

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

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

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

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

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

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

166 E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a  
 167 learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any  
 168 cellular telephone or any other wireless telecommunications device, regardless of whether or not such  
 169 device is handheld. ~~No law enforcement officer shall stop a motor vehicle for a violation of this section.~~  
 170 ~~No evidence discovered or obtained as the result of a stop in violation of this subsection, including~~  
 171 ~~evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or~~  
 172 ~~other proceeding citation for a violation of this subsection shall be issued unless the officer issuing such~~  
 173 ~~citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other~~  
 174 ~~provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a~~  
 175 ~~motor vehicle or any criminal statute.~~

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

181 G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia

182 residence and, in the case of persons of school age, compliance with the compulsory school attendance  
183 law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits  
184 issued under this section.

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

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

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

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

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

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

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

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

211 **§ 46.2-646. (Effective March 1, 2021) Expiration and renewal of registration.**

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

220 B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the  
221 discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute  
222 the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year.  
223 All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a  
224 period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on  
225 receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor  
226 more than 11 months as is necessary to distribute the registrations as equally as practicable on a  
227 monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more  
228 motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last  
229 day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers,  
230 and semitrailers registered for more than one year under subsection C of this section, every registration  
231 shall be renewed annually on application by the owner and by payment of fees required by law, the  
232 renewal to take effect on the first day of the succeeding month.

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

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

241 E. No law enforcement officer shall stop a motor vehicle due to an expired registration sticker prior  
242 to the first day of the fourth month after the original expiration date. No evidence discovered or  
243 obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained

244 with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

245 **§ 46.2-810.1. (Effective March 1, 2021) Smoking in vehicle with a minor present; civil penalty.**

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

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

255 C. ~~No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
256 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
257 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
258 ~~proceeding citation for a violation of this section shall be issued unless the officer issuing such citation~~  
259 ~~has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of~~  
260 ~~this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or~~  
261 ~~any criminal statute.~~

262 **§ 46.2-923. (Effective March 1, 2021) How and where pedestrians to cross highways.**

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

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

272 C. ~~No law enforcement officer shall stop a pedestrian for a violation of this section. No evidence~~  
273 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
274 ~~discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other~~  
275 ~~proceeding.~~

276 **§ 46.2-1003. (Effective March 1, 2021) Illegal use of defective and unsafe equipment.**

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

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

283 C. ~~No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
284 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
285 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
286 ~~proceeding.~~

287 **§ 46.2-1013. (Effective March 1, 2021) Tail lights.**

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

291 B. All tail lights required pursuant to subsection A shall be constructed and so mounted in their  
292 relation to the rear license plate as to illuminate the license plate with a white light so that the same  
293 may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light  
294 shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such  
295 vehicle. ~~No law enforcement officer shall stop a motor vehicle for a violation of this subsection. No~~  
296 ~~evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
297 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
298 ~~proceeding.~~

299 C. Any tail lights or special white light required pursuant to this section shall be of a type approved  
300 by the Superintendent.

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

305 **§ 46.2-1014. (Effective March 1, 2021) Brake lights.**

306 A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with  
307 a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth  
308 shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake  
309 lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of  
310 500 feet to the rear of such vehicle when the brake is applied.

311 The provisions of this section shall not apply to motorcycles or autcycles equipped with brake lights  
312 as required by § 46.2-1012.

313 B. ~~No law enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this~~  
314 ~~section, except that a law enforcement officer may stop a vehicle if it displays no brake lights that meet~~  
315 ~~the requirements set forth in subsection A. No evidence discovered or obtained as the result of a stop in~~  
316 ~~violation of this subsection, including evidence discovered or obtained with the operator's consent, shall~~  
317 ~~be admissible in any trial, hearing, or other proceeding.~~

318 **§ 46.2-1014.1. (Effective March 1, 2021) Supplemental high mount stop light.**

319 A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the  
320 1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a  
321 type approved by the Superintendent or which meets the standards adopted by the United States  
322 Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle  
323 as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard  
324 lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those  
325 requirements.

326 B. ~~No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
327 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
328 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
329 ~~proceeding.~~

330 **§ 46.2-1030. (Effective March 1, 2021) When lights to be lighted; number of lights to be lighted**  
331 **at any time; use of warning lights.**

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

339 B. Not more than four lights used to provide general illumination ahead of the vehicle, including at  
340 least two headlights and any other combination of fog lights or other auxiliary lights approved by the  
341 Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not  
342 more than five approved lights in order to provide general illumination ahead of the motorcycle. These  
343 limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through  
344 46.2-1027, or other lights as may be authorized by the Superintendent.

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

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

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

357 F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing  
358 such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other  
359 provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a  
360 motor vehicle or any criminal statute. ~~No law enforcement officer shall stop a motor vehicle for a~~  
361 ~~violation of this section, except that a law enforcement officer may stop a vehicle if it displays no~~  
362 ~~lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained~~  
363 ~~as the result of a stop in violation of this subsection, including evidence discovered or obtained with the~~  
364 ~~operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

365 **§ 46.2-1049. (Effective March 1, 2021) Exhaust system in good working order.**

366 A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such

367 vehicle on a highway unless it is equipped with an exhaust system in good working order and in  
 368 constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor  
 369 vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable  
 370 to that designed for use on the particular vehicle as standard factory equipment or other equipment that  
 371 has been submitted to and approved by the Superintendent or meets or exceeds the standards and  
 372 specifications of the Society of Automotive Engineers, the American National Standards Institute, or the  
 373 federal Department of Transportation.

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

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

378 The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to  
 379 § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for  
 380 use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric  
 381 vehicles.

382 ~~B. No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
 383 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
 384 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
 385 ~~proceeding.~~

386 **§ 46.2-1052. (Effective March 1, 2021) Tinting films, signs, decals, and stickers on windshields,**  
 387 **etc.; penalties.**

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

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

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

392 "Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than  
 393 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road  
 394 use.

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

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

398 "Rear window" or "rear windows" means those windows that are located to the rear of the passenger  
 399 compartment of a motor vehicle and that are approximately parallel to the windshield.

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

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

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

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

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

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

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

427 1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear

428 window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce  
429 the total light transmittance of such window to less than 35 percent;

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

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

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

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

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

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

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

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

459 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied  
460 or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia  
461 law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material  
462 was installed prior to July 1, 1987.

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

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

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

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

473 N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in  
474 § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

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

478 ~~P. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
479 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
480 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
481 ~~proceeding.~~

482 **§ 46.2-1054. (Effective March 1, 2021) Suspension of objects or alteration of vehicle so as to**  
483 **obstruct driver's view.**

484 A. It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the  
485 Commonwealth with any object or objects, other than a rear view mirror, sun visor, or other equipment  
486 of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in  
487 such a manner as to substantially obstruct the driver's clear view of the highway through the windshield,  
488 the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner  
489 as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when

490 the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is  
 491 equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at  
 492 least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles  
 493 owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle  
 494 racks installed on the front of any bus operated by any city, county, transit authority, or transit or  
 495 transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of  
 496 vehicles pursuant to § 46.2-1216 or 46.2-1231.

497 ~~B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
 498 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
 499 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
 500 ~~proceeding.~~

501 **§ 46.2-1094. (Effective March 1, 2021) Occupants of front seats of motor vehicles required to**  
 502 **use safety lap belts and shoulder harnesses; penalty.**

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

509 B. This section shall not apply to:

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

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

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

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

520 5. Drivers of and passengers in taxicabs; or

521 6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery  
 522 of goods or services, including but not limited to solid waste, where such collection or delivery requires  
 523 the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render  
 524 the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such  
 525 personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or  
 526 when the vehicle is in transit to or from a point of final disposition or disposal, including but not  
 527 limited to solid waste facilities, terminals, or other location where the vehicle may be principally  
 528 garaged; or

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

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

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

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

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

542 ~~F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence~~  
 543 ~~discovered or obtained as the result of a stop in violation of this subsection, including evidence~~  
 544 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~  
 545 ~~proceeding~~ *citation for a violation of this section shall be issued unless the officer issuing such citation*  
 546 *has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of*  
 547 *this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or*  
 548 *any criminal statute.*

549 G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the  
 550 provisions of this section, requiring the use of safety belt systems. The penalty for violating any such

551 ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

552 **§ 46.2-1157. (Effective March 1, 2021) Inspection of motor vehicles required.**

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

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

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

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

567 E. ~~No law enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker  
568 until the first day of the fourth month after the original expiration date. No evidence discovered or  
569 obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained  
570 with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

571 **§ 46.2-1300. (Effective March 1, 2021) Powers of local authorities generally; erection of signs  
572 and markers; maximum penalties.**

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

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

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

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

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

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

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

601 E. ~~No law enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating  
602 to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No  
603 evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence  
604 discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other  
605 proceeding.~~