

23103718D

## HOUSE BILL NO. 1703

Offered January 11, 2023

Prefiled January 9, 2023

A *BILL to amend and reenact §§ 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1051, 46.2-1052, and 46.2-1054 of the Code of Virginia, relating to issuing citations; certain traffic offenses.*

Patron—Durant

Referred to Committee for Courts of Justice

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

**1. That §§ 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1051, 46.2-1052, and 46.2-1054 of the Code of Virginia are amended and reenacted as follows:**

**§ 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 and in an unsafe condition.

B. 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.

~~C. No law-enforcement officer shall stop a motor vehicle 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.~~

**§ 46.2-1013. Tail lights.**

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

~~B. All Such tail lights required pursuant to subsection A shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. No law-enforcement officer shall stop a motor vehicle for a violation of this subsection. 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.~~

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

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

**§ 46.2-1014. Brake lights.**

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

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

~~B. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection A. 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.~~

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

A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the 1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a

INTRODUCED

HB1703

59 type approved by the Superintendent or which meets the standards adopted by the United States U.S.  
60 Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle  
61 as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard  
62 lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those  
63 requirements.

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

68 **§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of**  
69 **warning lights.**

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

77 B. Not more than four lights used to provide general illumination ahead of the vehicle, including at  
78 least two headlights and any other combination of fog lights or other auxiliary lights approved by the  
79 Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not  
80 more than five approved lights in order to provide general illumination ahead of the motorcycle. These  
81 limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through  
82 46.2-1027, or other lights as may be authorized by the Superintendent.

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

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

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

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

104 **§ 46.2-1049. Exhaust system in good working order.**

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

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

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

119 The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to  
120 § 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.

**§ 46.2-1051. Local ordinances; vehicle exhaust.**

A. The governing body of any county, city, or town may, by ordinance, regulate noise from a vehicle operated on a highway that is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049.

B. The provisions of subsection E of § 46.2-1300 shall not apply to ordinances adopted pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

215 N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in  
216 § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

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

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

224 **§ 46.2-1054. Suspension of objects or alteration of vehicle so as to obstruct driver's view.**

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

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