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**HOUSE BILL NO. 2198**

Offered January 23, 1995

*A BILL to amend and reenact §§ 46.2-676, 46.2-915.1, and 46.2-1157 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 46.2 a section numbered 46.2-115, relating to powers of the council of the Town of Tangier, golf carts, all-terrain vehicles, and motor vehicle safety inspections; penalties.*

Patrons—Bloxom; Senator: Norment

Referred to Committee on Roads and Internal Navigation

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

**1. That §§ 46.2-676, 46.2-915.1, and 46.2-1157 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 46.2 a section numbered 46.2-115 as follows:**

*§ 46.2-115. Inapplicability of title on Tangier Island; adoption of local ordinances; penalties.*

*Except for this section, no provisions of this title shall apply in the Town of Tangier.*

*The council of the Town of Tangier may adopt such ordinances paralleling any provision of this title and adapt their provisions to suit the Town's unique situation. No penalty for any violation of any such ordinance, however, shall exceed the penalty imposed for a violation of the parallel provision of this title.*

*§ 46.2-676. Golf carts.*

A. No person shall be required to obtain the registration certificates, license plates or decals, or to pay any registration fee, for any golf cart which is not operated on or over any public highway in the Commonwealth for any other purpose other than operating it across a highway from one portion of a golf course to another portion thereof or to another adjacent golf course. Nor shall any person be required to obtain registration certificates, license plates or decals, or to pay any fees to operate a golf cart across any highway if the person driving the golf cart has with him in the vehicle either (i) a valid special parking permit issued to him under § 46.2-1238 or (ii) a valid special parking decal issued to him under § 46.2-731.

B. Nor shall any person be required to obtain registration certificates, license plates or decals, or to pay any registration fee to operate a golf cart along a road between his home and golf course if: (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than thirty-five miles per hour, and (iii) the driver of the vehicle is at least sixteen years old, and (iv) while operating along a highway the vehicle displays a slow-moving vehicle emblem in conformity with § 46.2-1081.

~~C. Nor shall any person be required to obtain registration certificates, license plates or decals, or to pay any registration fee to operate a golf cart on, along, or across the roads on Tangier Island.~~

*§ 46.2-915.1. All-terrain vehicles; penalty.*

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except as authorized by proper authorities or to the extent necessary to cross a public highway by the most direct route;

2. By any person under the age of sixteen, except that children between the ages of twelve and sixteen may operate all-terrain vehicles powered by engines of no less than seventy nor more than ninety cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time.

B. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A of this section.

C. 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 an all-terrain vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

D. Violation of any provision of this section shall be punishable by a civil penalty of not more than

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60 \$500.

61 E. The provisions of this section shall not apply:

62 1. ~~On Tangier Island;~~

63 21. To any all-terrain vehicle being used in conjunction with farming activities; or

64 32. To members of the household or employees of the owner or lessee of private property on which  
65 the all-terrain vehicle is operated.

66 F. For the purposes of this section, "all-terrain vehicle" shall mean a three-wheeled or four-wheeled  
67 motor vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the  
68 operator, and handlebars for steering, which is intended for off-road use by an individual rider on  
69 various types of nonpaved terrain. The term does not include four-wheeled vehicles which have low  
70 centers of gravity and are typically used in racing and on relatively level surfaces, commonly known as  
71 "go-carts."

72 § 46.2-1157. Requirement of inspection; well-drilling machinery, antique motor vehicle excepted.

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

80 The provisions of this section requiring safety inspections of motor vehicles shall also apply to  
81 vehicles used for fire fighting; inspections of fire-fighting vehicles shall be conducted pursuant to  
82 regulations promulgated by the Superintendent of State Police, taking into consideration the special  
83 purpose of such vehicles and the conditions under which they operate. ~~Fire-fighting vehicles located on~~  
84 ~~Tangier Island are exempted from the requirements of this section.~~

85 Each day during which such motor vehicle, trailer, or semitrailer is operated on any highway in this  
86 Commonwealth after failure to comply with this law shall constitute a separate offense. However, no  
87 penalty shall be imposed on any owner or operator for operation of a motor vehicle, trailer, or  
88 semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route  
89 between the place where such vehicle is kept or garaged and an official inspection station, for the  
90 purpose of having it inspected pursuant to a prior appointment with such station.

91 The provisions of this section shall not apply to any vehicle for transporting well-drilling machinery  
92 licensed under § 46.2-700 or to any antique motor vehicle as defined in § 46.2-100 and licensed  
93 pursuant to § 46.2-730.

94 Notwithstanding the penalty provisions of § 46.2-1171, a violation of this section constitutes a traffic  
95 infraction.