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HOUSE BILL NO. 2016

House Amendments in [] — February 1, 1999

A *BILL to amend and reenact §§ 6.1-194.2, 15.2-2247, 46.2-100, 46.2-111, 46.2-653, 46.2-1115, 46.2-1500, 46.2-1900, 55-66.1:1, 55-248.4, 55-248.49, 58.1-2401, 58.1-2403, 58.1-2425, 59.1-207.2, and 59.1-313 of the Code of Virginia, relating to use of the term "manufactured homes."*

Patrons—Scott, Hull, Keating and Rust; Senators: Howell, Saslaw and Woods

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.1-194.2, 15.2-2247, 46.2-100, 46.2-111, 46.2-653, 46.2-1115, 46.2-1500, 46.2-1900, 55-66.1:1, 55-248.4, 55-248.49, 58.1-2401, 58.1-2403, 58.1-2425, 59.1-207.2, and 59.1-313 of the Code of Virginia are amended and reenacted as follows:

§ 6.1-194.2. Definitions.

As used in this chapter, the following definitions shall apply unless a different meaning is required by the context:

"Account" means any account with a savings institution and includes a checking, time, interest, or savings account.

"Association" means a savings and loan association, building and loan association or building association which is authorized by law to accept deposits and to hold itself out to the public as engaged in the savings and loan business.

"Branch office" means an office of a savings institution where, in addition to conducting other business activities of the institution, the institution accepts deposits.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of Financial Institutions.

"Federal savings institution" means a savings institution incorporated or organized in accordance with the laws of the United States.

"Financial institution" means a savings institution, commercial bank, trust company, industrial loan association or credit union.

"Foreign savings institution" means a savings institution incorporated under the laws of a state, territory or possession of the United States, other than the Commonwealth of Virginia, whose principal business office is located outside the territorial limits of the Commonwealth. The term "foreign savings institution" does not include a savings institution incorporated under the laws of the United States.

"Home loan" means a real estate loan the security for which is a lien on real estate comprising a single-family dwelling or a dwelling unit for four or fewer families in the aggregate.

"Insured savings institution" means a savings institution whose accounts are insured by the Federal Deposit Insurance Corporation or other federal insurance agency.

"Liquid assets" means cash on hand; cash on deposit in Federal Home Loan Banks, Federal Reserve Banks, savings institutions, or in commercial banks, which is withdrawable upon not more than thirty days' notice and which is not pledged as security for indebtedness; the liquid asset fund of the United States League of Saving Institutions; obligations of, or obligations which are fully guaranteed as to principal and interest by, the United States; or any other asset which the Commissioner designates as a liquid asset. Any deposits in financial institutions under the control or in the possession of any supervisory authority shall not be considered as liquid assets.

"Main office" means the office where a savings institution first commences to do business or, where the savings institution has more than one office, the office designated by the institution's board of directors as the institution's main office.

"Manufactured building" means a ~~mobile~~ *manufactured* home or other building or structure designed for use as a dwelling or business facility which is manufactured and assembled at a location other than the site where such [~~mobile~~ *manufactured*] home, building or structure is placed for use as a dwelling or business facility, or both.

"Member" means a person holding a savings account of a mutual association, and a person borrowing from or assuming or obligated upon a loan or interest therein held by such association, or a person purchasing real estate securing a loan or interest therein held by such association. A joint and survivorship or other multiple owner or borrower relationship constitutes a single membership.

"Mutual association" means an association which is organized and operated exclusively for the benefit of its members and which does not issue shares of capital stock.

"Mutual savings institution" means a savings institution which is organized and operated exclusively

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60 for the benefit of its members and which does not issue shares of capital stock.

61 "Real estate loan" means a loan on the security of any instrument, whether a mortgage, deed of trust,
62 or land contract, which makes the interest in real estate described therein, whether in fee or in a
63 leasehold or subleasehold extending or renewable automatically or at the option of the holder, or at the
64 option of the savings institution, for a period of at least ten years beyond the maturity of the loan,
65 specific security for the payment of the obligations secured by such instrument. The term also includes a
66 loan, or interest therein, secured by cooperative housing units on the security of (i) a security interest in
67 the stock or membership certificate issued to a tenant-stockholder or resident member of a cooperative
68 housing corporation (as defined in § 13.1-501) coupled with (ii) the assignment by way of security of
69 the borrower's interest in the proprietary lease or other right of tenancy in the property owned by such
70 corporation.

71 "Savings account" means an interest-bearing account not subject to withdrawal by check or other
72 negotiable instrument.

73 "Savings institution" means a savings and loan association, a building and loan association, building
74 association, or savings bank, whether organized as a capital stock corporation or a nonstock corporation
75 which is authorized by law to accept deposits and to hold itself out to the public as engaged in the
76 savings institution business.

77 "Service corporation" means a stock corporation whose entire stock is owned directly by one or more
78 savings institutions, or any such corporation which is owned indirectly through a subsidiary or
79 subsidiaries of one or more savings institutions.

80 "State association" means a savings and loan association or building and loan association
81 incorporated under the laws of the Commonwealth of Virginia. "State association" includes such an
82 association which uses the term "savings bank" as a part of its corporate name.

83 "Stock association" means an association which issues shares of capital stock.

84 "Stock institution" means a savings institution which issues shares of capital stock.

85 "Withdrawal value" means the amount credited to an account less lawful deductions therefrom, as
86 shown by the records of the savings institution.

87 § 15.2-2247. Applicability of subdivision ordinance to manufactured homes.

88 Any locality may designate by ordinance the areas within its jurisdiction in which ~~mobile~~
89 ~~manufactured~~ homes may be located or ~~mobile manufactured~~ home parks may be established,
90 notwithstanding the absence of a zoning ordinance in such locality. Such ordinance may also apply to
91 any of the provisions of §§ 15.2-2241 through 15.2-2245 in the regulation and governing of the location,
92 establishment, and operation of ~~mobile manufactured~~ homes or ~~mobile manufactured~~ home parks. The
93 ordinance may apply to any park or portion thereof licensed as a campground pursuant to Title 35.1 of
94 this Code. In the event of irreconcilable conflict between the ordinance and state law, the state law shall
95 supersede the ordinance.

96 § 46.2-100. Definitions.

97 The following words and phrases when used in this title shall, for the purpose of this title, have the
98 meanings respectively ascribed to them in this section except in those instances where the context
99 clearly indicates a different meaning:

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

103 "Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination,
104 including vehicles or combinations which transport motor vehicles or watercraft on their power unit,
105 designed and used exclusively for the transportation of motor vehicles or watercraft.

106 "Bicycle" means a device propelled solely by human power, having pedals, two or more wheels, and
107 a seat height of more than twenty-five inches from the ground when adjusted to its maximum height.
108 For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated
109 on the highway.

110 "Business district" means the territory contiguous to a highway where seventy-five percent or more
111 of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or
112 more along the highway, is occupied by land and buildings actually in use for business purposes.

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

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

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

121 "Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

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

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

"Federal safety requirements" means applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all administrative regulations and policies adopted pursuant thereto.

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

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act as amended (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

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

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

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

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

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

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make

183 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
184 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
185 include city and county commissioners of the revenue and treasurers, together with their duly designated
186 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,
187 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

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

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

192 "~~Mobile~~ Manufactured home" means a structure [*subject to federal regulation*], transportable in one
193 or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or
194 more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent
195 chassis and designed to be used as a dwelling with or without a permanent foundation when connected
196 to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems
197 contained therein.

198 "Moped" means (i) a bicycle-like device with pedals and a helper motor which is rated at no more
199 than two brake horsepower and which produces speeds up to a maximum of thirty miles per hour and
200 (ii) a motorcycle with an engine displacement of 50 cubic centimeters or less and a maximum speed of
201 less than thirty miles per hour. For purposes of Chapter 8 of this title, a moped shall be a vehicle while
202 operated on a highway.

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

205 "Motor vehicle" means every vehicle as defined in this section which is self-propelled or designed
206 for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained
207 primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place,
208 office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title,
209 any device herein defined as a bicycle or a moped shall be deemed not to be a motor vehicle.

210 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact
211 with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in
212 this section.

213 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any
214 foreign corporation which is authorized to do business in the Commonwealth by the State Corporation
215 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of
216 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only
217 such principal place of business or branches located within the Commonwealth shall be dealt with as
218 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the
219 Commonwealth for a period exceeding sixty days shall be a resident for the purposes of this title except
220 for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident
221 student as defined in this section, who has actually resided in the Commonwealth for a period of six
222 months, whether employed or not, or who has registered a motor vehicle, listing an address in the
223 Commonwealth in the application for registration shall be deemed a resident for the purposes of this
224 title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

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

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

239 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
240 an agreement for its conditional sale or lease with the right of purchase on performance of the
241 conditions stated in the agreement and with an immediate right of possession vested in the conditional
242 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
243 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
244 paid by the lessee includes charges for services of any nature or when the lease does not provide that

title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten persons including the driver.

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

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

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

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where seventy-five percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes.

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

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

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by plainly visible signs.

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

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

"Shoulder" means that part of a highway between the portion regularly travelled by vehicular traffic and the lateral curblin or ditch.

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

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

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

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

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

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

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

306 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a
307 felony nor a misdemeanor.

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

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

313 "Truck" means every motor vehicle designed to transport property on its own structure independent
314 of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

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

323 "Vehicle" means every device in, on or by which any person or property is or may be transported or
324 drawn on a highway, except devices moved by human power or used exclusively on stationary rails or
325 tracks. For the purposes of Chapter 8 of this title, bicycles and mopeds shall be vehicles while operated
326 on a highway.

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

332 § 46.2-111. Flares and other signals relating to disabled vehicles.

333 A. Whenever any bus, truck, trailer, house trailer, or ~~mobile~~ *manufactured* home is disabled and
334 stops on any roadway in the Commonwealth, except within the corporate limits of cities or on highways
335 which are artificially lighted at night, at any time during which lights are required on motor vehicles by
336 § 46.2-1030, the operator of such vehicle shall place or cause to be placed on the roadway three red
337 flares or torches of a type approved by the Superintendent. One of the flares or torches shall be placed
338 in the center of the lane of traffic occupied by the disabled vehicle and not less than 100 feet therefrom
339 in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in
340 the opposite direction and a third at the traffic side of such vehicle not closer than ten feet from its front
341 or rear. However, if such vehicle is disabled within 500 feet of a curve or crest of a hill, or other
342 obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning
343 to other users of the highway, but in no case less than 500 feet from the disabled vehicle. Red
344 reflectorized triangular warning devices of a type approved by the Superintendent may be used in lieu of
345 flares or torches.

346 The exception provided in this subsection with respect to highways within the corporate limits of
347 cities or on streets or highways which are artificially lighted at night shall not apply to any portion of
348 any interstate highway within the corporate limits of any city.

349 B. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded or
350 empty, or for transporting inflammable gases, red flares or red electric lanterns of a type approved by
351 the Superintendent of State Police shall be used. Such reflectors or lanterns shall be lighted and placed
352 on the roadway in the manner provided in subsection A of this section.

353 C. During such time as lights on motor vehicles are not required, red flags not less than twelve
354 inches both in length and width shall be used in the place of flares, torches, or lanterns. The flags shall
355 be placed on the roadway in the manner prescribed in subsections A and B of this section for flares,
356 torches, and lanterns, except that no flag shall be required to be placed at the side of such vehicle. If the
357 disablement of such vehicle continues into the period when lights on motor vehicles are required, flares,
358 torches, reflectors, or lanterns shall be placed as required by subsections A and B of this section. Red
359 reflectorized triangular warning devices of a type approved by the Superintendent may be used in lieu of
360 flags.

361 § 46.2-653. Temporary registration or permit for transportation of manufactured homes or house
362 trailers exceeding the size permitted by law.

363 The Commonwealth Transportation Commissioner, in cooperation with the Commissioner, may grant
364 a temporary registration or permit for the transportation of ~~mobile~~ *manufactured* homes or house trailers,
365 which exceed the size permitted by law, on the highways in the Commonwealth from one point to
366 another within the Commonwealth, or from the Commonwealth to a point or points outside the
367 Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth.

Such temporary registration or permit shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled or other restrictions and shall be displayed in a prominent place on the vehicle. The owner of every ~~mobile~~ *manufactured* home or house trailer of this sort purchased in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use within the Commonwealth shall apply within thirty days to the Department for title in the name of the owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. After a ~~mobile~~ *manufactured* home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the realty, then the Virginia title issued for the unit may be returned to the Department for cancellation and the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the provisions of this section.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these ~~mobile~~ *manufactured* homes or house trailers may be transported, and no ~~mobile~~ *manufactured* home or house trailer of this sort shall be transported through any city or town except along a prescribed route or routes.

For each temporary single-trip registration or permit issued hereunder, the applicant shall pay a fee of one dollar, in addition to any administrative fee required by the Department of Transportation. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of forty dollars, in addition to any administrative fee required by the Department of Transportation.

No permit, as provided in this section, shall be issued covering any ~~mobile~~ *manufactured* home or house trailer that is subject to a license plate.

§ 46.2-1115. Lengths of manufactured homes or house trailers.

The actual length of any combination of a towing vehicle and any ~~mobile~~ *manufactured* home or house trailer, coupled together, shall not exceed a total length of sixty-five feet, including coupling.

§ 46.2-1500. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one

429 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
430 offering, selling, and servicing new motor vehicles of a particular line-make or late model or factory
431 repurchase motor vehicles of a particular line-make manufactured or distributed by the grantor of the
432 right, the franchisor, and where the operation of the franchisee's business is substantially associated with
433 the franchisor's trademark, trade name, advertising, or other commercial symbol designating the
434 franchisor, the motor vehicle or its manufacturer or distributor. The term shall include any severable part
435 or parts of a franchise agreement which separately provides for selling and servicing different line-makes
436 of the franchisor.

437 "Franchised late model or factory repurchase motor vehicle dealer" means a dealer in late model or
438 factory repurchase motor vehicles, including a franchised new motor vehicle dealer, that has a franchise
439 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
440 motor vehicles.

441 "Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise
442 agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers.

443 "Fund" means the Motor Vehicle Dealer Board Fund.

444 "Independent motor vehicle dealer" means a dealer in used motor vehicles.

445 "Late model motor vehicle" means a motor vehicle of the current model year and the immediately
446 preceding model year.

447 "Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name
448 plate marketed by the manufacturer or distributor.

449 "Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter
450 19 (§ 46.2-1900 et seq.) of this title and engaged in the business of constructing or assembling new
451 motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing
452 engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by
453 the final manufacturer or assembler of the truck.

454 "Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter,
455 it shall not include (i) trailers and semitrailers; (ii) ~~mobile~~ *manufactured* homes, sales of which are
456 regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v)
457 nonrepairable vehicles, as defined in § 46.2-1600; and (vi) salvage vehicles, as defined in § 46.2-1600.

458 "Motor vehicle dealer" or "dealer" means any person who:

459 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
460 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
461 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor
462 vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles
463 are owned by him; or

464 2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor
465 vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

466 3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within
467 any twelve consecutive months.

468 The term "motor vehicle dealer" does not include:

469 1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed
470 by or acting under judgment or order of any court or their employees when engaged in the specific
471 performance of their duties as employees.

472 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

473 3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles
474 to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired
475 for their own use and actually so used, when the vehicles have been so acquired and used in good faith
476 and not for the purpose of avoiding the provisions of this chapter.

477 4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances, and
478 funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt
479 any person from the provisions of §§ 46.2-1519, 46.2-1520 and 46.2-1548.

480 5. Any financial institution chartered or authorized to do business under the laws of the
481 Commonwealth or the United States which may have received title to a motor vehicle in the normal
482 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance
483 to that institution occurring as a result of any loan secured by a lien on the vehicle.

484 6. An employee of an organization arranging for the purchase or lease by the organization of
485 vehicles for use in the organization's business.

486 7. Any person licensed to sell real estate who sells a ~~mobile~~ *manufactured* home or similar vehicle in
487 conjunction with the sale of the parcel of land on which the ~~mobile~~ *manufactured* home or similar
488 vehicle is located.

489 8. Any person who permits the operation of a motor vehicle show or permits the display of motor
490 vehicles for sale by any motor vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.

11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

"Motor vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a salesperson by a motor vehicle dealer to sell or exchange motor vehicles. It shall also mean any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle which (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration motor vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal motor vehicle safety and emission standards. Notwithstanding provisions (i) and (iii), a motor vehicle that has been previously sold but not titled shall be deemed a new motor vehicle if it meets the requirements of provisions (ii), (iv), and (v).

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than thirty days.

"Relevant market area" means as follows:

1. In metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of ten miles, but in no case less than seven miles.

2. If the population in an area within a radius of ten miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of fifteen miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of twenty miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

§ 46.2-1900. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised T&M vehicle dealers, and the original purchaser not for resale.

552 "Dealer-operator" means the individual who works at the established place of business of a dealer
553 and who is responsible for and in charge of day-to-day operations of that place of business.

554 "Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written
555 agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

556 "Distributor branch" means a branch office maintained by a distributor for the sale of T&M vehicles
557 to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in the
558 Commonwealth.

559 "Distributor representative" means a person employed by a distributor or by a distributor branch, for
560 the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its
561 dealers, prospective dealers, or representatives in the Commonwealth.

562 "Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to
563 distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in
564 whole or in part, its representatives in the Commonwealth.

565 "Factory representative" means a person employed by a person who manufactures or assembles T&M
566 vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M vehicles,
567 or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

568 "Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or
569 otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise
570 retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the
571 manufacturer or distributor, or its agents.

572 "Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child,
573 spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed
574 continuously by the dealer for at least five years.

575 "Franchise" means a written contract or agreement between two or more persons whereby one
576 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
577 offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory
578 repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the
579 right, the franchisor, and where the operation of the franchisee's business is substantially associated with
580 the franchisor's trademark, trade name, advertising, or other commercial symbol designating the
581 franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part
582 or parts of a franchise agreement which separately provides for selling and servicing different line-makes
583 of the franchisor.

584 "Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model or
585 factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a franchise
586 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
587 T&M vehicles.

588 "Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles that
589 has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

590 "Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

591 "Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately
592 preceding model year.

593 "Manufacturer" means a person engaged in the business of constructing or assembling new T&M
594 vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when
595 such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the
596 motor home.

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

599 "Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor vehicle
600 distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and "motor
601 vehicle distributor representative" mean the same as provided in § 46.2-1500.

602 "New T&M vehicle" means any T&M vehicle which (i) has not been previously sold except in good
603 faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration
604 T&M vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or
605 any of his employees, (iii) has not been used except for limited use necessary in moving or road testing
606 the T&M vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has
607 the manufacturer's certification that it conforms to all applicable federal T&M vehicle safety and
608 emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle that has been previously
609 sold but not titled shall be deemed a new T&M vehicle if it meets the requirements of provisions (ii),
610 (iv), and (v) of this definition.

611 "Original license" means a T&M vehicle dealer license issued to an applicant who has never been
612 licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has been
613 expired for more than thirty days.

"Relevant market area" means as follows:

1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular area around an existing franchised dealer not to exceed a radius of ten miles, but in no case less than seven miles.

2. If the population in an area within a radius of ten miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of fifteen miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of twenty miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area responsibility, the relevant market area shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use and not for resale, in which the price of the T&M vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"T&M vehicle" means motor homes and travel trailers as defined in this section.

"T&M vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M vehicles, new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles are owned by him;

2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles within any twelve consecutive months.

The term "T&M vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of T&M vehicles to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles acquired for their own use and actually so used, when the T&M vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances, and funeral vehicles, including T&M vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1919, 46.2-1920 and 46.2-1949.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a T&M vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of T&M vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a ~~mobile~~ *manufactured* home or similar vehicle in conjunction with the sale of the parcel of land on which the ~~mobile~~ *manufactured* home or similar vehicle is located.

8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M vehicles for sale by any T&M vehicle dealer licensed under this chapter.

675 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of
676 T&M vehicles under a contract with its insured in the regular course of business.

677 10. Any publication, broadcast, or other communications media when engaged in the business of
678 advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

679 11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-road
680 use.

681 12. Any credit union authorized to do business in Virginia, provided the credit union does not
682 receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

683 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under
684 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

685 "T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a
686 salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

687 "T&M vehicle show" means a display of T&M vehicles to the general public at a location other than
688 a dealer's location licensed under this chapter where the T&M vehicles are not being offered for sale or
689 exchange during or as part of the display.

690 "Travel trailer" means a vehicle designed to provide temporary living quarters of such size or weight
691 as not to require special highway movement permits when towed by a motor vehicle and having a gross
692 trailer area less than 320 square feet.

693 "Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this
694 section.

695 "Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

696 § 55-66.1:1. Required notice of foreclosure or repossession.

697 Whenever any assignee of an installment note secured by a security interest on a ~~mobile~~
698 *manufactured* home determines that legal action is desirable to enforce the debt resulting in a potential
699 foreclosure or repossession, he shall give prior notice by mail of any action to foreclose or repossess the
700 collateral to any assignor who is liable under a recourse endorsement or by virtue of a reserve account
701 at least ten business days prior to the enforcement of the security interest or eviction. Assignment by
702 way of pledge of the security interest granted by the assignor shall not be an assignment within the
703 meaning of this section. The failure to so notify the assignor shall not affect any rights of the assignee
704 as against the principal debtor or any party other than the assignor with recourse or a person with rights
705 in a reserve account. Provisions of this section may not be waived by such assignor at the time of the
706 original sale of the installment paper, but only after the expiration of at least thirty days from such
707 initial transfer. The assignee shall send such notice to the last known address of the assignor as it
708 appears in the records of the assignee.

709 § 55-248.4. Definitions.

710 When used in this chapter, unless expressly stated otherwise:

711 "Action" means recoupment, counterclaim, set off, or other civil suit and any other proceeding in
712 which rights are determined, including without limitation actions for possession, rent, unlawful detainer,
713 unlawful entry, and distress for rent;

714 "Application fee" means any deposit of money or property whether termed application fee, service
715 fee, or processing fee, or however denominated, which is paid by a tenant to a landlord, lessor, or agent
716 of a landlord for the purpose of being considered as a tenant for a dwelling unit;

717 "Assignment" means the transfer by any tenant of all interests created by a rental agreement;

718 "Building and housing codes" means any law, ordinance or governmental regulation concerning
719 fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any
720 structure or that part of a structure that is used as a home, residence or sleeping place by one person
721 who maintains a household or by two or more persons who maintain a common household;

722 "Dwelling unit" means a structure or part of a structure that is used as a home or residence by one
723 or more persons who maintain a household, including, but not limited to, a ~~mobile~~ *manufactured* home;

724 "Facility" means something that is built, constructed, installed or established to perform some
725 particular function;

726 "Good faith" means honesty in fact in the conduct of the transaction concerned;

727 "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which such
728 dwelling unit is a part, and "landlord" also means a manager of the premises who fails to disclose the
729 name of such owner, lessor or sublessor;

730 "Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners
731 either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or
732 beneficiaries of a trust, or any lawful combination of natural persons permitted by law;

733 "Organization" means a corporation, government, governmental subdivision or agency, business trust,
734 estate, trust, partnership or association, two or more persons having a joint or common interest, or any
735 combination thereof, and any other legal or commercial entity;

736 "Owner" means one or more persons, jointly or severally, in whom is vested:

1. All or part of the legal title to the property, or
 2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises,
 and the term includes a mortgagee in possession;
 "Person" means any individual, group of individuals, corporation, partnership, business trust,
 association or other legal entity, or any combination thereof;
 "Premises" means a dwelling unit and the structure of which it is a part and facilities and
 appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose
 use is promised to the tenant;
 "Rent" means all payments to be made to the landlord under the rental agreement other than security
 deposits;
 "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted
 under § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a dwelling
 unit and premises;
 "Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility,
 in a structure where one or more major facilities are used in common by occupants of the dwelling unit
 and other dwelling units. Major facility in the case of a bathroom means toilet, and either a bath or
 shower, and in the case of a kitchen means refrigerator, stove or sink;
 "Security deposit" or "security" means any deposit of money or property, whether termed security
 deposit or "prepaid rent," however denominated, which is furnished by a tenant to a landlord, lessor or
 agent of a landlord or lessor to secure the performance of any part of a written or oral lease or
 agreement, or as a security for damages to the leased premises;
 "Single-family residence" means a structure, other than a multi-family residential structure,
 maintained and used as a single dwelling unit or any dwelling unit which has direct access to a street or
 thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or
 service with any other dwelling unit;
 "Sublease" means the transfer by any tenant of any but not all interests created by a rental
 agreement;
 "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion
 of others and shall include roomer; and
 "Utility" means a service such as light, power, electricity, gas, or water provided by a public service
 corporation.
 § 55-248.49. Power of local governments over manufactured home parks.
 The governing body of every county, city and town may adopt ordinances to enforce the obligations
 imposed on landlords by § 55-248.43.
 § 58.1-2401. Definitions.
 As used in this chapter, unless the context clearly shows otherwise, the term or phrase:
 "Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the
 Commonwealth.
 "Daily rental vehicle" shall mean a motor vehicle, except a motorcycle or a ~~mobile~~ *manufactured*
 home as defined in § 46.2-100, used for rental as defined in this section and for the transportation of
 persons or property, whether on its own structure or by drawing another vehicle or vehicles.
 "Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through
 its duly authorized officers and agents.
 "Gross proceeds" shall mean the charges made or voluntary contributions received for the rental of a
 motor vehicle where the rental or lease agreement is for a period of less than twelve months.
 "Mobile office" shall mean an industrialized building unit not subject to the federal regulation, which
 may be constructed on a chassis for the purpose of towing to the point of use and designed to be used
 with or without a permanent foundation, for commercial use and not for residential use; or two or more
 such units separately towable, but designed to be joined together at the point of use to form a single
 commercial structure, and which may be designed for removal to, and installation or erection on other
 sites.
 "Motor vehicle" shall mean every vehicle, except for mobile office as herein defined, which is
 self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a
 motor vehicle, including ~~mobile~~ *manufactured* homes as defined in § 46.2-100 and every device in, upon
 and by which any person or property is, or can be, transported or drawn upon a highway, but excepting
 devices moved by human or animal power, devices used exclusively upon stationary rails or tracks and
 vehicles, other than ~~mobile~~ *manufactured* homes, used in this Commonwealth but not required to be
 licensed by the Commonwealth.
 "Rental" shall mean the transfer of the possession or use of a motor vehicle, whether or not the
 motor vehicle is required to be licensed by the Commonwealth, by a person for a consideration, without
 the transfer of the ownership of such motor vehicle, for a period of less than twelve months. Any fee

798 arrangement between the holder of a permit issued by the State Corporation Commission or the
799 Department for taxicab services and the driver or drivers of such taxicabs shall not be deemed a rental
800 under this section.

801 "Rental in the Commonwealth" shall mean any rental where a person received delivery of a motor
802 vehicle within the Commonwealth. The term "Commonwealth" shall include all land or interest in land
803 within the Commonwealth owned by or conveyed to the United States of America.

804 "Rentor" shall mean a person engaged in the rental of motor vehicles for consideration as defined in
805 this section.

806 "Sale" shall mean any transfer of ownership or possession, by exchange or barter, conditional or
807 otherwise, in any manner or by any means whatsoever, of a motor vehicle. The term shall also include a
808 transaction whereby possession is transferred but title is retained by the seller as security. The term shall
809 not include a transfer of ownership or possession made to secure payment of an obligation, nor shall it
810 include a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the
811 Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the replacement motor
812 vehicle is of greater value than the motor vehicle replaced, only the difference in value shall constitute a
813 sale.

814 "Sale price" shall mean the total price paid for a motor vehicle and all attachments thereon and
815 accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers' excise
816 tax, without any allowance or deduction for trade-ins or unpaid liens or encumbrances. However, "sale
817 price" shall not include the cost of controls, lifts, automatic transmission, power steering, power brakes
818 or any other equipment installed in or added to a motor vehicle which is required by law or regulation
819 as a condition for operation of a motor vehicle by a handicapped person.

820 § 58.1-2403. Exemptions.

821 No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

- 822 1. Sold to, rented or used by the United States government or any governmental agency thereof;
- 823 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;
- 824 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
- 825 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
826 other recognized Indian tribe of the Commonwealth living on the tribal reservation;
- 827 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
828 lienholder;

829 6. A ~~mobile~~ *manufactured* home permanently attached to real estate and included in the sale of real
830 estate;

831 7. A gift to the spouse, son, or daughter of the transferor. This exemption shall not apply to any
832 unpaid obligation assumed by the transferee incidental to the transfer;

833 8. Transferred from an individual or partnership to a corporation or from a corporation to an
834 individual or partnership if the transfer is incidental to the formation, organization or dissolution of a
835 corporation in which the individual or partnership holds the majority interest;

836 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
837 corporation to a wholly owned subsidiary;

838 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
839 assignable title or registration issued to him by another state and (i) has owned the vehicle for longer
840 than twelve months or (ii) has owned the vehicle for less than twelve months and provides evidence of
841 a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within
842 the last twelve months and the applicant is unable to provide evidence of a sales tax paid to another
843 state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the
844 time of registration in Virginia;

845 11. Titled in a Virginia motor vehicle dealer's name for resale if dealer's license plates are displayed
846 when the vehicle is operated upon the public highways;

847 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
848 bus line the majority of whose passengers use the buses for traveling a distance of less than forty miles,
849 one way, on the same day;

850 13. Purchased in this Commonwealth by a nonresident and a Virginia title is issued for the sole
851 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
852 Virginia;

853 14. A motor vehicle designed for the transportation of ten or more passengers, purchased by and for
854 the use of a church conducted not for profit;

855 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
856 instruction of driver's education when such education is a part of such school's curriculum for full-time
857 students;

858 16. Sold to an insurance company for the sole purpose of disposition when such company has paid
859 the registered owner of such vehicle a total loss claim;

17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code;

19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world; or

23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402.

§ 58.1-2425. Disposition of revenues.

A. All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from ~~mobile manufactured~~ homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such ~~mobile manufactured~~ home is to be situated as a dwelling; (ii) all funds collected from the additional tax imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental vehicles shall be distributed quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; and (iv) except as otherwise provided in clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be set aside in a special fund within the Commonwealth Transportation Fund to be used to meet the expenses of the Department of Motor Vehicles.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

§ 59.1-207.2. Definitions.

As used in this chapter:

1. "Motor vehicle" shall mean every vehicle which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle and includes every device in, upon or by which any property is or can be transported or drawn upon a highway, whether or not required to be licensed by the Commonwealth, but shall not include devices moved by human or animal power or devices used exclusively upon stationary rails or tracks. Nor shall it include those parts of a ~~mobile manufactured~~ home which do not affect the ability of the ~~mobile manufactured~~ home to be safely upon a highway.

921 2. "Person" shall include any natural person, firm, partnership, association or corporation.
922 3. "Automobile repair facility" shall mean any person who for profit diagnoses or corrects
923 malfunctions of, or damage to, a motor vehicle.
924 § 59.1-313. Definitions.
925 When used in this chapter, unless the context requires a different meaning, the following shall have
926 the meanings respectively set forth:
927 "Advertisement" shall be synonymous with "offer to sell."
928 "Agreement" shall be synonymous with "membership camping contract."
929 "Blanket encumbrance" means any legal instrument, whether or not evidencing the obligation to pay
930 money, which permits or requires the foreclosure, sale, conveyance or other disposition of the
931 campground or any portion thereof.
932 "Board" means the Virginia Board of Agriculture and Consumer Services.
933 "Business day" means any day except Sunday or a legal holiday.
934 "Camping site" means any parcel of real estate designed and promoted for the purpose of locating
935 thereon a trailer, tent, tent trailer, pickup camper, recreational vehicle, house trailer, van, cabin or other
936 similar device used for camping or for overnight lodging.
937 "Campground" means any single tract or parcel of real property on which there are at least ten
938 camping sites.
939 "Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer
940 Services, or a member of his staff to whom he has delegated his duties under this chapter.
941 "Contract" shall be synonymous with "membership camping contract."
942 "Department" means the Virginia Department of Agriculture and Consumer Services.
943 "Facility" means an amenity within a campground set aside or otherwise made available to
944 purchasers in their use and enjoyment of the campground, and may include campsites, swimming pools,
945 tennis courts, recreational buildings, boat docks, restrooms, showers, laundry rooms, and trading posts or
946 grocery stores.
947 "Holder" means the membership camping operator who enters into a membership camping contract
948 with a purchaser or the assignee of such contract who purchases the same for value.
949 "Managing entity" means a person who undertakes the duties, responsibilities and obligations of the
950 management of a campground.
951 "Membership camping contract" or "membership camping agreement" means any written agreement
952 of more than one year's duration, executed in whole or in part within this Commonwealth, which grants
953 to a purchaser a nonexclusive right or license to use the campground of a membership camping operator
954 or any portion thereof on a first come, first serve or reservation basis together with other purchasers.
955 "Membership camping contract" or "membership camping agreement" also means any written agreement
956 of more than one year's duration, executed in whole or in part within this Commonwealth, which
957 obligates the membership camping operator to transfer or which does in fact transfer to the purchaser
958 title to or an ownership interest in a campground or any portion thereof, and which gives the purchaser
959 a nonexclusive right or license to use the campground of a membership camping operator or any portion
960 thereof, on a first come, first serve or reservation basis together with other purchasers.
961 "Membership camping operator" means any person who is in the business of soliciting, offering,
962 advertising, or executing membership camping contracts. A membership camping operator shall not
963 include:
964 1. Any enterprise that is tax-exempt under § 501 (c) (3) of the Internal Revenue Code, as amended;
965 or
966 2. Any enterprise that is tax-exempt under Chapter 36 of Title 58.1; or
967 3. ~~Mobile Manufactured~~ home parks wherein the residents occupy the premises as their primary
968 homes.
969 "Membership fees, dues, and assessments" means payments required of the purchaser, or his
970 successor in interest, by the agreement for the support and maintenance of facilities at the campground
971 about which the agreement relates.
972 "Nondisturbance agreement" means any instrument executed by the owner of a blanket encumbrance
973 which subordinates the rights of the owner of the blanket encumbrance to the rights of the purchasers of
974 membership camping contracts. Unless the agreement specifically so provides, the owner of a blanket
975 encumbrance does not by the fact of such ownership assume any of the obligations of the membership
976 camping operator under membership camping contracts or under this chapter.
977 "Offer," "offer to sell," "offer to execute" or "offering" means any offer, solicitation, advertisement,
978 or inducement, to execute a membership camping agreement.
979 "Person" means any individual, corporation, partnership, company, unincorporated association or any
980 other legal entity other than a government or agency or a subdivision thereof.
981 "Purchaser" means a person who enters into a membership camping contract with the membership
982 camping operator.

983 "Purchase money" means any money, currency, note, security or other consideration paid by the
984 purchaser for a membership camping agreement.

985 "Ratio of membership camping contracts to camping sites" means the total number of membership
986 camping contracts sold in relation to each available camping site.

987 "Reciprocal program" means any arrangement under which a purchaser is permitted to use camping
988 sites or facilities at one or more campgrounds not owned or operated by the membership camping
989 operator with whom the purchaser has entered into a membership camping contract.

990 "Salesperson" means an individual, other than a membership camping operator, who offers to sell a
991 membership camping contract by means of a direct sales presentation, but does not include a person
992 who merely refers a prospective purchaser to a sales person without making any direct sales
993 presentation.

994 **2. That wherever in the Acts of Assembly or the Code of Virginia the term "mobile home" is used**
995 **it shall mean "manufactured home."**

ENGROSSED

HB2016E