CODE OF VIRGINIA

Title 46.2

Motor Vehicles

Title 46.2 - MOTOR VEHICLES

Subtitle I - GENERAL PROVISIONS; DEPARTMENT OF MOTOR VEHICLES

Chapter 1 - GENERAL PROVISIONS

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

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

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

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

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

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

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"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. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: 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 20 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.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat for the use of the rider, and (iii) an electric motor with an input of no more than 750 watts. Electric power-assisted bicycles shall be classified as follows:

1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;

2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and

3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"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.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels,

bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 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 49 U.S.C. § 30101 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 that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

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

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"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, (i) the entire width between the boundary lines of all private roads or private streets that 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 and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"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 that 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 30 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 30 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.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

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

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

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic

centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include an electric power-assisted bicycle or a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped, or personal delivery device shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (iv) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include electric personal assistive mobility devices or electric power-assisted bicycles.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except

for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

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

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

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent 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 or autocycle designed and used primarily for the transportation of no more than 10 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. § 1693a (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.

"Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 500 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a motor vehicle or a vehicle.

"Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i) an entity or person who requests the services of a personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"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. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 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, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"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 that 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 religious 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.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and personal delivery devices.

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

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"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.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that 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.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"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 that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"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.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

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

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

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

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

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

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

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

Code 1950, §§ 46-1, 46-169, 46-185, 46-186, 46-343; 1954, c. 59; 1958, cc. 501, 541, §§ 46.1-1, 46.1-161; 1964, c. 618; 1966, c. 643; 1968, cc. 285, 641, 653, 685; 1972, cc. 433, 609; 1974, c. 347; 1975, cc. 382, 426; 1976, c. 372; 1977, cc. 252, 585; 1978, cc. 36, 550, 605; 1979, c. 100; 1980, c. 51; 1981,

c. 585; 1983, c. 386; 1984, cc. 404, 780; 1985, c. 447; 1986, cc. 72, 613; 1987, c. 151; 1988, cc. 107, 452, 865; 1989, cc. 645, 705, 727; 1990, cc. 45, 418; 1992, c. 98; 1993, c. 133; 1994, c. 866; 1996, cc. 943, 994; 1997, cc. 9, 186, 486, 783, 904; 1998, c. 888; 1999, cc. 67, 77; 2001, c. 834; 2002, cc. 214, 234, 254; 2003, cc. 29, 46; 2004, cc. 746, 796; 2005, cc. 310, 928; 2006, cc. 529, 538, 540, 874, 891, 896; 2007, cc. 209, 325, 366, 393; 2010, c. 135; 2011, c. 128; 2012, c. 177; 2013, cc. 128, 400, 783; 2014, cc. 53, 256; 2016, cc. 428, 500, 764; 2017, cc. 251, 370, 554, 788; 2018, c. 555; 2019, c. 780; 2020, cc. 59, 260, 1269.

§ 46.2-100.1. Certified mail; subsequent mail or notices may be sent by regular mail.

Whenever in this title the Commissioner or the Department is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Commissioner or the Department may be sent by regular mail.

2011, c. 566.

§ 46.2-101. Applicability of title to vehicles on certain toll roads and parking facilities.

This title shall apply to any vehicle and any person operating or owning a vehicle operated on any toll facility controlled by the Department of Transportation or any political subdivision of the Commonwealth.

This title shall also apply to any vehicle and any person operating or owning a vehicle operated on or in parking lots, parking garages, or other parking facilities owned, controlled, or leased by the Commonwealth or any of its agencies, instrumentalities, or political subdivisions.

1958, c. 541, § 46.1-21; 1989, c. 727.

§ 46.2-102. Enforcement by law-enforcement officers; officers to be uniformed; officers to be paid fixed salaries.

State police officers and law-enforcement officers of every county, city, town, or other political subdivision of the Commonwealth shall enforce the provisions of this title punishable as felonies, misdemeanors, or traffic infractions. Additionally, notwithstanding § 52-22, state police officers may enforce local ordinances, adopted under subsection G of § 46.2-752, requiring the obtaining and displaying of local motor vehicle licenses. Fifty percent of the revenue collected from such enforcement shall be remitted by the locality to the Department of State Police and disposed of by the Department to cover its costs of operation. Every law-enforcement officer shall be uniformed at the time of the enforcement or shall display his badge or other sign of authority. All officers making arrests incident to the enforcement of this title shall be paid fixed salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this title.

With the consent of the landowner, any such officer or other uniformed employee of the local law-enforcement agency may patrol the landowner's property to enforce state, county, city, or town motor vehicle registration and licensing requirements.

Any law-enforcement officer may patrol the streets and roads within subdivisions of real property or within a condominium pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or land submitted to a horizontal property regime pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.), which streets and roads are maintained by the owners of the lots or parcels of land within the subdivision or the owners of condominium units within any horizontal property regime or any association of owners, on the request or with the consent of the owners or association of owners, to enforce the provisions of this title punishable as felonies, misdemeanors, or traffic infractions.

Code 1950, § 46-14; 1958, c. 541, § 46.1-6; 1972, c. 700; 1975, c. 516; 1980, c. 523; 1989, c. 727; 1995, c. 132.

§ 46.2-103. Stopping vehicles for inspection or to secure information.

Except as prohibited by § 19.2-59, on his request or signal, any law-enforcement officer who is in uniform or displays his badge or other sign of authority may:

1. Stop any motor vehicle, trailer, or semitrailer to inspect its equipment, operation, manufacturer's serial or engine number; or

2. Stop any property-carrying motor vehicle, trailer, or semitrailer to inspect its contents or load or to obtain other necessary information.

Nothing in this section, however, shall be construed to authorize the establishment on any highway of police check-points where the only vehicles subject to inspection are motorcycles.

Code 1950, § 46-16; 1958, c. 541, § 46.1-8; 1989, c. 727; 2012, c. 11.

§ 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry license or registration card.

The operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the Commonwealth, shall have in his possession: (i) the registration card issued by the Department or the registration card issued by the state or country in which the motor vehicle, trailer, or semitrailer is registered, and (ii) his driver's license, learner's permit, or temporary driver's permit.

The owner or operator of any motor vehicle, trailer, or semitrailer shall stop on the signal of any law-enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on the officer's request, exhibit his registration card, driver's license, learner's permit, or temporary driver's permit and write his name in the presence of the officer, if so required, for the purpose of establishing his identity.

Every person licensed by the Department as a driver or issued a learner's or temporary driver's permit who fails to carry his license or permit, and the registration card for the vehicle which he operates, shall be guilty of a traffic infraction and upon conviction punished by a fine of ten dollars. However, if any person summoned to appear before a court for failure to display his license, permit, or registration card presents, before the return date of the summons, to the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, or appears

pursuant to the summons and produces before the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, he shall, upon payment of all applicable court costs, have complied with the provisions of this section.

Code 1950, §§ 46-15, 46-80; 1958, c. 541, § 46.1-7; 1964, c. 205; 1972, c. 362; 1978, cc. 500, 605; 1984, c. 780; 1988, c. 74; 1989, c. 727; 2008, cc. 551, 691; 2009, c. 756.

§ 46.2-105. Making false affidavit or swearing falsely, perjury.

Any person who knowingly makes any false affidavit or knowingly swears or affirms falsely to any matter or thing required by this title or the Commissioner incidental to his administration of this title to be sworn to or affirmed shall be guilty of perjury.

Code 1950, § 46-66; 1958, c. 541, § 46.1-15; 1989, c. 727.

§ 46.2-105.1. Unlawful procurement of certificate, license, or permit; unauthorized possession of examination or answers; unlawful distribution of false operator's license; penalty.

A. It shall be unlawful:

1. For any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a certificate, license, or permit, from the Department of Motor Vehicles;

2. For any person, other than an authorized agent of the Department of Motor Vehicles, to procure or have in his possession or furnish to another person, prior to the beginning of an examination, any question intended to be used by the Department of Motor Vehicles in conducting an examination;

3. For any person to receive or furnish to any person taking an examination, prior to or during an examination, any written or printed material purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;

4. For any person to communicate by any means to any person taking an examination, during an examination, any information purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;

5. For any person to attempt to procure, through theft, fraud or other illegal means, any questions intended to be used by the Department of Motor Vehicles in conducting an examination, or the answers to the questions; or

6. To promise or offer any valuable or other consideration to a person having access to the questions or answers as an inducement to procure for delivery to the promisor, or any other person, a copy or copies of any questions or answers.

B. If an examination is divided into separate parts, each of the parts shall be deemed an examination for the purposes of this section.

C. Any violation of any provision of subsection A of this section shall be punishable as a Class 2 misdemeanor.

D. Any person or entity other than the Department of Motor Vehicles that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a license to operate a motor vehicle in the Commonwealth is guilty of a Class 1 misdemeanor.

1990, c. 964; 2006, c. 871; 2015, c. 464.

§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.

A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department if such person has not satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or altered documents.

B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle registration, certificate of title, or other document in violation of the provisions of subsection A.

C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special identification card, vehicle registration, certificate of title, or other document obtained in violation of the provisions of subsection A.

D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any document issued by the Department for the purpose of engaging in any age-limited activity, including but not limited to obtaining, possessing, or consuming alcoholic beverages. However, if a person is charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department has been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of the cancellation to the address of record maintained by the Department.

1992, c. 99; 2002, cc. 767, 834; 2003, cc. 817, 819.

§ 46.2-106. Reciprocal agreements entered into by Governor.

The Governor may enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States with respect to all taxes imposed by the Commonwealth and by any other state of the United States on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles.

Except as provided in this section, all agreements entered into by the Governor with respect to any subject of reciprocity as to which provision is expressly made by statute shall conform to the provisions of that statute. As to any other subject of reciprocity appropriate to the powers vested in the Governor by this section, the Governor may agree to whatever terms and conditions as in his judgment are best calculated to promote the interests of the Commonwealth. Except as provided in this

section, it is the policy of the Commonwealth to grant reciprocity to the residents of another state when that state grants reciprocity to the residents of the Commonwealth.

All agreements entered into by the Governor pursuant to this section shall be reduced to writing, and a copy shall be furnished to the Secretary of the Commonwealth and the Superintendent of State Police.

Code 1950, §§ 46-21, 46-22; 1956, c. 354; 1958, c. 541, §§ 46.1-19, 46.1-20; 1964, c. 253; 1989, c. 727; 1995, cc. 744, 803; 2003, c. 299.

§ 46.2-107. Lists of vehicles used for rent or hire, or by contract carriers.

Every person engaged in hiring or renting motor vehicles for the transportation of passengers or property and every contract carrier by motor vehicle of passengers or property who operates, or who should operate, under a permit issued by the State Corporation Commission or by the Interstate Commerce Commission, as provided by law, shall furnish to the Commissioner, whenever required to do so, a list and description of motor vehicles used in his business.

Code 1950, § 46-157; 1958, c. 541, § 46.1-151; 1989, c. 727.

§ 46.2-108. Records required of persons renting motor vehicles without drivers; inspections; insurance.

A. Every person engaged in the business of renting motor vehicles without drivers who rents any vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of the motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of the rental or in possession of the person renting and having the use of the vehicle. These records shall be public records and open to inspection by any person damaged as to his person or property by the operation of the vehicle or by law-enforcement personnel in the discharge of their duties. Any person who has been damaged as to his person or property may require a production of the written record in person or by his authorized agent or attorney.

B. It shall be unlawful for any person who rents a motor vehicle as provided in this section to fail to make or have in possession or to refuse an inspection of the record required in this section.

C. The Commissioner shall prescribe and the owner shall use the form for the keeping of the record provided in this section.

D. No person engaged in the business of renting automobiles and trucks without drivers shall rent any vehicle without a driver unless the vehicle is an insured motor vehicle as defined in § 46.2-705. A violation of this subsection shall constitute a Class 1 misdemeanor.

Code 1950, § 46-191; 1958, c. 541, § 46.1-14; 1960, c. 141; 1972, c. 373; 1978, c. 605; 1980, c. 9; 1989, c. 727.

§ 46.2-109. Reports by persons in charge of garages and repair shops; vehicles equipped with bullet-proof glass or smoke projectors or struck by bullets.

The person in charge of any garage or repair shop to which is brought any motor vehicle equipped with bullet-proof glass or any smoke screen device or that shows evidence of having been struck by a

bullet shall report in writing, on forms furnished by the Superintendent of State Police, to the nearest police station or to the State Police, within twenty-four hours after the motor vehicle is received, the engine number, registration number, serial number or identification number, and the name and address of the owner or operator of the vehicle if known.

Code 1950, §§ 46-17.1, 46-17.3; 1952, c. 538; 1958, c. 541, §§ 46.1-10, 46.1-12; 1960, c. 119; 1989, c. 727.

§ 46.2-110. Right to inspect vehicles in garages.

Any law-enforcement officer or Department officer or employee who is in uniform or exhibits a badge or other sign of authority shall have the right to inspect any motor vehicle, trailer, or semitrailer in any public garage or repair shop for the purpose of locating stolen motor vehicles, trailers, and semitrailers and for investigating the title and registration of motor vehicles, trailers, and semitrailers. For this purpose the owner of any garage or repair shop shall permit any law-enforcement officer or Department officer or employee freely to make investigation as authorized in this section.

Code 1950, § 46-17; 1958, c. 541, § 46.1-9; 1989, c. 727.

§ 46.2-111. Flares and other signals relating to stopped commercial motor vehicles.

A. Whenever any commercial motor vehicle as defined in § 46.2-341.4 is stopped on any roadway or on the shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle shall immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on the roadway or shoulder three red reflectorized triangular warning devices of a type approved by the Superintendent. One of the red reflectorized triangular warning devices shall be placed in the center of the lane of traffic or shoulder occupied by the stopped vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than 10 feet from its front or rear. However, if such vehicle is stopped within 500 feet of a curve or crest of a hill, or other obstruction to view, the red reflectorized triangular warning devices in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the stopped vehicle. Vehicular hazard warning signal flashers shall continue to flash until the operator has placed the three red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernable at a distance of 500 feet to a person on the highway. Flares or torches of a type approved by the Superintendent may be used in lieu of red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator shall ensure that at least one flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid

or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion.

The exception provided in this subsection with respect to highways within the corporate limits of cities shall not apply to any portion of any interstate highway within the corporate limits of any city. The provisions of this section shall not apply to any vehicle in a work zone protected by flagmen or approved temporary traffic control channeling devices, as required by the Virginia Work Area Protection Manual or to any vehicle displaying a flashing amber light authorized by § 46.2-1025 when such vehicle is (i) used for the principal purpose of towing or servicing disabled vehicles, or (ii) engaged in road or utility construction or maintenance.

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

C. [Repealed.]

Code 1950, §§ 46-260, 46-261, 46-262; 1950, p. 698; 1956, c. 56; 1958, c. 541, §§ 46.1-255 to 46.1-257; 1960, c. 156; 1966, c. 122; 1968, c. 155; 1970, c. 190; 1989, c. 727; 1999, c. 77; 2003, c. 971.

§ 46.2-112. Tampering with odometer; penalty; civil liability.

A. It shall be unlawful to knowingly cause, either personally or through an agent, the changing, tampering with, disconnection, or nonconnection of any odometer or similar device designed to show by numbers or words the distance which a motor vehicle has traveled or the use it has sustained.

B. It shall be unlawful for any person to sell a motor vehicle if he knows or should reasonably know that the odometer or similar device of the motor vehicle has been changed, tampered with, or disconnected to reflect a lesser mileage or use, unless he gives clear and unequivocal notice of such tampering, etc., or of his reasonable belief thereof, to the purchaser in writing prior to the sale. In a prosecution under this subsection, evidence that a person or his agent has changed, tampered with, disconnected, or failed to connect an odometer or similar device of a motor vehicle shall constitute prima facie evidence of knowledge thereof.

C. It shall be unlawful for any person to advertise for sale, sell, or use any device designed primarily for the purpose of resetting the odometer or similar device of a motor vehicle in any manner.

D. The provisions of this section shall not apply to the following:

1. The changing of odometer or similar device readings registered in the course of predelivery testing of any motor vehicle by its manufacturer prior to its delivery to a dealer.

2. Any necessary repair or replacement of an odometer or similar device, provided that the repaired or replaced odometer or similar device is forthwith set at a reading determined by the reading on the

device immediately prior to repair or replacement plus a bona fide estimate of the use of the vehicle sustained between the period when the device ceased to accurately record that use and the time of repair or replacement. Compliance with the requirements of 49 USC § 32704 of the Federal Odometer Act in the service, repair, or replacement of an odometer shall be deemed compliance with this subdivision.

3. Passenger vehicles having a capacity in excess of 15 persons.

4. Trucks having a net weight in excess of 10,000 pounds.

E. Any person convicted of a violation of the provisions of subsections A through D shall, for a first offense, be fined not more than $10,000 and sentenced to a term of confinement in jail for not more than 12 months, either or both. Any person convicted of a subsequent offense under this section shall be fined not more than $50,000 and sentenced to a term of confinement in a state correctional facility for not less than one year nor more than five years, either or both, for each offense if the offense is committed with the intent thereby to defraud another. Each violation of this section shall constitute a separate offense.

F. Any person who with intent to defraud violates subsection A or B shall be liable in a civil action in an amount equal to three times the amount of actual damages sustained or $3,000, whichever is greater. In the case of a successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court, shall be assessed against the person committing the violation. An action under this subsection shall be brought within two years from the date on which liability arises. For the purpose of this subsection, liability arises when the injured party discovers, or with due diligence should have discovered, the violation.

1972, c. 851, §§ 46.1-15.1 to 46.1-15.3; 1978, c. 294; 1986, c. 490; 1989, c. 727; 2012, cc. 32, 122.

§ 46.2-113. Violations of this title; penalties.

It shall be unlawful for any person to violate any of the provisions of this title, or any regulation adopted pursuant to this title, or local ordinances adopted pursuant to the authority granted in § 46.2-1300. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor under § 18.2-11.

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title (i) was a serious traffic violation as defined in § 46.2-341.20 and (ii) that such violation was committed while operating a vehicle or combination of vehicles used to transport property that either: (a) has a gross vehicle weight rating of 26,001 or more pounds or (b) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, the judge may assess, in addition to any other penalty assessed, a further monetary penalty not exceeding $500.

1976, c. 135, § 46.1-16.01; 1977, c. 585; 1982, c. 681; 1989, c. 727; 1992, c. 533; 1997, c. 637; 2003, c. 844.

§ 46.2-114. Disposition of fines and forfeitures.

All fines or forfeitures collected on conviction of any person charged with a violation of any of the provisions of this title punishable as felonies, misdemeanors, or traffic infractions shall be paid into the state treasury to be credited to the Literary Fund unless a different form of payment is required specifically by this title.

Code 1950, § 46-20; 1958, c. 541, § 46.1-18; 1989, c. 727; 2012, c. 408.

§ 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.

1995, c. 670.

§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.
A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. The Department may offer a temporary registration or driver authorization document that is effective upon the submission of an application and that expires upon the issuance or denial of a permanent registration. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to

the Department and a nonrefundable application fee of $100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. 1. No registration shall be issued to any person who (i) is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted within the 15 years prior to the date of the application of a violent crime as defined in subsection C of § 17.1-805 unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board; or (iii) has been convicted within the 15 years prior to the date of the application of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

2. The Department may deny a registration to any person who (i) has been convicted more than 15 years prior to the date of the application of a violent crime as defined in subsection C of § 17.1-805 or (ii) has been convicted more than 15 years prior to the date of the application of any crime involving the driving of a tow truck, including drug or alcohol offenses. The Department shall deny a registration to a person described in clause (i) or (ii) if the person has not completed all terms of probation or parole related to such conviction.

3. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

2012, cc. 803, 835; 2014, cc. 59, 441; 2017, c. 503; 2020, cc. 829, 1237.

§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs.

A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or upon the failure of a tow truck driver to report to the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow truck driver after notice and hearing as provided in subsection C.

B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or suspend the registration of a tow truck driver for:

1. Conviction of any crime for which a person must register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;

2. Conviction of a violent crime as defined in subsection C of § 17.1-805; or

3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the actual cost of recording the hearing.

2012, cc. 803, 835; 2020, c. 829.

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than $10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to $100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209.

C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

2012, cc. 803, 835; 2015, c. 217; 2020, c. 829.

§ 46.2-119. Complaints against tow truck drivers or towing and recovery operators; enforcement by the Office of the Attorney General.

A. Any consumer aggrieved by the actions of a (i) tow truck driver for an alleged violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or (ii) towing and recovery operator for an alleged violation of subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 may file a complaint with the Division of Consumer Counsel of the Office of the Attorney General for appropriate action in accordance with this section and any other applicable law.

B. The Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages or intent be proved to establish a violation. The standard of proof at trial shall be a preponderance of the evidence. The circuit court may issue temporary or permanent injunctions to restrain and prevent violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.

C. In any action brought under this section, the Attorney General may recover damages and such other relief allowed by law, including restitution on behalf of consumers injured by violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1, as well as costs and reasonable expenses incurred by the Commonwealth in investigating and preparing the case, including attorney fees.

2012, cc. 803, 835.

Chapter 2 - Department of Motor Vehicles

Article 1 - POWERS AND DUTIES OF DEPARTMENT, GENERALLY

§ 46.2-200. Department of Motor Vehicles.

There shall be a Department of Motor Vehicles in the executive department, responsible to the Secretary of Transportation. The Department shall be under the supervision and management of the Commissioner of the Department of Motor Vehicles.

The Department shall be responsible for the administration of the motor vehicle license, registration and title laws; the issuance, suspension, and revocation of driver's licenses; the examination of applicants for and holders of driver's licenses; the administration, training, disciplining, and assignment of examiners of applicants for driver's licenses; the administration of the safety responsibility laws, fuel tax laws, the provisions of this title relating to transportation safety, and dealer licensing laws; the registration of carriers of passengers or property and vehicles that may be required to be registered under the International Registration Plan or pay road tax as described under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 under the International Fuel Tax Agreement; the audit of carriers of passengers or property for compliance with registration and road tax requirements; proof of financial responsibility; and any other services that may be required to create a single point of contact for motor carriers operating within and without the Commonwealth, including the operation of permanent and mobile motor carrier service centers.

Code 1950, § 46-26; 1958, c. 541, § 46.1-25; 1984, cc. 778, 780; 1989, c. 727; 1990, cc. 1, 317; 1995, cc. 744, 803; 1997, c. 283; 2001, cc. 70, 82.

§ 46.2-201. Appointment of Commissioner; term; vacancies.

The Commissioner shall be appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointment is made and if not in session, then at its next succeeding session. He shall hold his office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment or until his successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made.

Code 1950, § 46-24; 1958, c. 541, § 46.1-23; 1989, c. 727.

§ 46.2-202. Oath and bond; salary.

The Commissioner, before entering on the discharge of his duties, shall take an oath that he will faithfully and impartially discharge all the duties of his office and he shall give bond in such penalty as may be fixed by the Governor, conditioned on the faithful discharge of his duties. The premium on the bond shall be paid out of the funds available for the maintenance and operation of his office. The Commissioner shall receive the salary appropriated for the purpose.

Code 1950, § 46-25; 1958, c. 541, § 46.1-24; 1989, c. 727.

§ 46.2-203. Regulations; violation; forms for applications, certificates, licenses, etc.

Subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, the Commissioner may adopt reasonable administrative regulations necessary to carry out the laws administered by the Department and may enforce these regulations and laws through the agencies of the Commonwealth he may designate. A violation of any such regulation shall constitute a Class 4 misdemeanor. He shall also provide suitable forms for applications, certificates of title, registration cards, license plates, and driver's licenses. Unless otherwise required in this title, he shall provide all other forms requisite for the purpose of this title.

Code 1950, § 46-27; 1958, c. 541, § 46.1-26; 1984, c. 780; 1989, c. 727.

§ 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of future receipt of official notices.

Whenever any person completes a form for an application, certificate of title, registration card, license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall provide his current address on the form or summons. By signing the form or summons, the person acknowledges that (i) the address is correct; (ii) any official notice, including an order of suspension, will be sent by (a) prepaid first class mail to the address on the signed form with the most current date or (b) by other means of communication, including email or other electronic address, if such electronic address is provided to the Department on the signed form; and (iii) the notice shall be deemed to have been accepted by the person if sent to any such address.

1993, c. 24; 2020, cc. 701, 964, 965.

§ 46.2-203.2. Emergency contact information program.

A. As used in this section, "emergency contact" means a person 18 years of age or older whom the customer may designate to be contacted by a law-enforcement officer in an emergency situation.

B. The Department may establish an emergency contact information program to assist law-enforcement personnel in emergency situations. To establish such a program, a person who currently holds a learner's permit, temporary driver's license, driver's license, commercial driver's license, or special identification card issued by the Department or completes an application for the same may voluntarily submit emergency contact information for inclusion in his customer record with the Department. Such emergency contact information may include the name, relationship to the customer, address, and telephone number for an individual the customer designates as a contact in the event of an emergency situation.

C. Any person voluntarily submitting emergency contact information to the Department for inclusion in the applicant's customer record is responsible for maintaining current emergency contact information with the Department. Each applicant submitting emergency contact information to the Department shall certify in his application that he has notified the person he has designated as an emergency contact that such information will be supplied to the Department. The Department shall provide a method by which applicants submitting emergency contact information to the Department may submit such information electronically pursuant to § 46.2-216.1. Customers may add, modify, or delete information at any time. Such modifications or deletions will overwrite all previously provided information.

D. In the event of an emergency situation, the Department shall make emergency contact information in customer records electronically available to a law-enforcement officer who in the exercise of his official duties requires assistance in reaching a customer's emergency contact. Emergency contact information provided to the Department by the customer shall only be disclosed as permitted in this

section and shall not be considered a public record subject to disclosure under the Freedom of Information Act and shall not be subject to disclosure by court order or other means of discovery.

E. In the absence of gross negligence or willful misconduct, the Department, its employees, and law-enforcement officers shall be immune from any civil or criminal liability in connection with the maintenance and use of emergency contact information voluntarily provided by customers for use in an emergency situation.

2015, c. 162.

§ 46.2-204. Medical Advisory Board.

For the purpose of enabling the Department of Motor Vehicles to comply with its responsibilities under this title, there is hereby created a Medical Advisory Board for the Department. The Board shall consist of seven licensed physicians currently practicing medicine in Virginia appointed by the Governor. Appointments to the Board shall be for four-year terms and vacancies shall be filled by appointment for the unexpired portion of a term. The Governor shall designate the chairman of the Board.

The Commissioner may refer to the Board for an advisory opinion the case of any person applying for a driver's license or renewal thereof, or of any person whose license has been suspended or revoked, or of any person being examined under the provisions of § 46.2-322, when he has cause to believe that such person suffers from a physical or mental disability or disease which will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways. The Medical Advisory Board shall provide guidance and recommendations to the Department regarding any case of a person examined under the provisions of § 46.2-322 who appeals the outcome of the examination pursuant to § 46.2-321 if the basis for such appeal is related to the medical evidence in the case. However, appeals related to the examinee's (i) failure to follow procedures, (ii) failure to pass knowledge or behind-the-wheel tests, or (iii) evaluation by a driver rehabilitation specialist are not required to be referred to the Board. The Board shall submit to the Department its recommendations for consideration prior to the scheduled appeal proceedings. In addition, the Board shall assist the Commissioner through the development of medical and health standards for use in the issuance of driver's licenses by the Department to avoid the issuance of licenses to persons suffering from any physical or mental disability or disease that will prevent their exercising reasonable and ordinary control over a motor vehicle while driving it on the highways.

The Board shall meet at the pleasure of the Commissioner. Each member shall serve without compensation but shall be reimbursed for his necessary expenses from funds appropriated to the Department of Motor Vehicles.

1968, c. 168, § 46.1-26.1; 1974, c. 453; 1980, c. 728; 1984, c. 780; 1989, c. 727; 2017, c. 120.

§ 46.2-205. Department offices and agencies; agreements with dealers.

A. The Commissioner shall maintain his office in the Commonwealth at a location which he determines to be appropriate. He may appoint agents and maintain branch offices in the Commonwealth in whatever locations he determines to be necessary to carry out this title.

The personnel of each branch office and each agency shall be appointed by the Commissioner and shall be bonded in an amount fixed by the Commissioner. The person in charge of the branch office and each agency shall deposit daily in the local bank, or at such other intervals as may be designated by the Commissioner, to the account of the State Treasurer, all moneys collected, and shall submit daily to the Commissioner, or at such other intervals as may be designated by the Commissioner, a complete record of what each deposit is intended to cover. The Commissioner shall not be held liable in the event of the loss of any moneys collected by such agents resulting from their failure to deposit such money to the account of the State Treasurer.

The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each nonautomated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of the first $500,000 of gross collections made by the agency, two percent of the next $500,000 of gross collections made by the agency, and one percent of all gross collections in excess of $1,000,000 made by the agency during each fiscal year.

The compensation fixed for each automated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of gross collections made by the agency during each fiscal year.

The compensation awarded shall belong to the agents for their services under this section, and the Commissioner shall cause to be paid all freight, cartage, premium on bond and postage, but not any extra clerk hire or other expenses occasioned by their duties.

B. The Commissioner may enter into an agreement with any Virginia-licensed motor vehicle dealer, recreational vehicle dealer, trailer dealer, or motorcycle dealer to act as an agent of the Commissioner as provided in subsection A. Motor vehicle dealers, recreational vehicle dealers, trailer dealers, and motorcycle dealers who act as agents of the Commissioner of the Department of Motor Vehicles as authorized in this subsection shall be compensated as provided in subsection A.

Code 1950, §§ 46-29, 46-31; 1950, p. 299; 1954, c. 585; 1958, c. 541, §§ 46.1-28, 46.1-30; 1970, c. 754; 1972, c. 408, 609; 1974, c. 48; 1979, c. 20; 1989, c. 727; 1999, c. 308; 2002, c. 110; 2003, c. 991; 2015, c. 615.

§ 46.2-205.1. Expired.

Expired.

§ 46.2-205.2. Agreements with other agencies or contractors for other agencies; collection of fees.

The Commissioner may enter into an agreement with an agency of the Commonwealth, any other state, or the federal government, or where the underlying contract permits, a contractor for such state or federal agency, to conduct customer service transactions on behalf of that agency for the benefit of Virginia residents. For each such transaction conducted, the Department shall collect from the customer any transaction fee required by the responsible agency or contractor and remit the same to that agency or contractor in accordance with the terms of the agreement. However, the Department may

receive a portion of the transaction fee required by the responsible agency or contractor in accordance with the terms of the agreement in order to defray the costs of the transaction to the Department. The Department may also impose and collect a processing fee to be used to defray the costs of the transaction to the Department. The amount of the processing fee, if imposed, shall be $2, unless otherwise specified by law. Any transaction fees received from the responsible agency or contractor or processing fees imposed and collected by the Department from the agency, contractor, or customer under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

For purposes of this section, "state," when applied to a part of the United States, means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

2012, cc. 215, 222; 2016, c. 368.

§ 46.2-206. Disposition of fees.

Except as otherwise provided in this title, all fees and moneys collected pursuant to the provisions of Chapters 1, 2, 3, 6, 8, 10, 12, and 16 through 26 of this title shall be paid into the state treasury, and warrants for the expenditure of funds necessary for the proper enforcement of this title shall be issued by the Comptroller on certificates of the Commissioner or his representatives, designated by him and bonded, that the parties are entitled thereto, and shall be paid by the State Treasurer out of such funds, not exceeding the amount appropriated in the general appropriation bill.

These funds, except as is otherwise provided in this section, shall constitute special funds within the Commonwealth Transportation Fund to be expended (i) under the direction of the Commissioner of Highways for the construction, reconstruction, and maintenance of roads and bridges in the primary state highway system, interstate system, and secondary state highway system and (ii) as authorized by the Commissioner for the expenses incident to the maintenance of the Department, including its customer service centers, and for other expenses incurred in the enforcement of this title. Any funds available for construction or reconstruction under the provisions of this section shall be, as nearly as possible, equitably apportioned by the Commonwealth Transportation Commission among the several construction districts. Beginning July 1, 1998, any balances remaining in these funds at the end of the fiscal year shall be available for use in subsequent years for the purposes set forth in this section, and any interest income on such funds shall accrue to the respective individual special funds.

There may be paid out of these funds such sums as may be provided by law for (i) contributions toward the construction, reconstruction, and maintenance of streets in cities or towns and (ii) the operation and maintenance of the Department of Transportation, the Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority, the Department of State Police, and the Department of Motor Vehicles.

Code 1950, § 46-179; 1958, cc. 541, 626, § 46.1-167; 1983, c. 566; 1987, c. 696; 1989, c. 727; 1997, c. 423.

§ 46.2-206.1. Repealed.

Repealed by Acts 2008, cc. 656 and 657, cl. 1, effective March 27, 2008.

§ 46.2-207. Uncollected checks and electronic payments tendered for license fees or taxes; penalty.

The penalty set forth in subsection C of § 2.2-614.1, or ten percent of the amount of the check or electronic payment, whichever is greater, shall be in addition to any other penalties imposed by the Motor Vehicle Laws of Virginia, except in a case where there is a specific penalty set forth by statute for the nonpayment or late payment of fees or taxes, in which case subsection C of § 2.2-614.1 shall apply only in the amount it exceeds the specific penalty. All moneys collected by the Commissioner from the penalties imposed under this section and § 2.2-614.1 shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

1972, c. 67, § 46.1-35.1; 1974, c. 210; 1976, c. 20; 1982, c. 671; 1987, c. 696; 1989, c. 727; 2001, c. 800; 2002, c. 719.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. The information outlined below shall be considered privileged and, unless otherwise provided for in this title, shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;

2. Driver information, defined as all data that relates to driver's license status and driver activity;

3. Special identification card information, defined as all data that relates to identification card status; and

4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, physician assistant, or nurse practitioner in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized representative of the subject of the information, or (e) the owner of the vehicle that is the

subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier, surety, or representative of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information of any person subject to the provisions of this title. Such information shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months from the date on which the driver's license or

driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

9. Upon the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. The Commissioner shall also provide driver, special identification card, and vehicle information as requested pursuant to this subdivision. The Commissioner may release other appropriate information to the governmental entity upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The information in this subdivision shall be provided free of charge.

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and

with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information

and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15, 16. [Repealed.]

17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name and address of the owner of any such vehicle.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) all driver information, including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

20. Upon the written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility, a traffic light photo-monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a

toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22-26. [Repealed.]

27. Upon the written request of the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requester with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. [Repealed.]

29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization approved by the Commissioner.

b. The Commissioner may release information in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a violation of § 46.2-873 or 46.2-878.1 and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the

purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

Code 1950, § 46-32; 1958, c. 541, § 46.1-31; 1964, c. 42; 1976, c. 505; 1979, c. 611; 1980, c. 23; 1982, c. 226; 1986, c. 607; 1989, cc. 705, 727; 1991, c. 307; 1993, cc. 48, 348; 1994, cc. 304, 700, 830, 959; 1995, cc. 118, 657, 676, 686; 1998, cc. 147, 802; 1998, Sp. Sess. I, c. 2; 2002, cc. 131, 710; 2003, c. 768; 2004, cc. 811, 855; 2005, cc. 376, 443; 2006, cc. 396, 846, 859; 2007, cc. 79, 156, 188, 447; 2009, c. 664; 2010, cc. 15, 175, 813, 865; 2011, c. 321; 2013, cc. 673, 789; 2015, cc. 502, 503; 2016, c. 753; 2017, c. 547; 2019, cc. 543, 544; 2020, cc. 701, 1232.

§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes.

Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic transfer of information from the Department's records to the Department of Elections and the general registrars for the purpose of voter registration as required by Chapter 4 (§ 24.2-400 et seq.) of Title 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and 24.2-444, the Department of Elections and the general registrars shall not make information provided by the Department available to the public and shall not provide such information to any third party.

1999, c. 118; 2006, cc. 926, 940; 2011, c. 528; 2020, c. 701.

§ 46.2-208.2. Repealed.

Repealed by Acts 2020, c. 701, cl. 2, effective April 6, 2020.

§ 46.2-208.3. Notice by Department.

The Department may send notice of a driver's license renewal pursuant to § 46.2-330 or a vehicle registration renewal in the form of a postcard to a customer at the address shown on the records of the Department. Notwithstanding the provisions of § 46.2-208, the Department may put sufficient

information on the face of the postcard to provide the recipient with adequate notice of renewal. Such information shall only be disclosed as permitted in this section.

2020, c. 701.

§ 46.2-209. Release of information in Department records for motor vehicle research purposes.
Notwithstanding the provisions of § 46.2-208, the Commissioner may furnish information for motor vehicle research purposes when the information is furnished in such a manner that individuals cannot be identified by social security or license number or in other cases wherein, in his opinion, highway safety or the general welfare of the public will be promoted by furnishing the information, and the recipient of the information has agreed in writing with the Commissioner or his designee that the information furnished will be used for no purpose other than the purpose for which it was furnished. No such information shall be used for solicitation of sales.

1976, c. 505, § 46.1-31.1; 1989, c. 727; 1994, c. 959; 1995, c. 118.

§ 46.2-209.1. Release of vehicle information by Department to prospective vehicle purchasers.
Notwithstanding the provisions of § 46.2-208, the Commissioner may furnish vehicle information to a prospective purchaser of that vehicle, if the prospective purchaser completes an application therefor, including the vehicle's make, model, year, and vehicle identification number, and pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be provided from the Department's own records, or may be obtained by the Commissioner through the National Motor Vehicle Title Information System or any other nationally recognized system providing similar information.

Nothing in this section shall be construed to authorize the release of any personal information as defined in § 2.2-3801.

2000, cc. 87, 92, 235, 257.

§ 46.2-210. List of registrations and titles.
The Commissioner shall have prepared a list of registrations and titles and furnish it to the commissioner of the revenue of each county and city without cost. The Commissioner shall not make such list available to the public, nor shall any commissioner of the revenue make such list available to any third party.

Code 1950, § 46-33; 1958, c. 541, § 46.1-32; 1989, c. 727; 1994, c. 959.

§ 46.2-211. Commissioner to advise local commissioners of revenue of situs of certain vehicles.
Before issuing any registration or certificate of title for any tractor truck, or any three-axle truck, trailer, or semitrailer with a registered gross weight in excess of 26,000 pounds, the Commissioner shall determine the county, city, or town in which the vehicle is or will be normally garaged or parked, and shall advise each commissioner of the revenue of the situs of such vehicles as may be in his jurisdiction. The provisions of this section shall not apply to motor vehicles and rolling stock of cer-

tificated intrastate common carriers, or electric power, gas, pipeline transmission, railroad, telegraph, telephone, and water companies.

1974, c. 47, § 46.1-32.1; 1989, c. 727.

§ 46.2-212. Notice given for records supplied.

Whenever any records held by the Department are supplied to third persons, the third persons shall notify the subject of the records that the records have been supplied and shall send to the subject a copy of the records.

As used in this section "records supplied to third persons" means all abstracts of operating records held by the Department in which the person who is the subject of the records is identified or identifiable, where the records are made available, in any way, to a person who is not the subject of the records.

This section shall not apply to records supplied to any officials, including court and police officials of the Commonwealth and of any of the counties, cities, and towns of the Commonwealth, and court and law-enforcement officials of other states and of the federal government, provided the records or information supplied is for official use; nor shall this section apply to any records supplied to any insurer or its agents unless insurance is denied or the premium charged therefor is increased either wholly or in part because of information contained in such records.

1976, c. 505, § 46.1-33.1; 1989, c. 727.

§ 46.2-212.1. Payments by payment devices.

The Commissioner may authorize the acceptance of payment devices in lieu of money for payment of any fees, fines, penalties, and taxes collected by the Department of Motor Vehicles or agents acting on behalf of the Department. The Department may add to such payment an amount of no more than four percent of the payment as a service charge for the acceptance of a payment device.

The Commissioner may authorize a Department transaction receipt to be used with existing Department documents as evidence that the holder has complied with Department payment requirements, provided that the transaction is completed before the document's expiration date. However, a transaction receipt for expired vehicle registrations that are renewed online within 90 days of expiration with the payment of all required fees may serve as evidence that the holder has complied with Department payment requirements. Any such transaction receipt shall include detailed information as to length of time by which the document's period of validity will be extended and how the transaction receipt is to be verified.

1989, c. 62, § 46.1-33.2; 1996, cc. 943, 994; 2000, c. 122; 2017, c. 547.

§ 46.2-212.2. Automatic payments.

Upon application of any person, the Commissioner may (i) include in that person's records with the Department such credit card or automated clearing house transfer information as is necessary to enable automatic payments of fees, fines, penalties, and taxes payable by that person to the

Department, and (ii) authorize the automatic payment by credit card or electronic funds transfer of any such fees, fines, penalties, and taxes. The Commissioner may procure the services of a third-party vendor for the secure storage of information collected under this section. Prior to the completion of any automatic payment transaction, the Commissioner shall provide notice to the person who has requested automatic payments, which notice shall state the reason for the charge and the amount to be charged, and shall provide the person an opportunity to cancel the transaction.

2013, cc. 673, 789.

§ 46.2-213. Repealed.

Repealed by Acts 2020, c. 701, cl. 2, effective April 6, 2020.

§ 46.2-214. Charges for information supplied by Department.

The Commissioner may make a reasonable charge for furnishing information under this title, but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government group self-insurance pools; or court, police, or licensing officials of other states or of the federal government, provided that the information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1976, c. 505, § 46.1-31.2; 1989, c. 727; 1991, c. 167; 2006, c. 846; 2007, cc. 156, 447; 2016, c. 368.

§ 46.2-214.1. Additional charge for information supplied by Department.

Beginning July 1, 2002, in addition to the fee charged pursuant to § 46.2-214, the Commissioner shall charge $2 for furnishing information under this title, but no fee shall be charged to any official, including court and police officials, of the Commonwealth or any county, city or town of the Commonwealth, or to court, police, and licensing officials of other states or of the federal government, provided that the information requested is for official use.

2003, c. 1042, cl. 9.

§ 46.2-214.2. Waiver of certain fees by Department.

The Department may waive the fee for a duplicate driver's license that would have otherwise been imposed by the Department under this title if the person subject to the fee is on active duty with the armed forces of the United States outside the boundaries of the United States.

2008, c. 502.

§ 46.2-214.3. Discount for multiyear registration.

A. Pursuant to subsection C of § 46.2-646, for each motor vehicle, trailer, or semitrailer registered, the Commissioner may offer, at his discretion, a discount for multiyear registrations of such vehicles. The discount shall be equal to $1 for each year of the multiyear registration or fraction thereof. The discount shall not be applicable to any motor vehicle, trailer, or semitrailer registered (i) under the

International Registration Plan or (ii) as an uninsured motor vehicle. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

B. In addition to the discount authorized in subsection A, for the renewal of registration of each motor vehicle, trailer, or semitrailer pursuant to § 46.2-646, the Commissioner shall offer a discount for renewal when such registration renewal is conducted using the Internet. The discount shall be equal to $1. The discount shall not apply to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle.

2008, c. 866; 2020, cc. 1230, 1275.

§ 46.2-214.4. Discount for online transactions.

The Department may offer a $1 discount for the following transactions if conducted using the Internet: (i) a driver's license renewal pursuant to § 46.2-330, (ii) a driver's license duplicate or reissue pursuant to § 46.2-343, (iii) an identification card renewal pursuant to § 46.2-345, (iv) an identification card duplicate or reissue pursuant to § 46.2-345, or (v) a certificate of title replacement pursuant to § 46.2-607.

2016, c. 368.

§ 46.2-215. Certification of certain records and admissibility in evidence.

Whenever any record, including records maintained by electronic media, by photographic processes, or paper, in the office of the Department is admissible in evidence, a copy, a machine-produced transcript, or a photograph of the record or paper attested by the Commissioner or his designee may be admitted as evidence in lieu of the original. In any case in which the records are transmitted by electronic means a machine imprint of the Commissioner's name purporting to authenticate the record shall be the equivalent of attestation or certification by the Commissioner.

Any copy, transcript, photograph, or any certification purporting to be sealed or sealed and signed by the Commissioner or his designee or imprinted with the Commissioner's name may be admitted as evidence without any proof of the seal or signature or of the official character of the person whose name is signed thereto. If an issue as to the authenticity of any information transmitted by electronic means is raised, the court shall require that a record attested by the Commissioner or his designee be submitted for admission into evidence.

1962, c. 368, § 46.1-34.1; 1966, c. 196; 1986, c. 607; 1988, c. 427; 1989, c. 727.

§ 46.2-216. Destruction of records.

In accordance with the provisions of Chapter 7 (§ 42.1-76 et seq.) of Title 42.1, the Commissioner may establish standards for the disposal of any paper or record which need not be preserved as a permanent record.

Code 1950, § 46-37; 1958, c. 541, § 46.1-36; 1960, c. 121; 1989, c. 727.

§ 46.2-216.1. Electronic filings or submissions to Department; provision of electronic documents by Department.

A. Whenever this title or Title 58.1 provides that applications, certificates, fees, letters of credit, notices, penalties, records, reports, surety bonds, tariffs, taxes, time schedules, or any other documents or payments be filed or submitted to the Department in written form or otherwise, the Commissioner may, after providing 12-months' written notification to impacted applicants, licensees, or any other person or entity, require that all or certain applicants, licensees, or any other person or entity engaged in business with the Department, make such filings or submissions electronically in a format prescribed by the Commissioner. Any such requirement shall not apply to an individual application for a driver's license, commercial driver's license, special identification card, or the titling or registration of 12 or fewer vehicles during a period of one year. The Commissioner shall develop a method to ensure that the electronic filing is received and stored accurately and that it is readily available to satisfy the requirements of the statutes which call for a written document. Notwithstanding the provisions of this section, the Commissioner may accept, in lieu of paper documents, a filing or submission made by electronic means for any document not required to be filed or submitted electronically pursuant to the provisions of this title or Title 58.1.

B. Whenever this title or Title 58.1 provides that a written certificate or other document is to be delivered to an owner, registrant, licensee, lien holder, or any other person or entity by the Department or the Commissioner, the Commissioner may provide the written certificate or other document by electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. Whenever a certificate or other document is provided by electronic means, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien holder, or other party.

C. The Commissioner is authorized to establish, where feasible and cost efficient, contracts with public-private partnerships with commercial operations to provide for simplification and streamlining of services to citizens through electronic means. Such electronic services shall include (i) an electronic lien and titling program, (ii) an online dealer program, and (iii) a print-on-demand license plate program.

1. Notwithstanding the provisions of § 46.2-208, to conduct customer-initiated transactions through electronic means the Commissioner may provide a customer's personal, driver, or vehicle information relating to the operation or theft of a motor vehicle or to public safety to the following entities: (i) lending institutions; (ii) motor vehicle dealers; or (iii) third-party vendors that enter into contracts with the Department. Pursuant to subsection A, the Commissioner may require such entities engaged in business with the Department to submit electronic filings using the third-party vendors that have contracts with the Department. Customer information obtained by such entities conducting customer-initiated transactions, including third-party vendors that enter into contracts with the Department, is subject to the restrictions upon use and dissemination imposed by (a) the federal Drivers Privacy Protection Act at 18 U.S.C. § 2721 et seq., (b) the Government Data Collection and Dissemination Practices Act (§

2.2-3800 et seq.) and §§ 46.2-208 and 58.1-3, and (c) any rules, regulations, or guidelines adopted by the Department with regard to disclosure or dissemination of any information obtained from the Department.

2. The Department may impose a reasonable fee in accordance with fair market prices on such entities, including third-party vendors that enter into contracts with the Department, for customer-initiated transactions conducted through electronic means. Such fees shall be used to defray the costs of the transaction to the Department. Any transaction fees imposed and collected by the Department shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

1991, c. 115; 2009, c. 419; 2018, c. 361.

§ 46.2-216.2. Repealed.
Repealed by Acts 2009, c. 419, cl. 3.

§ 46.2-216.3. Repealed.
Repealed by Acts 2003, c. 1042, cl. 12, effective May 1, 2003.

§ 46.2-216.4. Department to provide self-service options to customers.
The Department may provide, at its offices, self-service options that will provide customers with access to the Department's Internet transactions for persons who would prefer to transact their business with the Department accordingly. In determining the form and number of such options, and whether any option will be made available at a location, the Department shall consider the volume of business and the cost effectiveness of implementing any such option at the location.

2003, c. 320.

§ 46.2-216.5. Partnership of Department and The Library of Virginia to promote use of public library Internet access terminals to complete on-line transactions with the Department.
The Department shall enter into a partnership with The Library of Virginia to promote the use of public library Internet access terminals to complete on-line transactions with the Department.

2003, c. 336.

§ 46.2-217. Enforcement of laws by Commissioner; authority of officers.
The Commissioner, his several assistants, including those who are full-time sworn members of the enforcement division of the Department of Motor Vehicles, and police officers appointed by him are vested with the powers of sheriffs for the purpose of enforcing the laws of the Commonwealth which the Commissioner is required to enforce. Such full-time sworn members of the enforcement division of the Department of Motor Vehicles are hereby authorized to enforce the criminal laws of the Commonwealth.

The Commissioner may also appoint or designate any of his staff to be "size and weight compliance agents" who shall thereby have the authority to (i) enforce the requirements for the use of dyed diesel fuel in §§ 58.1-2265 and 58.1-2267; (ii) enforce the requirements of Article 17 (§ 46.2-1122 et seq.) of

Chapter 10; (iii) issue citations for violations of license, registration, and tax requirements and vehicle size limits pursuant to § 46.2-613.1; and (iv) carry out the vehicle seizure provisions of §§ 46.2-613.4, 46.2-613.5, 46.2-703, 46.2-1134, and 46.2-1136 at any permanent weighing station. For the purposes of this section, a permanent weighing station shall include any location equipped with fixed, permanent scales for weighing motor vehicles.

Nothing in this title shall relieve any law-enforcement officer, commissioner of the revenue, or any other official invested with police powers and duties, state or local, of the duty of assisting in the enforcement of such laws within the scope of his respective authority and duty.

All law-enforcement officers appointed by the Commissioner may administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this title and all other laws relating to the operation of motor vehicles, applications for driver's licenses, and the collection and refunding of taxes levied on gasoline. They shall receive no compensation for administering oaths or taking acknowledgments.

Code 1950, § 46-38; 1958, c. 541, § 46.1-37; 1984, c. 780; 1989, c. 727; 1993, c. 533; 2008, c. 460; 2011, cc. 62, 73; 2012, cc. 22, 111.

§ 46.2-218. Fees not allowed law-enforcement officers.

No court in the Commonwealth shall, in any case in which a fine is assessed for the violation of any law of the Commonwealth or any subdivision thereof, assess as a part of the cost of the case any fee for arrest, or as a witness, for the benefit of any law-enforcement officer of the Department; nor shall any Department law-enforcement officer receive any such fee. Any Department law-enforcement officer who accepts or receives any such fee shall be guilty of a Class 4 misdemeanor and, in addition, the Commissioner may remove him therefor. Department law-enforcement officers are not prohibited, however, from accepting or receiving rewards.

Code 1950, § 46-39; 1958, c. 541, § 46.1-38; 1980, c. 29; 1989, c. 727.

§ 46.2-219. Bonds of Commissioner, Deputy Commissioners, assistants, administrators, and law-enforcement officers; liability insurance policies.

The Commissioner, the Deputy Commissioners, the assistant commissioners, the administrators, and law-enforcement officers appointed by the Commissioner and engaged in the enforcement of criminal laws and the laws relating to the operation of motor vehicles on the highways in the Commonwealth shall, before entering on or continuing in their duties, enter into bond with some solvent guaranty, indemnity, fidelity, or casualty company authorized to do business in the Commonwealth as surety, in the penalty of $100,000 and with condition for the faithful and lawful performance of their duties. These bonds shall be filed in the office of the Department and the premiums thereon shall be paid out of the fund appropriated for the enforcement of the laws concerning motor vehicles. All persons injured or damaged in any manner by the unlawful, negligent, or improper conduct of any such officer while on duty may maintain an action on the bond.

In lieu of posting bond as provided in this section, any assistant or law-enforcement officer may furnish an adequate liability insurance policy as proof of his ability to respond in damages which may be adjudged against him in favor of any person or persons injured or damaged in any manner resulting from his unlawful, negligent, or improper conduct while on official duty, to the amount of $100,000. The premiums on any such insurance policy or policies shall be paid out of the funds appropriated for the enforcement of the laws concerning motor vehicles.

All such bonds and insurance policies shall be approved by the Commissioner.

Code 1950, § 46-40; 1950, p. 221; 1958, c. 541, § 46.1-39; 1976, c. 78; 1989, c. 727.

§ 46.2-220. Special counsel for defense of law-enforcement officers.

If any law-enforcement officer appointed by the Commissioner is arrested, indicted, or prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Commissioner may employ special counsel approved by the Attorney General to defend him. The compensation for special counsel employed pursuant to this section shall, subject to approval of the Attorney General, be paid out of the funds appropriated for the administration of the Department.

Code 1950, § 46-41; 1958, c. 541, § 46.1-40; 1989, c. 727.

§ 46.2-221. Certain state agencies to report to Department concerning the blind and nearly blind; use of such information by Department; Department to report names of persons refused licenses for defective vision; reports to law-enforcement agencies concerning certain blind or visually impaired persons who operate motor vehicles.

Every state agency having knowledge of the blind or visually handicapped, maintaining any register of the blind, or administering either tax deductions or exemptions for or aid to the blind or visually handicapped shall report in January of each year to the Department the names of all persons so known, registered or benefiting from such deductions or exemptions, for aid to the blind or visually handicapped. This information shall be used by the Department only for the purpose of determining qualifications of these persons for licensure under Chapter 3 (§ 46.2-300 et seq.). If any such state agency has knowledge that any person so reported continues to operate a motor vehicle, such agency may provide this information to appropriate law-enforcement agencies as otherwise permitted by law.

The Department shall report to the Virginia Department for the Blind and Vision Impaired and the Department for Aging and Rehabilitative Services at least annually the name and address of every person who has been refused a driver's license solely or partly because of failure to pass the Department's visual examination.

If any employee of the Virginia Department for the Blind and Vision Impaired makes a report to the Department of Motor Vehicles or provides information to an appropriate law-enforcement agency as required or permitted by this section concerning any client of the agency, it shall not be deemed to have been made in violation of the client-agency relationship.

1968, c. 98, §§ 46.1-40.1, 46.1-40.1:1; 1977, c. 340; 1984, c. 780; 1988, c. 798; 1989, c. 727; 2003, c. 301; 2012, cc. 803, 835.

§ 46.2-221.1. Registration with Selective Service required for issuance of learner's permits, driver's licenses, commercial driver's licenses, and special identification cards to certain applicants.

A. Every male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is less than twenty-six years old and is either a citizen of the United States or an immigrant shall, at the time of his application, be registered in compliance with the requirement of section 3 of the Military Selective Service Act, 50 U.S.C. § 3801 et seq. The application for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card submitted by any such person shall indicate either (i) that he is already registered with the Selective Service or (ii) that he authorizes the Department to forward to the Selective Service System the personal information necessary for such registration. This personal information shall be forwarded by the Department to the Selective Service System in an electronic format. The Department shall include on its application forms notice to affected persons that their submission of the application grants their consent to be registered with the Selective Service System, if required to so register by federal law.

Data received by the Selective Service System under this subsection that pertains to any persons less than eighteen years old shall not be used to register that person with the Selective Service until that person is eighteen years old.

B. If the applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card is a male less than eighteen years old, his application shall be signed by his parent or by the guardian having custody of him. If he has no parent or guardian, then no learner's permit, driver's license, commercial driver's license, or special identification card shall be issued to him or renewed by the Department unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation and sign the application himself. By signing the application as required in this subsection, the parent, guardian, or judge, or emancipated minor shall be deemed to authorize the Department to register the applicant with the Selective Service System as provided in subsection A.

C. If any male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is required by subsection A to be registered with the Selective Service System declines, refuses, or fails to do so, his application shall be denied.

2002, c. 118.

§ 46.2-221.2. Extension of expiration of driver's licenses issued to certain persons in service to the United States government or for good cause shown.

A. Notwithstanding § 46.2-330, any driver's license that is issued by the Department under Chapter 3 (§ 46.2-300 et seq.) to (i) a person serving outside the Commonwealth in the armed services of the United States, (ii) a person serving outside the Commonwealth as a member of the diplomatic service

of the United States appointed under the Foreign Service Act of 1946, (iii) a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government, or (iv) a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the Commonwealth or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall be held not to have expired during the period of the licensee's service outside the Commonwealth in the armed services of the United States or as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946 or as a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government and 180 days thereafter. However, no extension granted under this section shall exceed three years from the date of expiration shown on the individual's driver's license.

For the purposes of this subsection, "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

B. Notwithstanding § 46.2-330, the Commissioner may, for good cause shown, extend the validity period of a driver's license issued by the Department pursuant to Chapter 3 (§ 46.2-300 et seq.), provided that the license holder requesting the extension (i) contacts the Department prior to expiration of his license, (ii) is temporarily absent from the Commonwealth at the time his driver's license is due for renewal, (iii) provides the Commissioner with verifiable evidence documenting the need for an extension, (iv) provides the Commissioner with the earliest date of return, and (v) is not eligible to renew his license online. No extension granted under this subsection shall exceed one year from the date of expiration shown on the individual's driver's license.

C. The Department shall furnish to any person whose driver's license is extended under this section documentary or other proof that he is entitled to the benefits of this section when operating any motor vehicle.

2004, c. 975; 2006, c. 85; 2007, cc. 249, 589; 2008, c. 591; 2012, c. 384; 2017, c. 547.

§ 46.2-221.3. Grace period for business credentialing for armed forces personnel returning from duty outside the United States.

Owners or operators of businesses and other persons licensed or credentialed in the Commonwealth by the Department who have served outside of the United States in the armed services of the United States shall have a 60-day grace period, beginning on the date they are no longer serving outside the United States, during which they may reopen the business or again perform credentialed activities prior to complying with the business license, certificate, permit, or other such business and professional credential requirements of this title.

To be eligible for the grace period, persons qualifying under this section shall:

1. Have held a valid license, permit, certificate, or other such business or professional credential issued by the Department at the time the person began service in the armed forces outside of the United States; and

2. Not operate the business or perform credentialed activities during the period of the person's military service.

Prior to reopening the business or again performing credentialed activities during the 60-day grace period, persons qualifying under this section shall notify the Department of their intentions and verify that they are in compliance with all other requirements established by the Department and set forth in this title relating to their business or profession. Such persons shall have in their possession, while operating the business or performing credentialed activities, (i) orders or other military documentation demonstrating that they are entitled to the benefits of this section, and (ii) the latest license, certificate, permit, or other such business or professional credential issued to them by the Department.

For the purposes of this section "service in the armed services" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

2004, c. 975.

§ 46.2-221.4. Grace period for replacement of license plates or decals and registrations for certain persons in service to the United States government.

Owners or lessees of vehicles registered in the Commonwealth who (i) have served outside of the United States in the armed services of the United States, (ii) have served outside the United States as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946, (iii) have been a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government, or (iv) are a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the United States or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall have a 90-day grace period, beginning on the date that such person is no longer serving outside the United States, in which to comply with the vehicle registration requirements of this title.

To be eligible for the grace period, the vehicle shall:

1. Be owned or leased by a person or persons qualifying under this section;

2. Have had valid registration issued by the Department at the time the member of the armed services of the United States, member of the diplomatic service, civilian employee of the United States government, or any agency or contractor thereof began service outside of the United States;

3. Comply with the financial responsibility requirements of this title;

4. Display the latest license plates and decals issued by the Department for the vehicle; and

5. Be operated only by persons qualifying under this section while possessing:

a. Orders or other military documentation demonstrating that they are entitled to the benefits of this section; and

b. The latest registration card issued by the Department for the vehicle.

Nothing in this section shall be construed to prohibit any person or persons who own or lease vehicles registered in the Commonwealth and are currently serving outside of the United States in the armed services of the United States from complying, when possible and as necessary, with the vehicle registration requirements of this title during the period of service outside the United States or while on leave in Virginia.

For the purposes of this section "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

The provisions of this section shall not apply to special license plates issued to members of the National Guard under § 46.2-744.

2004, c. 975; 2008, c. 591; 2012, c. 385.

§ 46.2-221.5. (Effective January 1, 2021) Information on veterans services provided.

A. If any person indicates that he is a veteran on any form or application submitted to the Department for the purpose of a driver or vehicle transaction, the Department shall offer such person information on veterans services that are available in the Commonwealth. Such information may be electronic, provided that printed materials are made available upon request.

B. The Department of Veterans Services shall furnish the Department with all materials required to be offered pursuant to this section. Distribution of materials shall be in a manner prescribed by the Commissioner in consultation with the Department of Veterans Services.

C. Nothing in this section shall require the Department to verify a person's veteran status.

2020, c. 698.

Article 2 - POWERS AND DUTIES OF DEPARTMENT RELATED TO TRANSPORTATION SAFETY

§ 46.2-222. General powers of Commissioner with respect to transportation safety.

The Commissioner shall have the following general powers to carry out the purposes of this article:

1. To employ required personnel.

2. To enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this article, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth.

3. To accept grants from the United States government and its agencies and instrumentalities and any other source. To these ends, the Department shall have the power to comply with conditions and execute agreements necessary, convenient or desirable.

4. To do all acts necessary or convenient to carry out the purposes of this article.

1984, c. 778, § 46.1-40.3; 1989, c. 727.

§ 46.2-223. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to transportation safety:

1. To evaluate safety measures currently in use by all transport operators in all modes which operate in or through the Commonwealth, with particular attention to the safety of equipment and appliances and methods and procedures of operation;

2. To engage in training and educational activities aimed at enhancing the safe transport of passengers and property in and through the Commonwealth;

3. To cooperate with all relevant entities of the federal government, including, but not limited to, the Department of Transportation, the Federal Railway Administration, the Federal Aviation Administration, the Coast Guard, and the Independent Transportation Safety Board in matters concerning transportation safety;

4. To initiate, conduct, and issue special studies on matters pertaining to transportation safety;

5. To evaluate transportation safety efforts, practices, and procedures of the agencies or other entities of the government of the Commonwealth and make recommendations to the Secretary of Transportation, the Governor, and the General Assembly on ways to increase transportation safety consciousness or improve safety practices;

6. To assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to ensure safe transportation, including the dissemination of relevant materials and the rendering of technical or other advice;

7. To collect, tabulate, correlate, analyze, evaluate, and review the data gathered by various entities of the state government in regard to transportation operations, management, and accidents, especially the information gathered by the Department of Motor Vehicles, the Department of State Police, and the State Corporation Commission;

8. To develop, implement, and review, in conjunction with relevant state and federal entities, a comprehensive highway safety program for the Commonwealth, and to inform the public about it;

9. To assist towns, counties and other political subdivisions of the Commonwealth in the development, implementation, and review of local highway safety programs as part of the state program;

10. To review the activities, role, and contribution of various state entities to the Commonwealth's highway safety program and to report annually and in writing to the Governor and General Assembly on the status, progress, and prospects of highway safety in the Commonwealth;

11. To recommend to the Secretary of Transportation, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs which are needed to make the movement of passengers and property on the highways of the Commonwealth as safe as practicable;

12. To design, implement, administer, and review special programs or projects needed to promote highway safety in the Commonwealth;

13. To integrate highway safety activities into the framework of transportation safety in general; and

14. To administer the Traffic Safety Fund established pursuant to § 46.2-749.2:10 and to accept grants, gifts, bequests, and other moneys contributed to, deposited in, or designated for deposit in the Fund.

1984, c. 778, § 46.1-40.4; 1989, c. 727; 1990, cc. 1, 317; 1998, c. 743.

§ 46.2-224. Repealed.

Repealed by Acts 2012, cc. 803 and 835, cl. 105.

Article 3 - ELECTRONIC CREDENTIALS ACT

§ 46.2-225. Definitions.

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

"Data field" means a piece of information that appears on a physical credential, electronic credential, or profile.

"Display requirement" means a provision within the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation that requires the display or possession of a physical credential to do an act, identify a person or piece of personal property, or show entitlement to a right or privilege.

"Electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies a person's identity, identifies personal property, or serves as evidence of the right of a person to do, or to use personal property to do, an act.

"Electronic credential system" means a computer system accessed by a person using a computer, cellular telephone, or other electronic device and used to display or transmit electronic credentials to other persons or to a verification system.

"Physical credential" means a document issued by an agency of the Commonwealth, another state of the United States, the District of Columbia, the United States, a foreign country, or a political subdivision of a foreign country that is issued in a physical format, such as paper or plastic, and that identifies the holder, identifies a piece of personal property, or grants the holder the permission to do, or to use property to do, an act.

"Profile" means an electronic credential created by the Department that displays a different set of data fields than are displayed on the physical credential.

"Third-party electronic credential system" means an electronic credential system that is not maintained by the Department or by an agent of the Department on its behalf. "Third-party electronic credential system" may include an electronic wallet.

"Verification system" means a computer system operated by the Department or its agent on its behalf that is made available to persons who are presented with electronic credentials for the purpose of verifying the authenticity and validity of electronic credentials issued by the Department or by other government agencies or jurisdictions.

2017, c. 697.

§ 46.2-226. Electronic credentials.

A. The Department may issue electronic credentials to persons who hold a valid physical credential that the Department is authorized to issue.

B. If the Department issues electronic credentials, the credentials shall be issued in addition to, and not instead of, the underlying physical credentials for which a person is eligible. No electronic credential shall be issued unless the applicant holds the corresponding physical credential. Such electronic credentials shall be issued to an electronic credential system.

C. The Department may issue electronic credentials to third-party electronic credential systems if the Department first enters into an agreement with the owner of the third-party electronic credential system that sets forth the terms on which the electronic credentials may be displayed.

D. The Department may enter into agreements with an agency of the Commonwealth, another state of the United States, or the United States to grant access to the use of electronic credentials issued by such agency. The provisions of subsection B shall apply to credentials to which the Department grants such access unless, as part of the agreement permitting the Department to grant access, the other agency agrees that the Department may grant access to electronic credentials to persons not holding a corresponding physical credential.

2017, c. 697.

§ 46.2-227. Fees.

A. The Department shall assess a fee of $10 per year for each individual who is issued electronic credentials by the Department or is granted access to an electronic credential issued in accordance with an agreement pursuant to the provisions of subsection C of § 46.2-226.

B. The Department shall assess a fee pursuant to § 46.2-214 for searches of the verification system.

C. Pursuant to § 46.2-214, the fees received by the Department pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

2017, c. 697.

§ 46.2-228. Design of electronic credentials.

A. The Department and other agencies that enter into an agreement with the Department pursuant to subsection C of § 46.2-226 may create and issue profiles to be used in those circumstances where the display of the data fields would satisfy the purpose for which the profile is being presented.

B. Electronic credentials and electronic credential systems shall be designed so that there is no need for the credential holder to relinquish possession of the device in which the electronic credential system is installed in order to present the credential or for the person to whom the credential is presented to search the verification system to confirm the validity of the credential.

C. Electronic credential and verification systems shall be designed to protect the credential holder's privacy, including by use of privacy-enhancing technologies or other appropriate methods. If the Department enters into an agreement with the owner of a third-party electronic credential system, the agreement shall require the owner of that system to take appropriate measures to protect the credential holder's privacy.

2017, c. 697.

§ 46.2-229. Verification system.

A. The Department or its agent may create and operate a verification system.

B. The Department may enter into agreements with other government agencies or jurisdictions issuing electronic credentials to allow for the verification of those credentials through the verification system and may also enter into agreements with other government agencies or jurisdictions or their agents operating a similar verification system for the purpose of verifying Virginia electronic credentials used in other states.

C. The Department or its agent may enter into an agreement with a person to access and search the verification system. Any such agreement shall require, at a minimum, that the person to whom the Department is granting access agree to search the system only in compliance with the requirements of this section and to take appropriate measures to protect the credential holder's privacy.

D. A person who has entered into an agreement with the Department to access and search the verification system, and who has been presented with an electronic credential or profile, may search the verification system to verify the validity and accuracy of the electronic credential or profile that has been presented if the electronic credential holder consents to the search.

E. Following a search of the verification system made by a person with whom it has entered into an agreement pursuant to subsection C, the Department may release through the verification system a verification of those data fields that the electronic credential holder has consented to be verified.

2017, c. 697.

§ 46.2-230. Acceptance of electronic credentials.

A. The possession or display of an electronic credential shall not relieve a person from the requirements of any provision in the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation requiring the possession or display of a physical credential.

B. Any provision of the Code of Virginia, the Virginia Administrative Code, or a local ordinance or regulation with a display requirement, which may be satisfied by the display or possession of a physical credential for which the Department may issue an electronic credential, may be satisfied by displaying or possessing an electronic credential issued pursuant to this article. Acceptance of an electronic credential shall be at the discretion of the person to whom it is presented and subject to the conditions of this section.

C. If a person displays a profile, its display shall satisfy a display requirement if the profile provides sufficient data fields to satisfy the purpose for which it is being displayed.

D. If the Department, or another agency responsible for enforcing a display requirement, requires that an electronic credential or profile be verified through the verification system prior to acceptance in certain circumstances, the display requirement shall be deemed satisfied by presentation of an electronic credential or profile in those circumstances only if the electronic credential or profile is verified by the verification system.

E. The provisions of this section shall apply to the possession or display of similar electronic credentials or profiles issued by the government of another state of the United States, the District of Columbia, the United States, a foreign country, or a political subdivision of a foreign country to the extent that a physical credential from the same jurisdiction would satisfy the relevant display requirement.

2017, c. 697.

Subtitle II - TITLING, REGISTRATION AND LICENSURE

Chapter 3 - LICENSURE OF DRIVERS

Article 1 - UNLICENSED DRIVING PROHIBITED

§ 46.2-300. Driving without license prohibited; penalties.

No person, except those expressly exempted in §§ 46.2-303 through 46.2-308, shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in this article, satisfactorily passed the examination required by § 46.2-325, and obtained a driver's license, nor unless the license is valid.

A violation of this section is a Class 2 misdemeanor. A second or subsequent violation of this section is a Class 1 misdemeanor.

Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days.

Code 1950, § 46-347; 1958, c. 541, § 46.1-349; 1968, c. 494; 1970, c. 347; 1984, c. 780; 1989, c. 727; 2005, c. 245; 2007, c. 532; 2008, c. 684.

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired.

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection

shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

Code 1950, § 46-347.1; 1952, c. 666; 1958, c. 541, § 46.1-350; 1960, c. 364; 1962, c. 302; 1964, c. 239; 1966, cc. 546, 589; 1968, c. 494; 1970, c. 507; 1984, c. 780; 1985, c. 232; 1988, c. 859; 1989, c. 727; 1991, c. 64; 1992, c. 273; 1993, c. 24; 1994, cc. 359, 363; 1997, c. 691; 2000, cc. 956, 982; 2004, cc. 461, 801, 948; 2009, cc. 390, 764; 2010, c. 519; 2017, c. 700; 2020, cc. 964, 965, 1018.

§ 46.2-301.1. Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle.

A. The motor vehicle being driven by any person (i) whose driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or 18.2-272 or driving while under the influence in violation of § 18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction; (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2; (iii) driving after such person's driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of § 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction; or (iv) driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be impounded or immobilized by the arresting law-enforcement officer at the time the person is arrested for driving after his driver's license, learner's permit or privilege to drive has been so revoked or suspended or for driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction. The impoundment or immobilization for a violation of clauses (i) through (iii) shall be for a period of 30 days. The period of impoundment or immobilization for a violation of clause (iv) shall be until the

offender obtains a valid operator's license pursuant to § 46.2-300 or three days, whichever is less. In the event that the offender obtains a valid operator's license at any time during the three-day impoundment period and presents such license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs of impoundment or immobilization to the person holding the vehicle.

The provisions of this section as to the offense described in clause (iv) of this subsection shall not apply to a person who drives a motor vehicle with no operator's license (i) whose license has been expired for less than one year prior to the offense or (ii) who is under 18 years of age at the time of the offense. The arresting officer, acting on behalf of the Commonwealth, shall serve notice of the impoundment upon the arrested person. The notice shall include information on the person's right to petition for review of the impoundment pursuant to subsection B. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made. Transmission of the notice may be by electronic means.

At least five days prior to the expiration of the period of impoundment imposed pursuant to this section or § 46.2-301, the clerk shall provide the offender with information on the location of the motor vehicle and how and when the vehicle will be released; however, for a violation of clause (iv) above, such information shall be provided at the time of arrest.

All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of his motor vehicle. Notwithstanding the above, where the arresting law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pickup and shall notify the clerk if the clerk has previously been notified of the impoundment.

B. Any driver who is the owner of the motor vehicle that is impounded or immobilized under subsection A may, during the period of the impoundment, petition the general district court of the jurisdiction in which the arrest was made to review that impoundment. The court shall review the impoundment within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court shall rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs paid or incurred by him. Otherwise, the court shall affirm the impoundment. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the impoundment or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

C. The owner or co-owner of any motor vehicle impounded or immobilized under subsection A who was not the driver at the time of the violation may petition the general district court in the jurisdiction where the violation occurred for the release of his motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's driver's license was suspended or revoked when he authorized the offender to drive such motor vehicle; (ii) did not know that the offender had no operator's license and that the operator had been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction when he authorized the offender to drive such motor vehicle; or (iii) did not consent to the operation of the motor vehicle by the offender. If the owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for the period of impoundment that otherwise would be imposed pursuant to this section, the court, in its discretion, may release the vehicle after some period of less than such impoundment period.

D. Notwithstanding any provision of this section, a subsequent dismissal or acquittal of the charge of driving without an operator's license or of driving on a suspended or revoked license shall result in an immediate rescission of the impoundment or immobilization provided in subsection A. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs, incurred or paid by him.

E. Any person who knowingly authorizes the operation of a motor vehicle by (i) a person he knows has had his driver's license, learner's permit or privilege to drive a motor vehicle suspended or revoked for any of the reasons set forth in subsection A or (ii) a person who he knows has no operator's license and who he knows has been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be guilty of a Class 1 misdemeanor.

F. Notwithstanding the provisions of this section or § 46.2-301, nothing in this section shall impede or infringe upon a valid lienholder's rights to cure a default under an existing security agreement. Furthermore, such lienholder shall not be liable for any cost of impoundment or immobilization, including removal or storage expenses which may accrue pursuant to the provisions of this section or § 46.2-301. In the event a lienholder repossesses or removes a vehicle from storage pursuant to an existing security agreement, the Commonwealth shall pay all reasonable costs of impoundment or immobilization, including removal and storage expenses, to any person or entity providing such services to the Commonwealth, except to the extent such costs or expenses have already been paid by the offender to such person or entity. Such payment shall be made within seven calendar days after a

request is made by such person or entity to the Commonwealth for payment. Nothing herein, however, shall relieve the offender from liability to the Commonwealth for reimbursement or payment of all such reasonable costs and expenses.

1994, cc. 359, 363; 1994, 1st Sp. Sess., c. 10; 1995, cc. 426, 435; 1997, cc. 378, 478, 691; 2005, c. 312; 2010, cc. 519, 829.

§ 46.2-302. Driving while restoration of license is contingent on furnishing proof of financial responsibility.

No resident or nonresident (i) whose driver's license or learner's permit has been suspended or revoked by any court or by the Commissioner or by operation of law, pursuant to the provisions of this title or of § 18.2-271, or who has been disqualified pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), or (ii) who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the Commissioner of Highways, or the Superintendent of State Police, to drive a motor vehicle in the Commonwealth shall drive any motor vehicle in the Commonwealth during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title. Any person who drives a motor vehicle on the roads of the Commonwealth and has furnished proof of financial responsibility but who has failed to pay a reinstatement fee, shall be tried under § 46.2-300.

A first offense violation of this section shall constitute a Class 2 misdemeanor. A second or subsequent violation of this section shall constitute a Class 1 misdemeanor.

Code 1950, § 46-484; 1958, c. 541, § 46.1-351; 1960, cc. 157, 364; 1962, c. 302; 1980, c. 29; 1984, c. 780; 1989, cc. 705, 727; 1991, c. 118.

Article 2 - WHEN LICENSE NOT REQUIRED

§ 46.2-303. Licenses not required for operating road roller or farm tractor.

No person shall be required to obtain a driver's license to operate a road roller or road machinery used under the supervision and control of the Department of Transportation for construction or maintenance purposes. No person shall be required to obtain a driver's license for the purpose of operating any farm tractor, farm machinery, or vehicle defined in §§ 46.2-663 through 46.2-674, temporarily drawn, moved, or propelled on the highways. The term "road machinery" shall not include motor vehicles required to be licensed by the Department of Motor Vehicles.

Code 1950, § 46-348; 1952, c. 498; 1958, c. 541, § 46.1-352; 1972, c. 346; 1984, c. 780; 1989, c. 727.

§ 46.2-304. Limited operation of farm tractor by persons convicted of driving under influence of intoxicants or drugs.

The conviction of a person for driving under the influence of intoxicants or some other self-administered drug in violation of any state law or local ordinance shall not prohibit the person from operating a farm tractor on the highways when it is necessary to move the tractor from one tract of land used for

agricultural purposes to another tract of land used for the same purposes, provided that the distance between the said tracts of land does not exceed five miles.

1958, c. 489, § 46.1-352.1; 1989, c. 727.

§ 46.2-305. Exemption of persons in armed services.

Every person in the armed services of the United States, when furnished with a driver's license, and when operating an official motor vehicle in such service, shall be exempt from licensure under this chapter.

Code 1950, § 46-350; 1958, c. 541, § 46.1-354; 1984, c. 780; 1989, c. 727.

§ 46.2-306. Exemption of armed services personnel and spouses and dependent children of armed services personnel.

Notwithstanding § 46.2-100, a person on active duty with the armed services of the United States or a spouse or a dependent child not less than sixteen years of age of a person on active duty with the armed services of the United States who has been licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a valid driver's license issued to him in his home state or country shall be permitted without examination or license under this chapter to drive a motor vehicle on the highways in the Commonwealth. The provisions of this section shall not be affected by the person's, spouse's, or dependent child's ownership of a motor vehicle registered in Virginia.

1970, c. 269, § 46.1-354.1; 1975, c. 240; 1984, c. 780; 1988, c. 107; 1989, c. 727.

§ 46.2-307. Nonresidents licensed under laws of home state or country; extension of reciprocal privileges.

A. A nonresident over the age of sixteen years and three months who has been duly licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a driver's license issued to him in his home state or country shall be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

B. Notwithstanding any other provisions of this chapter, the Commissioner, with the consent of the Governor, may extend to nonresidents from foreign countries the same driver's licensing privileges which are granted by the foreign country, or political subdivision wherein such nonresidents are residents, to residents of this Commonwealth residing in such foreign country or political subdivision.

C. Driver's license privileges may be extended to nonresidents from foreign countries or political subdivisions who are over the age of sixteen years and three months, have been duly licensed as drivers under a law requiring the licensing of drivers in their home country or political subdivision, and have in their immediate possession a driver's license issued to them in their home country or political subdivision.

Code 1950, § 46-351; 1958, c. 541, § 46.1-355; 1984, c. 780; 1989, cc. 705, 727; 1997, c. 486; 2002, c. 755.

§ 46.2-308. Temporary exemption for new resident licensed under laws of another state; privately owned vehicle driver's licenses.

A resident over the age of sixteen years and three months who has been duly licensed as a driver under a law of another state or country requiring the licensing of drivers shall, for the first sixty days of his residency in the Commonwealth, be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth.

Persons to whom military privately-owned vehicle driver's licenses have been issued by the Department of Defense shall, for the first sixty days of their residency in the Commonwealth, be permitted, without a Virginia license, to drive motor vehicles on the highways of the Commonwealth.

1976, c. 17, § 46.1-355.1; 1989, cc. 705, 727; 1994, c. 356; 2002, cc. 755, 767, 834.

§ 46.2-309. Repealed.

Repealed by Acts 2005, c. 245, cl. 2.

§ 46.2-310. Localities may not require license except for taxicabs; prosecutions for operation of vehicle without license or while suspended.

Counties, cities, and towns shall not require any local permit to drive, except as provided in this section. Counties, cities, and towns may adopt regulations for the licensing of drivers of taxicabs and similar for-hire passenger vehicles and for the control of the operation of such for-hire vehicles. This section shall not preclude any county, city, or town from prosecuting, under a warrant issued by such county, city, or town, a person charged with violation of a local ordinance prohibiting operation of a motor vehicle without a driver's license or while his driver's license or privilege to drive is suspended or revoked.

Code 1950, § 46-349; 1958, c. 541, § 46.1-353; 1964, c. 455; 1984, c. 780; 1989, c. 727.

Article 3 - PERSONS NOT TO BE LICENSED

§ 46.2-311. Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision.

A. The Department shall not issue a driver's license or learner's permit (i) to any person unless he demonstrates a visual acuity of at least 20/40 in one or both eyes with or without corrective lenses or (ii) to any such person unless he demonstrates at least a field of 110 degrees of horizontal vision in one or both eyes or a comparable measurement that demonstrates a visual field within this range. However, a license permitting the driving of motor vehicles during a period beginning one-half hour after sunrise and ending one-half hour before sunset, may be issued to a person who demonstrates a visual acuity of at least 20/70 in one or both eyes without or with corrective lenses provided he demonstrates at least a field of 70 degrees of horizontal vision or a comparable measurement that demonstrates a visual field within this range, and further provided that if such person has vision in one eye only, he demonstrates at least a field of 40 degrees temporal and 30 degrees nasal horizontal vision or a comparable measurement that demonstrates a visual field within this range.

B. The Department shall not issue a driver's license or learner's permit to any person authorizing the driving of a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) unless he demonstrates a visual acuity of at least 20/40 in each eye and at least a field of 140 degrees of horizontal vision or a comparable measurement that demonstrates a visual field within this range.

C. Every person applying to renew a driver's license and required to be reexamined as a prerequisite to the renewal of the license, shall:

1. Appear before a license examiner of the Department to demonstrate his visual acuity and horizontal field of vision, or

2. Accompany his application with a report of such examination made within 90 days prior thereto by an ophthalmologist or optometrist.

D. The test of horizontal visual fields made by license examiners of the Department shall be performed at thirty-three and one-third centimeters with a 10 millimeter round white test object or may, at the discretion of the Commissioner, be performed with electronic or other devices designed for the purpose of testing visual acuity and horizontal field of vision. The report of examination of visual acuity and horizontal field of vision made by an ophthalmologist or optometrist shall have precedence over an examination made by a license examiner of the Department in administrative determination as to the issuance of a license to drive. Any such report may, in the discretion of the Commissioner, be referred to a medical advisory board or to the State Health Commissioner for evaluation.

E. Notwithstanding the provisions of subsection B of this section, any person who is licensed to drive any motor vehicle may, on special application to the Department, be licensed to drive any vehicle, provided the operation of the vehicle would not unduly endanger the public safety, as determined by the Commissioner.

The Commissioner may waive the vision requirements of subsection B for any commercial driver's license applicant who either (i) is subject to the Federal Motor Carrier Safety Regulations but is exempt from the vision standards of 49 C.F.R. Part 391 or (ii) is not required to meet the vision standards specified in 49 C.F.R. § 391.41 of the regulations.

In order to determine whether such a waiver would unduly endanger the public safety, the Commissioner shall require such commercial driver's license applicant to submit a special waiver application and to provide all medical information relating to his vision that may be requested by the Department. The Department may require such commercial driver's license applicant to take a road test administered by the Department before determining whether to grant a waiver. If a waiver is granted, the Department may subject the applicant's use of a commercial motor vehicle to reasonable restrictions, which shall be noted on the commercial driver's license. If a waiver is granted, the Department may also limit the validity period of the commercial driver's license, and the expiration date shall be noted on the commercial driver's license.

1968, c. 642, § 46.1-357.2; 1972, c. 502; 1980, c. 118; 1981, c. 194; 1984, c. 780; 1989, cc. 705, 727; 2010, c. 18; 2013, cc. 165, 582; 2017, cc. 121, 279.

§ 46.2-312. Persons using bioptic telescopic lenses.

A. Persons using bioptic telescopic lenses shall be eligible for driver's licenses if they:

1. Demonstrate a visual acuity of at least 20/200 in one or both eyes and a field of seventy degrees horizontal vision without or with corrective carrier lenses or a comparable measurement that demonstrates a visual field within this range, or if these persons have vision in one eye only, they demonstrate a field of at least forty degrees temporal and thirty degrees nasal horizontal vision or a comparable measurement that demonstrates a visual field within this range;

2. Demonstrate a visual acuity of at least 20/70 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

3. Meet all other criteria for licensure;

4. Accompany the license application with a report of examination by an ophthalmologist or optometrist on a form prescribed by the Department for evaluation by the Medical Advisory Board.

B. Persons using bioptic telescopic lenses shall be eligible for learner's permits issued under § 46.2-335 provided they first meet the requirements of subsection A of this section, except for that part of the examination requiring the applicant to drive a motor vehicle.

C. Persons using bioptic telescopic lenses shall be subject to the following restrictions:

1. They shall not be eligible for any of the driver's license endorsements provided for in § 46.2-328;

2. Their driver's licenses shall permit the operation of motor vehicles only during the period beginning one-half hour after sunrise and ending one-half hour before sunset.

D. Notwithstanding the provisions of subdivision C 2 of this section, persons using bioptic telescopic lenses may be licensed to drive motor vehicles between one-half hour before sunset and one-half hour after sunrise if they:

1. Demonstrate a visual acuity of at least 20/40 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

2. Have been licensed under subsection C of this section for at least one year; and

3. Pass a skills test taken at night.

1986, c. 115, § 46.1-357.3; 1989, cc. 147, 727; 2010, c. 18.

§ 46.2-313. Persons with suspended or revoked licenses.

The Department shall not issue a driver's license to any person whose license has been suspended, during the period of the suspension; nor to any person whose license has been revoked, or should have been revoked, under the provisions of this title, until the expiration of one year after the license was revoked, unless otherwise permitted by the provisions of this title.

Code 1950, § 46-354; 1958, c. 541, § 46.1-358; 1984, c. 780; 1989, c. 727.

§ 46.2-314. Repealed.

Repealed by Acts 2017, c. 156, cl. 2, effective February 23, 2017.

§ 46.2-315. Disabled persons.

The Department shall not issue a driver's license to any person when, in the opinion of the Department, the person is suffering from a physical or mental disability or disease which will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs.

The words "disability or disease" shall not mean inability of a person to hear or to speak, or both, when he has good vision and can satisfactorily demonstrate his ability to drive a motor vehicle and has sufficient knowledge of traffic rules and regulations.

Code 1950, § 46-357; 1958, c. 541, § 46.1-361; 1984, c. 780; 1989, c. 727.

§ 46.2-316. Persons convicted or found not innocent of certain offenses; requirement of proof of financial responsibility for certain offenses.

A. The Department shall not issue a driver's license or learner's permit to any resident or nonresident person while his license or other privilege to drive is suspended or revoked because of his conviction, or finding of not innocent in the case of a juvenile, or forfeiture of bail upon the following charges of offenses committed in violation of either a law of the Commonwealth or a valid local ordinance or of any federal law or law of any other state or any valid local ordinance of any other state:

1. Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

2. Perjury, the making of a false affidavit to the Department under any law requiring the registration of motor vehicles or regulating their operation on the highways, or the making of a false statement in any application for a driver's license.

3. Any crime punishable as a felony under the motor vehicle laws or any felony in the commission of which a motor vehicle is used.

4. Violation of the provisions of § 18.2-51.4, pertaining to maiming while under the influence, § 18.2-266, pertaining to driving while under the influence of intoxicants or drugs, or of § 18.2-272, pertaining to driving while the driver's license has been forfeited for a conviction, or finding of not innocent in the case of a juvenile, under §§ 18.2-51.4, 18.2-266 or § 18.2-272, or for violation of the provisions of any federal law or law of any other state or any valid local ordinance similar to §§ 18.2-51.4, 18.2-266 or § 18.2-272.

5. Failure of a driver of a motor vehicle, involved in an accident resulting in death or injury to another person, to stop and disclose his identity at the scene of the accident.

6. On a charge of operating or permitting the operation, for the second time, of a passenger automobile for the transportation of passengers for rent or for hire, without having first obtained a license for the privilege as provided in § 46.2-694.

B. Except as provided in subsection C, the Department shall not issue a driver's license or learner's permit to any person convicted of a crime mentioned in subsection A of this section for a further period of three years after he otherwise becomes entitled to a license or permit until he proves to the Commissioner his ability to respond in damages as provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title or any other law of the Commonwealth requiring proof of financial responsibility.

C. In addition to the prohibition on licensure set forth in subsection A, the Department shall not issue or reinstate a driver's license or learner's permit to any person convicted of a violation set forth in subdivision A 4 for a period of three years after he otherwise becomes entitled to a license or permit until he furnishes proof of financial responsibility in the future under a motor vehicle liability insurance policy that satisfies the requirements of § 46.2-472 except that the limits of coverage exclusive of interest and costs, with respect to each motor vehicle insured under the policy, shall be not less than double the minimum limits set forth in subdivision 3 of § 46.2-472 for bodily injury or death of one person in any one accident, for bodily injury to or death of two or more persons in any one accident, and for injury to or destruction of property of others in any one accident.

Code 1950, § 46-358; 1958, c. 541, § 46.1-362; 1960, c. 364; 1966, c. 549; 1974, c. 453; 1980, c. 29; 1984, c. 780; 1989, c. 727; 1997, c. 691; 2007, c. 496.

§ 46.2-317. Persons making false statement in application.

The Department shall not issue, for a period of one year, a driver's license or learner's permit when the records of the Department clearly show to the satisfaction of the Commissioner that the person has made a willful material false statement on any application for a driver's license.

Code 1950, § 46-358.1; 1958, c. 541, § 46.1-363; 1984, c. 780; 1989, c. 727.

§ 46.2-318. Cancellation or revocation of license where application is false in material particular.

The Commissioner may cancel or revoke any license or permit issued pursuant to this title when it appears that the information set forth in the application for the license or permit is false in any material particular.

1958, c. 541, § 46.1-364; 1989, c. 727.

§ 46.2-319. Refusal or revocation of license for certain fraudulent acts in obtaining a driver's license.

The Department shall not issue any permit or license under this title to any person who has been convicted, or found not innocent in the case of a juvenile, of violating § 46.2-348, when the violation was based on the taking of any examination under §§ 46.2-311, 46.2-322, 46.2-325 or the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) for another person, or the appearance for another for renewal of a license under this chapter, for a period of ten years from the date of conviction, or finding of not innocent in the case of a juvenile. If the person has a license or permit issued pursuant to this title, the Commissioner shall revoke the license or permit for a period of ten years from the date of the conviction, or finding of not innocent in the case of a juvenile.

1968, c. 642, § 46.1-365; 1974, c. 453; 1989, cc. 705, 727.

§ 46.2-320. Other grounds for refusal or suspension.

The Department may refuse to grant an application for a driver's license in any of the circumstances set forth in § 46.2-608 as circumstances justifying the refusal of an application for the registration of a motor vehicle. The Department may refuse to issue or reissue a driver's license for the willful failure or refusal to pay any taxes or fees required to be collected or authorized to be collected by the Department.

Code 1950, § 46-359; 1958, c. 541, § 46.1-366; 1982, c. 147; 1984, c. 780; 1989, c. 727; 1995, c. 595; 1996, cc. 785, 1013; 1997, cc. 473, 794, 857, 898; 1999, c. 615; 2001, cc. 645, 779; 2010, c. 682; 2011, c. 773; 2012, c. 829.

§ 46.2-320.1. Other grounds for suspension; nonpayment of child support.

A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more or in an amount of $5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, or by electronic means, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services or (b) pursuant to § 8.01-296, or service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within 30 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of $5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

B. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor

vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

C. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment representing at least five percent of the total delinquency or $600, whichever is less, has been made pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support as ordered by a juvenile and domestic relations district court or as administered by the Department of Social Services. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

D. If a person who has entered into an agreement with the Department of Social Services pursuant to clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of Social Services shall notify the Department of the person's noncompliance and the Department shall suspend or refuse to renew the driver's license of the person until it has received from the Department of Social Services a certification that the person has paid the delinquency in full or has entered into a subsequent agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed seven years and has made at least one payment of $1,200 or seven percent of the total delinquency, whichever is less, pursuant to the agreement. If the person fails to comply with the terms of a subsequent agreement reached with the Department of Social Services pursuant to this section, without further notice to the person as provided in the subsequent agreement, the Department of Social Services shall notify the Department of the person's noncompliance, and the Department shall suspend or refuse to renew the driver's license of the person. A person who has failed to comply with the terms of a second or subsequent agreement pursuant to this subsection may be granted a new agreement with the Department of Social Services if the person has made at least one payment of $1,800 or 10 percent of the total delinquency, whichever is less, and agrees to a repayment schedule of not more than seven years. Upon receipt of certification from the Department of Social Services of the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or reinstate the person's driver's license. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by this subsection is made.

2012, c. 829; 2015, c. 506; 2016, c. 29; 2019, cc. 284, 285.

§ 46.2-320.2. Repealed.

Repealed by Acts 2020, cc. 740 and 741, cl. 2.

§ 46.2-321. Appeal from denial, suspension, or revocation of license; operation of vehicle pending appeal.

Any person denied a license or whose license has been revoked, suspended, or cancelled under this article may appeal in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). From the final judgment of the court, either the petitioner or the Commonwealth shall have an appeal as a matter of right to the Court of Appeals.

While an appeal is pending from the action of the Department denying a license or from the court affirming the action of the Department, the person aggrieved shall not drive a motor vehicle on the highways of the Commonwealth.

Code 1950, § 46-360; 1958, c. 541, § 46.1-367; 1960, c. 511; 1973, c. 544; 1984, c. 703; 1986, c. 615; 1989, c. 727; 1990, c. 418.

§ 46.2-322. Examination of licensee believed incompetent; suspension or restriction of license; license application to include questions as to physical or mental conditions of applicant; false answers; examination of applicant; physician's, nurse practitioner's, or physician assistant's statement.

A. If the Department has good cause to believe that a driver is incapacitated and therefore unable to drive a motor vehicle safely, after written notice of at least 15 days to the person, it may require him to submit to an examination to determine his fitness to drive a motor vehicle. If the driver so requests in writing, the Department shall give the Department's reasons for the examination, including the identity of all persons who have supplied information to the Department regarding the driver's fitness to drive a motor vehicle. However, the Department shall not supply the reasons or information if its source is a relative of the driver or a physician, physician assistant, nurse practitioner, pharmacist, or other licensed medical professional as defined in § 38.2-602 treating, or prescribing medications for, the driver.

B. As a part of its examination, the Department may require a physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant and a report on the results thereof. When it has completed its examination, the Department shall take whatever action may be appropriate and may suspend the license or privilege to drive a motor vehicle in the Commonwealth of the person or permit him to retain his license or privilege to drive a motor vehicle in the Commonwealth, or may issue a license subject to the restrictions authorized by § 46.2-329. Refusal or neglect of the person to submit to the examination or comply with restrictions imposed by the Department shall be grounds for suspension of his license or privilege to drive a motor vehicle in the Commonwealth.

C. The Commissioner shall include, as a part of the application for an original driver's license, or renewal thereof, questions as to the existence of physical or mental conditions that impair the ability of the applicant to drive a motor vehicle safely. Any person knowingly giving a false answer to any such question shall be guilty of a Class 2 misdemeanor. If the answer to any such question indicates the existence of such condition, the Commissioner shall require an examination of the applicant by a

licensed physician, licensed physician assistant, or licensed nurse practitioner as a prerequisite to the issuance of the driver's license. The report of the examination shall contain a statement that, in the opinion of the physician, physician assistant, or nurse practitioner, the applicant's physical or mental condition at the time of the examination does or does not preclude his safe driving of motor vehicles.

Code 1950, § 46-378; 1952, c. 666; 1958, c. 541, § 46.1-383; 1960, c. 201; 1966, c. 631; 1968, c. 167; 1972, c. 419; 1974, c. 453; 1978, c. 353; 1984, c. 780; 1988, c. 798; 1989, c. 727; 1997, c. 801; 2004, cc. 351, 855; 2006, c. 396; 2011, c. 441.

Article 4 - Obtaining Licenses, Generally

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the driver's license application form. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

Code 1950, § 46-362; 1958, c. 541, § 46.1-368; 1962, c. 368; 1968, c. 642; 1974, c. 605; 1982, c. 180; 1983, c. 608; 1984, cc. 778, 780; 1988, c. 105; 1989, cc. 705, 727; 1993, cc. 471, 501; 1994, c. 362; 1998, c. 322; 2002, cc. 535, 867; 2003, c. 584; 2005, cc. 259, 828; 2006, cc. 857, 914; 2009, cc. 439, 872; 2016, c. 488; 2020, cc. 544, 829.

§ 46.2-323.01. Issuance of documents; relationship with federal law.

A. The Department shall establish a process for persons who, for reasons beyond their control, are unable to provide all necessary documents required for driver's licenses, permits, and special identification cards and must rely on alternate documents to establish identity or date of birth. Alternative documents to demonstrate legal presence will only be allowed to demonstrate United States citizenship.

B. The Department shall not comply with any federal law or regulation that would require the Department to use any type of computer chip or radio-frequency identification tag or other similar device on or in a driver's license or special identification card.

2009, c. 872.

§ 46.2-323.1. Certification of Virginia residency; nonresidents not to be issued driver's licenses, commercial driver's licenses, learner's permits, or special identification card; penalty.

No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card shall be issued to any person who is not a Virginia resident. Every person applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card shall execute and furnish to the Commissioner his certificate that he is a resident of Virginia. The Commissioner or his duly authorized agent may require any such applicant to supply, along with his application, such evidence of his Virginia residency as the Commissioner may deem appropriate and adequate, provided that neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, shall be acceptable proof of Virginia residency. If the applicant is less than nineteen years old and cannot otherwise provide proof of Virginia residency, the Commissioner may accept proof of the applicant's parent's or guardian's Virginia residency. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residency. It shall be unlawful for any applicant knowingly to make a false certification of Virginia residency or supply false or fictitious evidence of Virginia residency. Any violation of this section shall be punished as provided in § 46.2-348.

1993, c. 444; 2002, cc. 767, 834.

§ 46.2-324. Applicants and license holders to notify Department of change of address; fee.

A. Whenever any person, after applying for or obtaining a driver's license or special identification card shall move from the address shown in the application or on the license or special identification card, he shall, within 30 days, notify the Department of his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license and/or special identification card will be cancelled by the Department and (ii) cancel the driver's license and/or special identification card 30 days after notice of cancellation has been mailed.

B. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal

Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

C. There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of $5, which fee shall be used to defray the expenses incurred by the Department. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any person whose address is obtained from the National Change of Address System.

D. The Department shall electronically transmit change of address information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of the change of address. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or in the jurisdiction where the person made application for change of address.

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

1974, c. 347, § 46.1-368.1; 1989, c. 727; 1996, cc. 943, 994; 2002, cc. 767, 834; 2006, cc. 857, 914; 2010, cc. 25, 55; 2017, c. 670; 2020, c. 829.

§ 46.2-324.1. (Continent expiration date – see note) Requirements for initial licensure of certain applicants.

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a noncommercial driver's license.

The provisions of this section shall only apply to persons who are at least 18 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction

approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.

B. No commercial driver's license shall be issued to any applicant unless he is 18 years old or older and has complied with the requirements of subsection A of § 46.2-341.9. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial learner's permit and either (i) provide written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education and hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license or (ii) hold the commercial learner's permit for a minimum of 30 days before taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must apply for a commercial learner's permit if the upgrade requires a skills test and hold the permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

D. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are members of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary and provide written evidence of having satisfactorily completed a military commercial driver training program shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

E. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are employed by a public school division as a bus driver and provide written evidence of having satisfactorily completed a commercial driver training program with a public school division shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

2000, c. 685; 2005, cc. 245, 513; 2012, cc. 215, 222; 2013, cc. 165, 582; 2014, c. 685; 2015, c. 258; 2016, c. 488; 2019, c. 750.

§ 46.2-324.1. (Contingent effective date – see note) Requirements for initial licensure of certain applicants.

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the

Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a non-commercial driver's license.

The provisions of this section shall only apply to persons who are at least 18 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.

B. No commercial driver's license shall be issued to any applicant unless he (i) is 18 years old or older, (ii) has complied with the requirements of subsection A of § 46.2-341.9, (iii) has completed both the theory and the behind-the-wheel portions of the training course within one year from the date instruction was first commenced, and (iv) has completed both the range and the public road portions of the behind-the-wheel curriculum with the same training provider. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial learner's permit and hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must (a) complete an entry-level driver training course applicable to the license, classification, or endorsement for the type of commercial motor vehicle they propose to operate and (b) apply for a commercial learner's permit if the upgrade requires a skills test and hold the permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

D. Applicants for a commercial driver's license who have never before held a commercial driver's license who are members of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary and provide written evidence of having satisfactorily completed a military commercial driver training program shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license, provided that the program complies with the requirements provided in Article 2 (§

46.2-1708 et seq.) of Chapter 17, unless such entity is otherwise exempted from such requirements under federal law or regulation.

2000, c. 685; 2005, cc. 245, 513; 2012, cc. 215, 222; 2013, cc. 165, 582; 2014, c. 685; 2015, c. 258; 2016, c. 488; 2019, c. 750.

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations.

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. An autocycle shall not be used by the applicant for a behind-the-wheel examination.

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person

who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education or, for (i) persons at least 18 years old or (ii) persons less than 18 years old who have previously completed the classroom component of driver instruction, a course of instruction based on the Virginia Driver's Manual, which may be conducted in a classroom or online, offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. Any driver training school authorized to provide the Virginia Driver's Manual course online shall be a computer-based driver education provider as defined in § 46.2-1700. Providers of the Virginia Driver's Manual course online shall ensure that the certificate of completion is issued to the same person who took the course in a manner prescribed by the Department. All persons required to complete the in-vehicle component of driver instruction or the classroom component of driver instruction pursuant to this section shall be required after successful completion of the necessary courses to have the applicable examination administered by the Department.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

Code 1950, § 46-365; 1954, c. 454; 1958, c. 541, § 46.1-369; 1966, cc. 375, 595; 1968, c. 176; 1976, c. 8; 1984, c. 780; 1989, c. 727; 1995, c. 847; 1997, c. 841; 2007, c. 190; 2008, c. 735; 2012, cc. 215, 222; 2013, c. 272; 2014, cc. 53, 256, 685; 2016, c. 381; 2017, c. 73; 2019, c. 745.

§ 46.2-326. Designation of examiners; conduct of examination; reports.

The Commissioner shall designate persons within the Commonwealth to act for the Department in examining driver's license applicants. Any person so designated shall conduct examinations of driver's license applicants under this title and report his findings and recommendations to the Department.

Code 1950, § 46-366; 1958, c. 541, § 46.1-371; 1984, c. 780; 1989, cc. 705, 727.

§ 46.2-326.1. Designation of commercial driver's license skills testing examiners.

A. Notwithstanding the provisions of § 46.2-1702 and unless the Commissioner identifies grounds that would be cause for cancellation of a certification pursuant to subsection D of § 46.2-341.14:5 during the application process, the Department shall certify a licensed Class A driver training school as a third party tester, as defined in § 46.2-341.4, to conduct skills tests if, in addition to the requirements listed in subsections B and C of § 46.2-341.14:1, the school (i) has a program length of 160 hours or

more and (ii) maintains a bond in the amount of $100,000 to pay for retesting drivers in the event that the third party tester or one or more of its third party examiners, as defined in § 46.2-341.4, are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

The bond required by this subsection shall be in lieu of the bond required in subdivision C 5 of § 46.2-341.14:1 but in addition to the bond required for a licensed Class A driver training school.

B. Licensed Class A driver training schools meeting the requirements of subsection A may apply to the Department for certification as a third party tester. Such application shall include the information required in the application in § 46.2-341.14:3 and shall include (i) evidence of the requirements listed in subsection A; (ii) an application for an employee who will act as a third party examiner; (iii) evidence that the licensed Class A driver training school has maintained a place of business in the Commonwealth for at least three years and has maintained its licensure in good standing or that the third party examiner has been licensed as an instructor, as defined in § 46.2-1700, at a licensed Class A driver training school for a minimum of two years and has maintained such licensure in good standing; and (iv) a $100 application fee. Such application must be renewed annually.

For the purposes of this subsection, "good standing" means that the instructor has not had sanctions levied against him by the Department for actions related to his role as an instructor or that the driver training school has not had sanctions levied by the Department for actions related to participation in the Class A driver training school program.

C. If the Department fails to certify a licensed Class A driver training school applicant, the Department shall communicate to the applicant its decision and the reason for denial in writing within 60 days of submission of the application.

D. Licensed Class A driver training schools operating as third party testers shall:

1. Remit $50 per skills test to the Department in accordance with § 46.2-341.13;

2. Submit to the Department the results of each skills test administered in a form prescribed by the Department;

3. Test only individuals receiving instruction and training from that school; and

4. Not require their students to be tested at their driver training school.

E. Individuals intending to act as third party examiners for a licensed Class A driver training school that is operating as a third party tester shall meet the requirements in § 46.2-341.14:2 and submit to the Department an application that includes (i) the information in the application required by § 46.2-341.14:3, (ii) evidence of their employment by a licensed Class A driver training school that is operating as a third party tester, and (iii) a $50 application fee. Such application must be renewed annually.

F. The Department shall have the authority to revoke or cancel the third party tester certification of a licensed Class A driver training school permitted to administer skills tests pursuant to the provisions of

this section or any third party examiner employed by such Class A driver training school, effective immediately, for any reason enumerated in § 46.2-341.14:5. A licensed Class A driver training school permitted to administer skills tests pursuant to the provisions of this section or any third party examiner employed by such Class A driver training school shall not administer skills tests if its authority to provide training has been revoked, canceled, or suspended by the Department pursuant to § 46.2-1705 or any other provision of law.

2019, cc. 78, 155.

§ 46.2-327. Copies of applications; record of licenses and learner's permits issued, suspended, or revoked.

The Department shall retain a copy of every application for a driver's license or learner's permit. The Department shall index and maintain a record of all licenses and learner's permits issued, suspended, or revoked.

Code 1950, § 46-367; 1958, c. 541, § 46.1-372; 1984, c. 780; 1989, c. 727.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue to every person licensed as a driver a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100;

2. To operate a school bus as defined in § 46.2-100;

3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); or

4. To operate a passenger car as defined in § 46.2-100.

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A, when applying for a driver's license, shall state in his application the classification of each vehicle that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14, using the type of each vehicle for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles and shall indicate as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325, he shall be granted a classification on his license

to drive motorcycles based on the applicable restrictions, in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

A valid Virginia driver's license issued to a person 19 years of age or older shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle if the driver's license is accompanied by either (i) documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 or (ii) documentation that the license holder is a member, the spouse of a member, or a dependent of a member of the United States Armed Services and that the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course. The temporary motorcycle classification shall indicate whether the license holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.

Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services shall be issued a motorcycle classification by mail upon documentation of (a) successful completion of a basic motorcycle rider course approved by the United States Armed Services and (b) documentation of his assignment outside the Commonwealth.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section is guilty of a Class 1 misdemeanor.

Code 1950, § 46-368; 1958, c. 541, § 46.1-373; 1964, c. 239; 1968, c. 642; 1970, c. 696; 1984, cc. 73, 476, 780; 1989, cc. 705, 727; 2000, c. 269; 2007, c. 190; 2009, c. 77; 2013, cc. 673, 783, 789; 2016, c. 368.

§ 46.2-328.1. (Effective until January 1, 2021) Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, or (vii) a valid, unexpired Employment Authorization Document may be issued a limited-duration license, permit, or special identification card. Such limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is valid for a limited period and shall state the date that it expires. Such a limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the limited-duration license, permit, or special identification has been extended by a federal court or federal agency having jurisdiction over immigration.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

2003, cc. 817, 819; 2005, c. 260; 2007, c. 493; 2009, c. 872; 2010, c. 129; 2011, c. 396; 2013, c. 686; 2020, c. 981.

§ 46.2-328.1. (Effective January 1, 2021) Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, (iii) a conditional resident alien of the United States, (iv) an approved applicant for asylum in the United States, (v) an entrant into the United States in refugee status, or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations may be issued a limited-duration license, permit, or special identification card. Such limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is valid for a limited period and shall state the date that it expires. Such a limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the limited-duration license, permit, or special identification has been extended by a federal court or federal agency having jurisdiction over immigration.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

2003, cc. 817, 819; 2005, c. 260; 2007, c. 493; 2009, c. 872; 2010, c. 129; 2011, c. 396; 2013, c. 686; 2020, cc. 981, 1227, 1246.

§ 46.2-328.2. Department to issue documents; veteran indicator.

A. For the purposes of this section, "veteran" means (i) a Virginia resident who has served in the active military, naval, or air service and whose final discharge or release therefrom was under honorable conditions or (ii) a Virginia resident who has served honorably for greater than 180 days in the Virginia National Guard or the United States Armed Forces Reserves.

B. In cooperation with the Department of Veterans Services and the Department of Military Affairs, the Department shall issue driver's licenses, permits, and identification cards displaying an indicator that the holder is a veteran to applicants who request such indicator and provide proof of such veteran status.

C. The Department shall charge the same fee for any document issued pursuant to this section as is charged for the same document issued without the veteran indicator. No additional fee shall be charged for the veteran indicator.

D. Any veteran's indicator placed on documentation issued pursuant to this section shall not be used for determination of any federal benefit.

2018, c. 440.

§ 46.2-328.3. (Effective January 1, 2021) Driver privilege cards and permits.

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;

2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § 46.2-325;

3. An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;

4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;

5. The fee for an original driver privilege card or permit shall be $50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of $50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and

6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order.

C. The Department shall not release the following information relating to the issuance of a driver privilege card or permit, except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of a driver privilege card or permit, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the

requester submits a request for information in accordance with this subsection without an existing agreement to receive the information, such request shall be in a manner prescribed by the Department and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

2020, cc. 1227, 1246.

§ 46.2-329. Special restrictions on particular licensees.

The Department, on issuing a driver's license may, whenever good cause appears, impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may drive, or any other restrictions applicable to the licensee as the Department may determine. When it appears from the records of the Department that the licensee has failed or refused to comply with the restrictions imposed on the licensee's driving of a motor vehicle, the Department may, after 10 days' written notice to the address indicated in the records of the Department, suspend the person's driver's license and the suspension shall remain in effect until this section has been complied with.

Any person issued a driver's license on which there are printed or stamped restrictions as provided by this section, and who drives a motor vehicle in violation of these restrictions shall be guilty of a Class 2 misdemeanor.

Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

Code 1950, § 46-373; 1958, c. 541, § 46.1-378; 1960, c. 177; 1962, c. 368; 1984, c. 780; 1989, c. 727; 2004, c. 948.

§ 46.2-330. (Effective until January 1, 2021) Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the

validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

1968, c. 642, § 46.1-380.1; 1975, c. 24; 1976, c. 48; 1984, c. 780; 1989, cc. 705, 727; 1993, cc. 471, 501; 1997, c. 486; 2001, cc. 659, 665; 2003, c. 333; 2004, cc. 112, 218, 975; 2005, c. 302; 2006, cc. 857, 914; 2008, cc. 487, 866; 2009, c. 872; 2011, cc. 57, 70; 2012, cc. 215, 222; 2014, c. 282; 2016, c. 368; 2018, c. 300; 2020, c. 829.

§ 46.2-330. (Effective January 1, 2021) Expiration and renewal of licenses; examinations required.
A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a limited-duration driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall

the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered, reregistered, or verified his registration information or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

1968, c. 642, § 46.1-380.1; 1975, c. 24; 1976, c. 48; 1984, c. 780; 1989, cc. 705, 727; 1993, cc. 471, 501; 1997, c. 486; 2001, cc. 659, 665; 2003, c. 333; 2004, cc. 112, 218, 975; 2005, c. 302; 2006, cc. 857, 914; 2008, cc. 487, 866; 2009, c. 872; 2011, cc. 57, 70; 2012, cc. 215, 222; 2014, c. 282; 2016, c. 368; 2018, c. 300; 2020, cc. 829, 1227, 1246.

§ 46.2-331. Repealed.

Repealed by Acts 2004, c. 975.

§ 46.2-332. (Effective until January 1, 2021) Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be $2.40 per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be $6 per year. Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of $5. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of $1 per year; for a motorcycle classification, there shall be an additional fee of $2 per year. For any and all driver's license classifications, there shall be an additional fee of $1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee

shall be $5. A fee of $10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

A reexamination fee of $2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of $50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above $2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the $2 reexamination fee, $1.50 of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

1968, c. 642, § 46.1-380.2; 1970, cc. 35, 548, 696; 1972, c. 490; 1973, c. 396; 1974, c. 212; 1976, c. 48; 1980, c. 559; 1984, c. 780; 1989, cc. 705, 727; 1993, c. 70; 1996, cc. 943, 994; 1997, cc. 104, 493; 1999, c. 593; 2007, cc. 190, 223; 2011, cc. 57, 70; 2017, c. 547; 2020, cc. 1230, 1275.

§ 46.2-332. (Effective January 1, 2021) Fees.

The fee for each driver's license other than a commercial driver's license shall be $2.40 per year. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be $6 per

year. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of $1 per year; for a motorcycle classification, there shall be an additional fee of $2 per year. For any and all driver's license classifications, there shall be an additional fee of $1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be $5. A fee of $10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

A reexamination fee of $2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of $50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above $2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the $2 reexamination fee, $1.50 of all fees collected for each original or renewal driver's license, other than a driver privilege card issued under § 46.2-328.3, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

1968, c. 642, § 46.1-380.2; 1970, cc. 35, 548, 696; 1972, c. 490; 1973, c. 396; 1974, c. 212; 1976, c. 48; 1980, c. 559; 1984, c. 780; 1989, cc. 705, 727; 1993, c. 70; 1996, cc. 943, 994; 1997, cc. 104, 493; 1999, c. 593; 2007, cc. 190, 223; 2011, cc. 57, 70; 2017, c. 547; 2020, cc. 1227, 1230, 1246, 1275.

§ 46.2-333. Disposition of fees; expenses.

Except as otherwise provided in this chapter, all fees accruing under the provisions of this chapter shall be paid to, and received by the Commissioner, and by him forthwith paid into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

Code 1950, § 46-346; 1958, c. 541, § 46.1-381; 1987, c. 696; 1989, c. 727.

§ 46.2-333.1. (Effective until January 1, 2021) Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, $1.60 per year of validity of the license;

2. For the issuance of any commercial driver's license, $1 per year of validity of the license;

3. For the reissuance or replacement of any driver's license, $5; and

4. For the reinstatement of any driver's license, $15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

2003, c. 1042, cl. 9; 2017, c. 122.

§ 46.2-333.1. (Effective January 1, 2021) Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, or a driver privilege card issued under § 46.2-328.3, $1.60 per year of validity of the license;

2. For the issuance of any commercial driver's license, $1 per year of validity of the license;

3. For the reissuance or replacement of any driver's license, $5; and

4. For the reinstatement of any driver's license, $15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

2003, c. 1042, cl. 9; 2017, c. 122; 2020, cc. 1227, 1246.

Article 5 - LICENSURE OF MINORS, STUDENT DRIVERS, SCHOOL BUS DRIVERS, AND MOTORCYCLISTS

§ 46.2-334. Conditions and requirements for licensure of persons under 18.

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least 16 years and three months old but less than 18 years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another U.S. state, U.S. territory, Canadian province, or Canadian territory; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

In order to obtain a permanent driver's license, applicants who transfer to Virginia from another U.S. state or any U.S. territory, Canadian province, or Canadian territory must have documentation of at least 30 hours of classroom instruction and six hours of in-car instruction from a government-approved program in the other U.S. state, U.S. territory, or Canadian province or Canadian territory. If a transfer applicant successfully completes a government-approved classroom and in-car driver education program from another state or any U.S. territory, Canadian province, or Canadian territory, the applicant must present the certificate of completion, specifying the number of instructional hours, to the Department.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license pursuant to § 46.2-335.

G. Driver's licenses shall be issued by the Department to students successfully completing driver education courses approved by the Department of Education (i) when the Department receives from the school proper certification that the student (a) has successfully completed such course, including a road skills examination and (b) is regularly attending school and is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a driver's license, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of $2.40 per year, based on the period of the license's validity. For applicants attending public schools, good academic standing may be certified by the public school principal or any of his designees. For applicants attending nonpublic schools, such certification shall be made by the private school principal or any of his designees; for students receiving home schooling, such certification shall be made by the home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a driver's license.

H. For those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian, no driver's license shall be issued until the student has successfully completed the driver's license examination administered by the Department. Furthermore, the Commissioner shall not issue a driver's license for those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12 months, had been convicted within the most recent 11 preceding years of driving while intoxicated in violation of § 18.2-266 or a substantially similar law in another state, or had ever been convicted of

voluntary or involuntary manslaughter in violation of § 18.2-35 or 18.2-36 or a substantially similar law in another state.

I. The Commissioner, on application therefor by a person from another U.S. state or any U.S. territory, Canadian province, or Canadian territory who is at least 16 years and three months old but less than 18 years old, shall issue a Virginia driver's license to the applicant if the applicant (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is now a resident of the Commonwealth; (ii) has completed a government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory, which shall not be required to meet the 30 hours of classroom instruction and six hours of in-car instruction requirement in subsection E; (iii) is the holder of a valid driver's license from another U.S. state or any U.S. territory, Canadian province, or Canadian territory; (iv) has held the valid driver's license for the 12 months immediately prior to applying for a Virginia license; (v) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle; and (vi) successfully completes behind-the-wheel and driver knowledge examinations administered by the Department.

The applicant must present the certificate of completion specifying the number of classroom and in-car driver education program instructional hours for the government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory to the Department.

Code 1950, §§ 46-353, 46-361, 46-363, 46-364; 1950, p. 249; 1952, c. 396; 1954, c. 123; 1956, c. 665; 1958, c. 541, § 46.1-357; 1960, cc. 110, 424; 1962, cc. 254, 482; 1964, c. 617; 1966, c. 36; 1968, c. 642; 1970, c. 41; 1972, c. 823; 1973, c. 1; 1974, cc. 223, 542; 1976, c. 8; 1977, cc. 548, 552; 1980, c. 165; 1982, c. 287; 1984, c. 780; 1987, cc. 154, 632; 1989, cc. 392, 705, 727; 1991, c. 214; 1993, cc. 471, 501; 1995, c. 535; 1996, cc. 943, 994, 1011, 1022; 1997, c. 841; 1999, cc. 459, 462, 887; 2001, cc. 659, 665, 851; 2003, c. 951; 2014, cc. 286, 685; 2016, c. 488.

§ 46.2-334.001. Court to suspend driver's license issued to certain minors.

A. Upon receipt by the juvenile and domestic relations district court within whose jurisdiction the minor resides of a petition from the principal, or his designee, of any public school in the Commonwealth that any person who is less than 18 years old and attending that public school has had 10 or more unexcused absences from school on consecutive school days, the court shall give notice and opportunity for the minor to show cause why his driver's license should not be suspended. Upon failure to show cause for the license not to be suspended, the court may suspend the minor's driver's license for any period of time, until the minor is 18 years old.

B. The foregoing provisions of this section shall not apply in cases where the student has withdrawn from school for a reason or reasons beyond the control of the student, for the purpose of transferring to another school as confirmed in writing by the student's parent or guardian, or when the student's parent or guardian expresses in open court his desire to allow the student to retain his license. The

juvenile and domestic relations district court judge shall be the sole authority as to whether the licensee's withdrawal from school is due to circumstances beyond the control of the student.

C. Any person whose driver's license is suspended as provided in this section may apply to a juvenile and domestic relations district court for issuance of a restricted driver's license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued pursuant to this section unless the licensee (i) is employed at least four hours per day and at least 20 hours per week, (ii) has a medical condition that requires him to be able to drive a motor vehicle, or (iii) is the only licensee in his household. The court shall order the surrender of such person's license and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. This order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a restricted license is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to such person, who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted driver's license, but only if the order provides for a restricted driver's license for that period. Any person who operates a motor vehicle in violation of any restriction imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

2009, c. 439.

§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions.
A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

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

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be

consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher education where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher education where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher education where he is enrolled.

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

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

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

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place

of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer fire-fighters and volunteer emergency medical services personnel to emergency calls.

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

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

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

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

1998, cc. 124, 792; 2001, cc. 655, 659, 665; 2002, cc. 61, 807; 2003, cc. 308, 323, 771; 2007, c. 777; 2009, c. 54; 2013, cc. 397, 579; 2015, cc. 502, 503; 2016, c. 488.

§ 46.2-334.02. Licenses issued to persons less than twenty years old subject to certain restrictions. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person who is at least eighteen years old but less than twenty years old shows that he has been convicted of (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) of this chapter or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of this title, the Commissioner shall direct such person to attend a driver improvement clinic.

2001, cc. 659, 665.

§ 46.2-334.1. Knowledge test; waiting period prior to reexamination.

Any person under the age of eighteen who applies for a driver's license under § 46.2-334 and fails the motor vehicle knowledge test administered pursuant to that section shall not be eligible for retesting for at least fifteen days.

1996, c. 1035.

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

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

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

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

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

privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code 1950, §§ 46-353, 46-361, 46-363, 46-364; 1950, p. 249; 1952, c. 396; 1954, c. 123; 1956, c. 665; 1958, c. 541, § 46.1-357; 1960, cc. 110, 424; 1962, cc. 254, 482; 1964, c. 617; 1966, c. 36; 1968, c. 642; 1970, c. 41; 1972, c. 823; 1973, c. 1; 1974, cc. 223, 542; 1976, c. 8; 1977, cc. 548, 552; 1980, c. 165; 1982, c. 287; 1984, c. 780; 1987, cc. 154, 632; 1989, cc. 392, 705, 727; 1993, cc. 471, 501; 1995, cc. 254, 337, 535, 847; 1996, cc. 892, 894, 918, 943, 994, 1011, 1022, 1035; 1997, c. 841; 1998, c. 322; 1999, cc. 459, 462; 2000, c. 686; 2001, cc. 659, 665; 2004, cc. 733, 805; 2008, cc. 493, 735; 2010, cc. 541, 593; 2012, cc. 215, 222; 2016, c. 488.

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

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The Department shall charge a fee of $3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety

Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

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

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

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

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

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

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

Code 1950, §§ 46-353, 46-361, 46-363, 46-364; 1950, p. 249; 1952, c. 396; 1954, c. 123; 1956, c. 665; 1958, c. 541, § 46.1-357; 1960, cc. 110, 424; 1962, cc. 254, 482; 1964, c. 617; 1966, c. 36; 1968, c. 642; 1970, c. 41; 1972, c. 823; 1973, c. 1; 1974, cc. 223, 542; 1976, c. 8; 1977, cc. 548, 552; 1980, c. 165; 1982, c. 287; 1984, c. 780; 1987, cc. 154, 632; 1989, cc. 392, 705, 727; 1993, cc. 471, 501; 1995, cc. 254, 337, 535, 847; 1996, cc. 892, 894, 918, 943, 994, 1011, 1022, 1035; 1997, c. 841; 1998, c. 322; 1999, cc. 459, 462; 2000, c. 686; 2001, cc. 659, 665; 2004, cc. 733, 805; 2008, cc. 493, 735; 2010, cc. 541, 593; 2012, cc. 215, 222; 2016, c. 488; 2020, cc. 1227, 1246.

§ 46.2-335.1. Knowledge test; waiting period prior to reexamination.

Any person under the age of eighteen who applies for a learner's permit under § 46.2-335 and fails the motor vehicle knowledge test administered pursuant to that section shall not be eligible for retesting for at least fifteen days.

1996, c. 1035.

§ 46.2-335.2. Learner's permits; required before driver's license; minimum holding period.

A. No person under the age of 18 years shall be eligible to receive a driver's license pursuant to § 46.2-334 unless the Department has previously issued such person a learner's permit pursuant to § 46.2-335 and such person has satisfied the minimum holding period requirements set forth in sub-

section B, or unless such person is the holder of a valid driver's license from another state and qualifies for a temporary license under subsection E of § 46.2-334.

B. Any person under the age of 18 years issued a learner's permit pursuant to § 46.2-335 shall hold such permit for a minimum period of nine months or until he reaches the age of 18 years, whichever occurs first.

1996, c. 1035; 2001, cc. 659, 665; 2002, c. 535; 2016, c. 488.

§ 46.2-336. Manner of issuing original driver's licenses to minors.

The Department shall forward all original driver's licenses issued to persons under the age of 18 years to the judge of the juvenile and domestic relations court in the city or county in which the licensee resides. The judge or a substitute judge shall issue to each person to be licensed the license so forwarded, and shall, at the time of issuance, conduct a formal, appropriate ceremony, in which he shall illustrate to the licensee the responsibility attendant on the privilege of driving a motor vehicle. The attorney for the Commonwealth who serves the jurisdiction in which the ceremony is to be conducted may request in writing in advance of such ceremony an opportunity to participate in the ceremony. Any judge who presides over such ceremony shall, upon request, afford the attorney for the Commonwealth the opportunity to participate in such ceremony and to address the prospective licensees and the persons enumerated below who may be accompanying the prospective licensees as to matters of enforcement, prosecutions, applicable punishments, and the responsibility of drivers generally. If the licensee is under the age of 18 years at the time his ceremony is held, he shall be accompanied at the ceremony by a parent, his guardian, spouse, or other person in loco parentis. However, the judge, for good cause shown, may mail or otherwise deliver the driver's license to any person who is a student at any educational institution outside of the Commonwealth of Virginia at the time such license is received by the judge as prescribed in this section.

The provisions of this section shall not apply to the issuance of Virginia driver's licenses to persons who hold valid driver's licenses issued by other states.

1962, c. 261, § 46.1-375.1; 1964, c. 185; 1984, c. 780; 1989, c. 727; 1993, c. 53; 1998, c. 472; 2012, cc. 30, 100; 2014, c. 352.

§ 46.2-337. Examination and road test required for license to operate motorcycle; regulations.

No person shall drive any motorcycle on a highway in the Commonwealth unless he has passed a special examination, including written material and a road test, pertaining to his ability to drive a motorcycle with reasonable competence and with safety to other persons using the highways. The Department may adopt regulations as may be necessary to provide for the special examination under § 46.2-325 of persons desiring to qualify to drive motorcycles in the Commonwealth and for the granting of licenses or permits suitably endorsed for qualified applicants. The road test for two-wheeled motorcycles and the road test for three-wheeled motorcycles shall be separate and distinct examinations emphasizing the skills and maneuvers necessary to operate each type of motorcycle.

No person applying for a classification to authorize the driving of a motorcycle who fails the road test portion of the special examination two times shall be eligible for such classification until he successfully completes a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10.

If the Commissioner is satisfied that a person intending to operate a motorcycle has demonstrated the same proficiency as required by the special examination through successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10, he may waive the written material or road test portion or both portions of the special examination. The Commissioner may also waive the written material or road test portion or both portions of the special examination if the person intending to operate a motorcycle holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services, and the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services.

1968, c. 642, § 46.1-370.1; 1989, c. 727; 2007, c. 190; 2013, cc. 673, 783, 789.

§ 46.2-338. Repealed.

Repealed by Acts 1989, c. 705.

§ 46.2-339. Qualifications of school bus operators; training; examination.

A. No person shall operate any school bus on a highway in the Commonwealth unless he has had a reasonable amount of experience in operating motor vehicles and has passed a special examination pertaining to his ability to operate a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), if the school bus he operates is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus that is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and that contains no pupil passengers.

B. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to operate school buses in the Commonwealth and for the granting of permits to qualified applicants.

C. Notwithstanding the provisions of this section, no person shall operate any school bus on a highway in the Commonwealth during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Code 1950, § 22-278; 1958, c. 541, § 46.1-370; 1978, c. 263; 1984, c. 780; 1989, cc. 705, 727; 2011, c. 477; 2018, cc. 203, 389.

§ 46.2-340. Information concerning school bus drivers and driver education instructors.

A. At the beginning of each school year, and whenever changes need to be made, each local school division shall furnish to the Department of Motor Vehicles the name, driver's license number, and commercial driver's license number of all persons driving school buses for that school division. Whenever any commercial driver's license with a school bus driver's endorsement is suspended or revoked, or the holder of a driver's license with a school bus driver's endorsement or commercial driver's license with a school bus driver's endorsement is convicted in any court of reckless driving or driving while intoxicated, the Department shall notify the affected local school division of the name and driver's license number or commercial driver's license number of the driver involved.

B. At the beginning of each school year, and whenever changes need to be made, each local school division and private school providing a driver education program approved by the Department of Education shall furnish to the Department of Motor Vehicles the name and driver's license number of all persons providing instruction in driver education for that school division or private school. Whenever a driver's license of a person providing such instruction is suspended or revoked, or such person is convicted in any court of reckless driving or driving while intoxicated, the Department shall notify the affected local school division or private school of the name and driver's license number of the driver involved.

If the driving record of such driver education instructor accumulates more than six demerit points based on convictions occurring in any calendar year, the Department shall notify the relevant local school division or private school of the name and driver's license number of the driver. Safe driving points shall not be used to reduce the six demerit points. No driver education program in a public school division or a private school shall retain its approval by the Department of Education unless such a person who has accumulated such six demerit points is removed from providing behind-the-wheel driver education instruction in the private school or public school division for a period of twenty-four months.

C. The provisions of the Government Data Collection and Dissemination Practices Act (Chapter 38 of Title 2.2, § 2.2-3800 et seq.) shall not apply to the exchange of information under this section.

1986, c. 287, § 46.1-370.01; 1989, c. 727; 1993, c. 52; 1999, c. 463.

Article 6 - LICENSURE OF COMMERCIAL VEHICLE DRIVERS

§ 46.2-341. Repealed.

Repealed by Acts 1989, c. 705.

Article 6.1 - COMMERCIAL DRIVER'S LICENSES

§ 46.2-341.1. Title.

This Act may be cited as the "Virginia Commercial Driver's License Act."

1989, c. 705, § 46.1-372.1.

§ 46.2-341.2. Repealed.

Repealed by Acts 2020, c. 788, cl. 1.

§ 46.2-341.3. Conflicts; supplement to driver licensing statutes.

This article is intended to supplement, not supplant, the laws of the Commonwealth relating to drivers, driver licensing, vehicles and vehicle operations, which laws shall continue to apply to persons required to be licensed pursuant to this article, unless the context clearly indicates otherwise. To the extent that any provisions of this article conflict with such other laws of the Commonwealth, the provisions of this article shall prevail. Where this article is silent, such other laws shall apply.

Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities or towns shall not be authorized to adopt ordinances that are substantially similar to the provisions of this article.

1989, c. 705, § 46.1-372.3.

§ 46.2-341.4. (Contingent effective date – see notes) Definitions.

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

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for

purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;

2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698; (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of P.L. 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determ-

ination includes an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating, or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"Entry-level driver" means an individual who (i) must complete the commercial driver's license skills test requirements under FMCSA regulations prior to receiving a commercial driver's license for the first time, (ii) is upgrading to a Class A or Class B commercial driver's license for the first time, or (iii) is obtaining a hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include individuals exempt from such requirements under 49 C.F.R. § 380.603.

"Entry-level driver training" means training an entry-level driver receives from an entity listed on the FMCSA's Training Provider Registry, as provided for in 49 C.F.R. § 380.700 et seq., prior to taking the (i) commercial driver's license skills test required to (a) receive a commercial driver's license for the first time, (b) receive the Class A or Class B commercial driver's license for the first time, (c) upgrade to a Class A or B commercial driver's license for the first time, or (d) obtain a passenger or school bus endorsement for the first time or (ii) commercial driver's license knowledge test required to obtain a hazardous materials endorsement for the first time.

"FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification

of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon, or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that

resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party instructor" means an individual who is an employee of a third party tester or a training provider and who (i) is authorized by the Department to provide entry-level driver training required for a commercial driver's license and (ii) meets the requirements for either a theory or behind-the-wheel instructor as defined in § 46.2-1700.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia

Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"Training provider" means a person that provides entry-level driver training and that is (i) a Virginia licensed Class A driver training school or a Virginia certified third party tester and is listed on the federal Training Provider Registry or (ii) an entity that is otherwise licensed, certified, registered, or authorized to provide training in accordance with the laws of the Commonwealth or the applicable laws of another state and is listed on the federal Training Provider Registry.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

1989, c. 705, § 46.1-372.4; 1990, c. 218; 1993, c. 70; 1998, c. 883; 2005, c. 513; 2008, c. 190; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2019, c. 750.

§ 46.2-341.4. (Contingent expiration date – see note) Definitions.

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

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of

commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;

2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698; (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of P.L. 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative

determination includes an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating, or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon; or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials

Regulations, 49 C.F.R. Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

1989, c. 705, § 46.1-372.4; 1990, c. 218; 1993, c. 70; 1998, c. 883; 2005, c. 513; 2008, c. 190; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2019, c. 750.

§ 46.2-341.5. Regulations consistent with Commercial Motor Vehicle Safety Act.

The Department is authorized to promulgate regulations and establish procedures to enable it to issue commercial driver's licenses, maintain and exchange driver records, and impose licensing sanctions consistent with the provisions of this article and with the minimum standards of the federal Commercial Motor Vehicle Safety Act and the federal regulations promulgated thereunder.

1989, c. 705, § 46.1-372.5.

§ 46.2-341.6. Limitation on number of driver's licenses.

No person who drives a commercial motor vehicle shall have more than one driver's license.

1989, c. 705, § 46.1-372.6.

§ 46.2-341.7. Commercial driver's license required; penalty.

A. No person shall drive a commercial motor vehicle in the Commonwealth unless he has been issued a commercial driver's license or commercial learner's permit and unless such license or permit authorizes the operation of the type and class of vehicle so driven, and unless such license or permit is valid.

B. Every driver of a commercial motor vehicle, while driving such vehicle in the Commonwealth, shall have in his immediate possession the commercial driver's license or commercial learner's permit authorizing the operation of such vehicle and shall make it available to any law-enforcement officer upon request. Failure to comply with this subsection shall be punishable as provided in § 46.2-104.

C. No person shall drive a commercial vehicle in Virginia in violation of any of the restrictions or limitations stated on his commercial driver's license or commercial learner's permit. A violation of the subsection shall constitute a Class 2 misdemeanor.

1989, c. 705, § 46.1-372.7; 1993, c. 70; 2013, cc. 165, 582; 2015, c. 258.

§ 46.2-341.8. Nonresidents and new residents.

A. Any person who is not domiciled in the Commonwealth, who has been duly issued a commercial driver's license or commercial learner's permit by his state of domicile, who has such license or permit in his immediate possession, whose privilege or license to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial motor vehicle, shall be permitted without further examination or licensure by the Commonwealth, to drive a commercial motor vehicle in the Commonwealth.

Within 30 days after becoming domiciled in this Commonwealth, any person who has been issued a commercial driver's license by another state and who intends to drive a commercial motor vehicle shall apply to the Department for a Virginia commercial driver's license. If the Commissioner determines that such applicant is otherwise eligible for a commercial driver's license, the Department will issue him a Virginia commercial driver's license with the same classification and endorsements as his commercial driver's license from another state, without requiring him to take the knowledge or skills test required for such commercial driver's license in accordance with § 46.2-330. However, any such applicant seeking to transfer his commercial driver's license and to retain a hazardous materials endorsement shall have, within the two-year period preceding his application for a Virginia commercial driver's license, either (i) passed the required test for such endorsement specified in 49 C.F.R. § 383.121 or (ii) successfully completed a hazardous materials test or training that is given by a third party and that is deemed to substantially cover the same knowledge base as described in 49 C.F.R. § 383.121.

B. Any person who is (i) domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) domiciled in

another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405 may apply to the Department for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license.

An applicant for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license shall be required to meet all requirements for a commercial learner's permit or commercial driver's license, respectively.

An applicant domiciled in a foreign jurisdiction shall provide an unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States.

An applicant for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit shall not be required to surrender his foreign license.

After receipt of a nondomiciled commercial driver's license or nondomiciled commercial learner's permit and for as long as it is valid, holders of such licenses or permits shall be required to notify the Department of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his driving privileges. Such notification shall be made before the end of the business day following the day the driver receives notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

1989, c. 705, § 46.1-372.8; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.9. (Effective until July 1, 2021) Eligibility for commercial driver's license or commercial learner's permit.

A. A Virginia commercial driver's license or commercial learner's permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle, who is domiciled in the Commonwealth, and who is eligible for a commercial driver's license or commercial learner's permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.

1989, c. 705, § 46.1-372.9; 2011, c. 477; 2012, cc. 12, 153; 2013, cc. 165, 582; 2015, c. 258; 2020, c. 860.

§ 46.2-341.9:01. Specialized training required.

The Commissioner shall require that the course of instruction and other relevant materials related to driver training for commercial driver's licenses for Class A, Class B, and Class C commercial motor

vehicles include training on the recognition, prevention, and reporting of human trafficking. The Commissioner shall identify industry-specific materials for use in the training required by this section.

2019, c. 352.

§ 46.2-341.9. (Effective July 1, 2021) Eligibility for commercial driver's license or commercial learner's permit.

A. A Virginia commercial driver's license or commercial learner's permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle, who is domiciled in the Commonwealth, and who is eligible for a commercial driver's license or commercial learner's permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education.

B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.

1989, c. 705, § 46.1-372.9; 2011, c. 477; 2012, cc. 12, 153; 2013, cc. 165, 582; 2015, c. 258; 2020, cc. 860, 861.

§ 46.2-341.9:1. Commissioner to grant variances for commercial drivers transporting hazardous wastes.

The Commissioner may, to the extent allowed by federal law, grant variances from the regulations with respect to the physical qualifications for drivers of commercial motor vehicles transporting hazardous materials if:

1. The driver is regularly employed in a job requiring the operation of a commercial motor vehicle transporting hazardous materials;

2. The driver is at least twenty-one years of age;

3. A physician licensed in Virginia certifies that, in his professional opinion, the driver is capable of safely operating a commercial motor vehicle transporting hazardous materials; and

4. In the opinion of the Commissioner, the driver is able to perform the normal tasks associated with operating a commercial motor vehicle and comply with the applicable regulations authorized by § 10.1-1450.

The Commissioner may promulgate regulations addressing such variances.

1997, c. 260.

§ 46.2-341.10. (Effective until July 1, 2021) Special provisions relating to commercial learner's permit.

A. The Department upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and

type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial learner's permit. Such permit shall be valid for no more than one year from the date of issuance. No renewals are permitted. A commercial learner's permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. The P endorsement must be class specific.

D. A commercial learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. No person shall be issued a commercial learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of $3 for each commercial learner's permit issued under the provisions of this section.

1989, c. 705, § 46.1-372.10; 2011, c. 477; 2012, c. 153; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750.

§ 46.2-341.10. (Effective July 1, 2021) Special provisions relating to commercial learner's permit.
A. The Department upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial learner's permit. Such permit shall be valid for no more than one year from the date of issuance. No renewals are permitted. A commercial learner's permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. The P endorsement must be class specific.

D. A commercial learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. No person shall be issued a commercial learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of $3 for each commercial learner's permit issued under the provisions of this section.

1989, c. 705, § 46.1-372.10; 2011, c. 477; 2012, c. 153; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750; 2020, cc. 860, 861.

§ 46.2-341.10:1. Seasonal restricted commercial drivers' licenses.

A. The Commissioner may, in his discretion, issue seasonal restricted commercial drivers' licenses in accordance with this section.

B. A Virginia seasonal restricted commercial driver's license shall be issued only to a person who (i) is a seasonal employee of a farm retail outlet or supplier, a custom harvester, a livestock feeder, or an agri-chemical business, (ii) is a Virginia-licensed driver with at least one year of driving experience as a licensed driver, and (iii) has satisfied every requirement for issuance of a commercial driver's license except successful completion of the knowledge and skills tests.

C. The Department shall not issue or renew a seasonal restricted commercial driver's license and shall not revalidate the seasonal period for which such license authorizes operation of a commercial motor vehicle, unless:

1. The applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of application:

a. Had more than one driver's license;

b. Had any driver's license or driving privilege suspended, revoked, or canceled;

c. Had any convictions involving any kind of motor vehicle for any of the offenses listed in §§ 46.2-341.18, 46.2-341.19, or § 46.2-341.20;

d. Been convicted of a violation of state or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident;

e. Been convicted of any serious traffic violation, as defined in § 46.2-341.20, whether or not committed in a commercial motor vehicle; and

2. The applicant certifies and provides evidence satisfactory to the Commissioner that he is employed on a seasonal basis by a farm retail outlet or supplier, custom harvester, livestock feeder, or agri-chemical business in a job requiring the operation of a commercial motor vehicle.

D. Such seasonal restricted license shall entitle the licensee to drive a commercial motor vehicle of the class and type designated on the license, but shall not authorize operation of a Class A vehicle.

E. Such seasonal restricted license shall authorize operation of a commercial motor vehicle only during the seasonal period or periods prescribed by the Commissioner and stated on the license,

provided the total number of calendar days in any twelve-month period for which the seasonal restricted license authorizes operation of a commercial motor vehicle shall not exceed 180. The license is valid for operation of a commercial motor vehicle during the seasonal period or periods for which it has been validated and must be revalidated annually by the Department for each successive seasonal period or periods for which commercial vehicle operation is sought; such license shall authorize operation of noncommercial motor vehicles at any time, unless it has been suspended, revoked, or canceled, or has expired.

F. Such seasonal restricted license shall not authorize operation of a commercial motor vehicle during any period during which the licensee is not employed by an entity described in subdivision B hereof, nor if such operation is not directly related to such employment.

G. Such seasonal restricted license shall not authorize the licensee to operate any vehicle transporting hazardous materials as defined in this article, except that a seasonal restricted licensee may drive a vehicle transporting:

1. Diesel fuel in quantities of 1,000 gallons or less;

2. Liquid fertilizers to be used as plant nutrients, in a vehicle or implement of husbandry with a total capacity of 3,000 gallons or less; or

3. Solid plant nutrients that are not transported with any organic substance.

H. Such seasonal restricted license shall authorize the operation of a commercial motor vehicle only within 150 miles of the place of business of the licensee's employer or the farm being served.

1993, c. 70.

§ 46.2-341.11. Commercial drivers required to notify the Department of change of address.

A. If any person who is licensed by the Department to drive a commercial motor vehicle changes the mailing or residential address he most recently submitted to the Department, such person shall notify the Department in writing within thirty days after his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his commercial driver's license will be cancelled by the Department and (ii) cancel the commercial driver's license thirty days after notice of cancellation has been mailed.

B. Any person who fails to notify the Department of his change of address in accord with the provisions of this subsection shall be guilty of a traffic infraction.

1989, c. 705, § 46.1-372.11; 2002, cc. 767, 834.

§ 46.2-341.12. (For expiration date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Application for commercial driver's license or commercial learner's permit.

A. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall

write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;

2. Current mailing and residential addresses;

3. Physical description including sex, height, weight, and eye and hair color;

4. Year, month, and date of birth;

5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

E. (For expiration date, see Acts 2019, c. 750, cl. 2, as amended by Acts 2020, c. 546) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation con-

firming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

E. (For effective date, see Acts 2019, c. 750, cl. 2, as amended by Acts 2020, c. 546) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

G. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce

shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

L. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1989, c. 705, § 46.1-372.12; 2005, c. 513; 2009, c. 872; 2011, cc. 881, 889; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750; 2020, cc. 544, 546.

§ 46.2-341.12. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license,

classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;

2. Current mailing and residential addresses;

3. Physical description including sex, height, weight, and eye and hair color;

4. Year, month, and date of birth;

5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. (For expiration date, see Acts 2019, c. 750, cl. 2, as amended by Acts 2020, c. 546) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. (For effective date, see Acts 2019, c. 750, cl. 2, as amended by Acts 2020, c. 546) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

G. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for

a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

I. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections G and H shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

J. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

L. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1989, c. 705, § 46.1-372.12; 2005, c. 513; 2009, c. 872; 2011, cc. 881, 889; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2019, c. 750; 2020, cc. 544, 546.

§ 46.2-341.13. Disposition of fees.

Except as otherwise provided, all fees accruing under the provisions of this chapter shall be paid to and received by the Commissioner, and by him forthwith paid into the state treasury and shall be set aside as a special fund in the state treasury to be used to meet the necessary additional expenses incurred by the Department of Motor Vehicles and the Commissioner in the performance of the duties required by this article.

1989, c. 705, § 46.1-372.13.

§ 46.2-341.14. (For expiration date, see Acts 2020, c. 546, cl. 2) Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. (For expiration date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

A. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

No skills test shall be conducted by the Department for a first-time applicant for a Class A or Class B commercial driver's license, a passenger endorsement, or a school bus endorsement, or knowledge test for a first-time applicant for a hazardous materials endorsement, until (i) the Department has verified that the applicant has completed the appropriate entry-level driver training course administered by a training provider required for that skills or knowledge test, if the applicant is so required, or (ii) the applicant has certified that he is exempted from such requirement under § 46.2-341.12.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. The Commissioner may designate such persons as he deems fit, including private or governmental entities, including comprehensive community colleges in the Virginia Community College System, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

D. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision or (ii) submit with his application a copy of the vision examination report that was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

E. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

F. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

G. Skills tests may be administered to an applicant who has taken training in the Commonwealth at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education, and is to be licensed in another state. Such test results shall be electronically transmitted directly from the Commonwealth to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than $85 to any such applicant.

H. The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.

I. The Department may administer skills performance evaluations in accordance with its agreement with the FMCSA. Notwithstanding the provisions of § 46.2-208, any medical information that is collected as part of the evaluation may be released to and inspected by the FMCSA.

1989, c. 705, § 46.1-372.14; 2008, c. 735; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2017, c. 232; 2019, c. 750; 2020, c. 546.

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for knowledge and driving skills tests for drivers with military commercial motor vehicle experience.

A. Pursuant to § 46.2-341.14, the Commissioner may permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner may waive the driving skills test required by 49 C.F.R. § 383.23 and as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

a. Has not simultaneously held more than one license except for a military license;

b. Has not had any license suspended, revoked, canceled, or disqualified;

c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;

d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and

e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and

2. An applicant must provide evidence and certify that he:

a. Is regularly employed or was regularly employed within the last year or any other period authorized by the FMCSA in a military position requiring operation of a commercial motor vehicle;

b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and

c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

D. The Commissioner may waive the knowledge test for certain current or former military service members applying for a commercial learner's permit or commercial driver's license as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

E. The Commissioner may waive the knowledge test and driving skills test for certain current or former military service members applying for certain endorsements as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

2014, cc. 77, 803; 2019, cc. 161, 750; 2020, c. 546.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;

2. Maintain a place of business in the Commonwealth;

3. Have at least one certified third party examiner in his employ;

4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a location in the Commonwealth, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

a. The complete name of the driver;

b. The driver's social security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;

c. The date the driver took the skills test;

d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;

e. The name and certification number of the third party examiner conducting the skills test; and

f. Evidence of (i) the driver's employment with the third party tester at the time the test was taken, or if the third party tester is a school board that tests drivers who are trained but not employed by the school board, evidence that (a) the driver was employed by a school board at the time of the test and (b) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide, or (ii) the student's enrollment in a commercial driver training course offered by a community college or Class A driver training school at the time the test was taken.

8. Maintain at a location in the Commonwealth a record of each third party examiner in the employ of the third party tester. Each record shall include:

a. Name and social security number;

b. Evidence of the third party examiner's certification by the Department;

c. A copy of the third party examiner's current training and driving record, which must be updated annually;

d. Evidence that the third party examiner is an employee of the third party tester; and

e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Department of Education;

9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, including a comprehensive community college in the Virginia Community College System, shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in the Commonwealth for a minimum of one year;

2. For employers that are testing their own employees, employ at least 50 drivers of commercial motor vehicles licensed in the Commonwealth during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations as a motor carrier and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";

4. Comply with the Virginia Motor Carrier Safety Regulations; and

5. Initiate and maintain a bond in the amount of $5,000 to pay for retesting drivers in the event that the third party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

D. (For effective date – see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Certified third party testers are authorized to provide entry-level driver training to individuals in their employ or applicants for employment. If a certified third party tester elects to provide entry-level driver training, the third party tester shall (i) employ and utilize third party instructors, as defined in § 46.2-341.4, to provide all training and instruction to entry-level driver trainees; (ii) develop an entry-level driver training curriculum that complies with requirements prescribed by the Department and submit such curriculum to the Department for approval; (iii) upon notification by the Department that curriculum requirements have been updated, certify, in a format prescribed by the Department, that the third party tester has added the new topics to the course curriculum; and (iv) comply with the requirements provided in §§ 46.2-1708 through 46.2-1710. Notwithstanding the provisions of § 46.2-1708, no third party tester or third party instructor shall be required to be licensed by the Department. A certified third party tester may not provide entry-level driver training to driver trainees until such tester has been issued a unique training provider number and appears on the federal Training Provider Registry.

2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258; 2016, c. 429; 2019, cc. 78, 155, 750.

§ 46.2-341.14:2. Requirements for third party examiners.

A. Third party examiners may be certified to conduct skills tests on behalf of only one third party tester at any given time. If a third party examiner leaves the employ of a third party tester, he must be recertified in order to conduct skills tests on behalf of a new third party tester.

B. To qualify for certification as a third party examiner, an individual must:

1. Make application to the Department as provided in § 46.2-341.14:3 and pass the required nationwide criminal background check;

2. Be an employee of the third party tester;

3. Possess a valid Virginia commercial driver's license with the classification and endorsements required for operation of the class and type of commercial motor vehicle used in skills tests conducted by the examiner;

4. Satisfactorily complete any third party examiner training course required by the Department;

5. Within three years prior to application, have had no driver's license suspensions, revocations, or disqualifications;

6. At the time of application, have no more than six demerit points on his driving record and not be on probation under the Virginia Driver Improvement Program;

7. Within three years prior to application, have had no conviction for any offense listed in § 46.2-341.18 or 46.2-341.19, whether or not such offense was committed in a commercial motor vehicle;

8. If the examiner is employed by a school board, be certified by the Virginia Department of Education as a school bus training instructor;

9. Conduct skills tests on behalf of the third party tester in accordance with this article and in accordance with current instructions provided by the Department; and

10. Successfully complete a training course and examination every four years to maintain the commercial driver's license test examiner certification.

2013, cc. 165, 582; 2014, cc. 77, 803.

§ 46.2-341.14:3. Application for certification by the Department.

A. Application for third party tester certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:

a. Name, address, and telephone number of principal office or headquarters;

b. Name, title, address, and telephone number of an individual in the Commonwealth who has been designated to be the applicant's contact person with the Department;

c. Description of the vehicle fleet owned or leased by the applicant, including the number of commercial motor vehicles by class and type;

d. Classes and types of commercial motor vehicles for which the applicant seeks to be certified as a third party tester;

e. Total number of drivers licensed in the Commonwealth employed during the preceding 12 months to operate commercial motor vehicles and the number of such drivers who are full time, part time, and seasonal. However, this provision shall not apply to a comprehensive community college in the Virginia Community College System certified as a third party tester for the purposes of administering tests to students enrolled in a commercial driver training course offered by such community college;

f. Name, driver's license number, and home address of each employee who is to be certified as a third party examiner. If any employee has previously been certified as an examiner by the Department, the examiner's certification number;

g. The address of each location in the Commonwealth where the third party tester intends to conduct skills tests and a map, drawing, or written description of each driving course that satisfies the Department's requirements for a skills test course;

h. If the applicant is not a governmental entity, including a comprehensive community college in the Virginia Community College System, it shall also provide: (i) a description of the applicant's business and length of time in business in the Commonwealth; (ii) if subject to the FMCSA regulations, the applicant's Interstate Commerce Commission number or U.S. Department of Transportation number and rating; and (iii) the applicant's State Corporation Commission number; and

i. Any other relevant information required by the Department.

2. An applicant for certification shall also execute an agreement in a format prescribed by the Department in which the applicant agrees, at a minimum, to comply with the regulations and instructions of the Department for third party testers, including audit procedures, and agrees to hold the Department harmless from liability resulting from the third party tester's administration of its commercial driver's license skills test program.

B. Application for third party examiner certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:

a. Name, home, and business addresses and telephone numbers;

b. Driver's license number;

c. Name, address, and telephone number of the principal office or headquarters of the applicant's employer, who has applied for and received certification as a third party tester;

d. Job title and description of duties and responsibilities;

e. Length of time employed by present employer. If less than two years, list previous employer, address, and telephone number;

f. Present employer's recommendation of the applicant for certification;

g. A list of the classes and types of vehicles for which the applicant seeks certification to conduct skills tests; and

h. Any other relevant information required by the Department.

C. Evaluation of applicant by the Department.

1. The Department will evaluate the materials submitted by the third party tester applicant, and, if the application materials are satisfactory, the Department will schedule an onsite inspection and audit of the applicant's third party testing program to complete the evaluation.

2. The Department will evaluate the materials submitted by the third party examiner applicant as well as the applicant's driving record. If the application materials and driving record are satisfactory, the

Department will schedule the applicant for third party examiner training. Training may be waived if the applicant is seeking recertification only because he has changed employers.

3. No more than two applications will be accepted from any one third party tester or examiner applicant in any 12-month period, excluding applications for recertification because of a change in employers.

2013, cc. 165, 582; 2016, c. 429.

§ 46.2-341.14:4. Certification by the Department.

A. Upon successful application and evaluation, a third party tester will be issued a letter or certificate that will evidence his authority to administer a third party testing program and issue skills test certificates for the classes and types of vehicles listed.

B. Upon successful application, evaluation, and training, a third party examiner will be issued a letter or certificate that will evidence his authority to conduct skills tests for the classes and types of commercial motor vehicles listed.

C. Certification will remain valid until canceled by the Department or voluntarily relinquished by the third party tester or examiner.

2013, cc. 165, 582.

§ 46.2-341.14:5. Terminating certification of third party tester or examiner.

A. Any third party tester or examiner may relinquish certification upon 30 days' notice to the Department. Relinquishment of certification by a third party tester or examiner shall not release such tester or examiner from any responsibility or liability that arises from his activities as a third party tester or examiner.

B. The Department reserves the right to cancel the third party testing program established by this article, in its entirety.

C. The Department shall revoke the skills testing certification of any examiner:

1. Who does not conduct skills test examinations of at least 10 different applicants per calendar year. However, examiners who do not meet the 10-test minimum must either take a refresher commercial driver's license training that complies with 49 C.F.R. § 384.228 or have a Department examiner ride along to observe the third party examiner successfully administer at least one skills test; or

2. Who does not successfully complete the required refresher training every four years pursuant to 49 C.F.R. § 384.228.

D. The Department may cancel the certification of an individual third party tester or examiner upon the following grounds:

1. Failure to comply with or satisfy any of the provisions of this article, federal standards for the commercial driver's license testing program, the Department's instructions, or the third party tester agreement;

2. Falsification of any record or information relating to the third party testing program;

3. Commission of any act that compromises the integrity of the third party testing program; or

4. Failure to pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

E. If the Department determines that grounds for cancellation exist for failure to comply with or satisfy any of the requirements of this chapter or the third party tester agreement, the Department may postpone cancellation and allow the third party tester or examiner 30 days to correct the deficiency.

2013, cc. 165, 582; 2014, cc. 77, 803.

§ 46.2-341.14:6. Onsite inspections and audits.

A. Each applicant for certification as a third party tester shall permit the Department or FMCSA to conduct random examinations, inspections, and audits of its operations, facilities, and records as they relate to its third party testing program, for the purpose of determining whether the applicant is qualified for certification. Each person who has been certified as a third party tester shall permit the Department to periodically inspect and audit his third party testing program to determine whether it remains in compliance with certification requirements.

B. The Department or FMCSA will perform its random examinations, inspections, and audits of third party testers during regular business hours with or without prior notice to the third party tester.

C. Inspections and audits of third party testers will occur at a minimum once every two years and include, at a minimum, an examination of:

1. Records relating to the third party testing program;

2. Evidence of compliance with the FMCSA regulations and Virginia Motor Carrier Safety Regulations;

3. Skills testing procedures, practices, and operations;

4. Vehicles used for testing;

5. Qualifications of third party examiners;

6. Effectiveness of the skills test program by either (i) testing a sample of drivers who have been issued skills test certificates by the third party tester to compare pass/fail results, (ii) having Department employees covertly take the skills tests from a third party examiner, or (iii) having Department employees co-score along with the third party examiner during commercial driver's license applicant's skills tests to compare pass/fail results;

7. A comparison of the commercial driver's license skills test results of applicants who are issued commercial driver's licenses with the commercial driver's license scoring sheets that are maintained in the third party testers' files; and

8. Any other aspect of the third party tester's operation that the Department determines is necessary to verify that the third party tester meets or continues to meet the requirements for certification.

D. The Department will prepare a written report of the results of each inspection and audit of third party testers. A copy of the report will be provided to the third party tester.

2013, cc. 165, 582; 2014, cc. 77, 803.

§ 46.2-341.14:7. Notification requirements.

A. Every third party tester shall:

1. Notify the Department in a format prescribed by the Department within 10 days of any change in:

a. The third party tester's name or address; or

b. The third party examiners who are employed by the third party tester.

2. Notify the Department in a format prescribed by the Department within 10 days of any of the following occurrences:

a. The third party tester ceases business operations in Virginia;

b. The third party tester fails to comply with any of the requirements set forth in this article; or

c. Any third party examiner fails to comply with any of the requirements set forth in this article.

3. Notify the Department of any proposed change in the skills test route at least 30 days before the third party tester plans to change the route.

B. Every third party examiner shall notify the Department, within 10 days after leaving the employ of the third party tester, of his change in employment.

2013, cc. 165, 582.

§ 46.2-341.14:8. Test administration.

A. Skills tests shall be conducted strictly in accordance with the provisions of this article and with current test instructions provided from time to time by the Department. Such instructions will include test forms and directions for completing such forms.

B. Skills tests shall be conducted:

1. On test routes that are located at least in part in Virginia and have been approved by the Department;

2. In a vehicle that is representative of the class and type of vehicle for which the commercial driver's license applicant seeks to be licensed and for which the third party tester and third party examiner are certified to test; and

3. In vehicles that are inspected, licensed, and insured, as required by law.

C. All third party testers shall submit a skills test schedule of commercial driver's license skills testing appointments to the Department no later than two business days prior to each test.

D. All third party testers shall notify the Department through secure electronic means when a driver applicant passes skills tests.

2013, cc. 165, 582.

§ 46.2-341.14:9. The skills test certificate.

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

B. Skills test certificates may be issued only to drivers who are employees of the third party tester who issues the certificate, except as otherwise provided herein. In the case of school boards certified as third party testers, certificates may be issued to employees and to other drivers who have been trained by the school board in accordance with the Virginia School Bus Driver Training Curriculum Guide. For comprehensive community colleges in the Virginia Community College System that are certified as third party testers, certificates may be issued to students who are enrolled in a commercial driver training course offered by such community college at the time of the test.

C. Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.

D. A skills test certificate will be accepted by the Department only if it is:

1. Issued by a third party tester certified by the Department in accordance with this article;

2. In a format prescribed by the Department, completed in its entirety, without alteration;

3. Submitted to the Department within 60 days of the date of the skills test; and

4. Signed by the third party examiner who conducted the skills test.

2013, cc. 165, 582; 2016, c. 429.

§ 46.2-341.14:10. Waiver of requirement that third party tester applicant employ 50 drivers.

A. Any applicant for certification as third party tester may submit with his application a request for a waiver of the requirement that the third party tester employ at least 50 drivers within the 12-month period preceding the application.

Such request shall include the following:

1. A statement of need. This statement should explain why the applicant should be certified as a third party tester. The statement should also include reasons why the testing facilities or programs offered by the Department will not meet the applicant's business requirements.

2. An estimate of the number of employees per year who will require commercial driver's license skills testing after April 1, 1992. If the waiver request is filed prior to April 1, 1992, the request should also include an estimate of the number of employees who will require skills testing prior to that date.

B. The Department will review the applicant's waiver request and will evaluate the Department's testing and third party monitoring resources. The Department will decide whether to grant the waiver

request after balancing the stated needs of the applicant and the available resources of the Department. The Department will notify the applicant in writing of its decision.

2013, cc. 165, 582; 2019, cc. 78, 155.

§ 46.2-341.15. Commercial driver's license and commercial learner's permit document.

A. The commercial driver's license issued by the Department shall be identified as a Virginia commercial driver's license and shall include at least the following:

1. Full name, a Virginia address, and signature of the licensee;

2. A photograph of the licensee;

3. A physical description of the licensee, including sex and height;

4. The licensee's date of birth and license number that shall be assigned by the Department to the licensee and shall not be the same as the licensee's Social Security number;

5. A designation of the class and type of commercial motor vehicle or vehicles which the licensee is authorized to drive, together with any restrictions; and

6. The date of license issuance and expiration.

B. The commercial learner's permit shall be identified as such but shall in all other respects conform to subsection A of this section. A commercial learner's permit shall also contain a statement that the permit is invalid unless accompanied by the underlying driver's license.

C. A nondomiciled commercial driver's license or a nondomiciled commercial learner's permit shall contain the word "nondomiciled" on the face of the document.

1989, c. 705, § 46.1-372.15; 2002, cc. 767, 834; 2008, c. 190; 2009, c. 872; 2013, cc. 165, 582; 2015, c. 258.

§ 46.2-341.16. Vehicle classifications, restrictions, and endorsements.

A. A commercial driver's license or commercial learner's permit shall authorize the licensee or permit holder to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. -- Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;

2. Class B-Heavy straight vehicle or other combination. -- Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and

3. Class C-Small vehicle. -- Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport 16 or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;

2. Type P-Vehicles carrying passengers;

3. Type N-Vehicles with cargo tanks;

4. Type H-Vehicles required to be placarded for hazardous materials;

5. Type S-School buses carrying 16 or more passengers, including the driver;

6. Type X-combination of tank vehicle and hazardous materials endorsements for commercial driver's licenses issued on or after July 1, 2014; and

7. At the discretion of the Department, any additional codes for groupings of endorsements with an explanation of such code appearing on the front or back of the license.

C. Commercial driver's licenses shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. L for no air brake equipped commercial motor vehicles for licenses issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

2. Z for no full air brake equipped commercial motor vehicles. If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the applicant is restricted from operating a commercial motor vehicle equipped with any braking system operating fully on the air brake principle;

3. E for no manual transmission equipped commercial motor vehicles for commercial driver's licenses issued on or after July 1, 2014;

4. O for no tractor-trailer commercial motor vehicles;

5. M for no class A passenger vehicles;

6. N for no class A and B passenger vehicles;

7. K for vehicles not equipped with air brakes for commercial driver's licenses issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brakes if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

8. K for intrastate only for commercial driver's licenses issued on or after July 1, 2014;

9. V for medical variance; and

10. At the discretion of the Department, any additional codes for groupings of restrictions with an explanation of such code appearing on the front or back of the license.

D. Commercial learner's permits shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type P-Vehicles carrying passengers as provided in § 46.2-341.10;

2. Type N-Vehicles with cargo tanks as provided in § 46.2-341.10; and

3. Type S-School buses carrying 16 or more passengers, including the driver as provided in § 46.2-341.10.

E. Commercial learner's permits shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. P for no passengers in commercial motor vehicles bus;

2. X for no cargo in commercial motor vehicles tank vehicle;

3. L for no air brake equipped commercial motor vehicles for commercial learner's permits issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;

4. M for no class A passenger vehicles;

5. N for no class A and B passenger vehicles;

6. K for vehicles not equipped with air brakes for commercial learner's permits issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;

7. K for intrastate only for commercial learner's permits issued on or after July 1, 2014;

8. V for medical variance; and

9. Any additional jurisdictional restrictions that apply to the commercial learner's permit.

F. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

G. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

H. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

I. If any endorsement to a commercial driver's license is canceled by the Department and the licensee does not appear in person at the Department to have such endorsement removed from the license, then the Department may cancel the commercial driver's license of the licensee.

1989, c. 705, § 46.1-372.15:1; 1990, c. 218; 2006, c. 226; 2012, cc. 22, 111; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.16:1. Conformance with requirements of U.S.A. Patriot Act of 2001.

A. Notwithstanding any other provision of this title, no endorsement authorizing the driver to operate a vehicle transporting hazardous materials shall be issued, renewed, or reissued by the Department unless the endorsement is issued, renewed, or reissued in conformance with the requirements of § 1012 of the U.S.A. Patriot Act of 2001, including all amendments thereto, and the federal regulation promulgated thereunder, for the issuance by the states of licenses to operate motor vehicles transporting hazardous materials, and the Department has received notification from the U.S. Secretary of Transportation or the U.S. Transportation Security Administration, if required by the U.S.A. Patriot Act 2001 (49 U.S.C. § 5103a et seq.) and federal regulations, that the applicant does not pose a security threat warranting denial of such endorsement. Further, the Department shall cancel any existing endorsement authorizing a driver to operate a vehicle transporting hazardous materials if it has received notification that the holder of such endorsement does not meet the standards for security threat assessment established by the U.S. Transportation Security Administration.

B. Notwithstanding the provisions of § 46.2-330, a Virginia commercial driver's license with a hazardous materials endorsement shall be issued so that it expires no later than five years from its date of issuance, and it may be issued for a period of less than three years if a shorter period is necessary in order to put the license into a five-year renewal cycle as provided in § 46.2-330.

C. Notwithstanding the provisions of § 46.2-332, the Commissioner or his agent may collect an additional nonrefundable fee in conjunction with an application for a hazardous materials endorsement to offset the additional costs of collecting and processing fingerprints and other information required in conjunction with the security threat assessment program established through the U.S. Transportation Security Administration for hazardous materials endorsement applicants, which fee shall include a pass-through of the fees assessed by the Transportation Security Administration or other federal agencies as well as an additional amount, not to exceed $100, to cover additional costs incurred by the Commonwealth in issuing commercial driver's licenses pursuant to the provisions of this section, and there shall be no exemption from such additional fee for any applicant who is an employee of the Commonwealth or any county, city, or town. In addition, any local law-enforcement agency that provided fingerprinting services in conjunction with the security threat assessment program may assess a fee from the applicant in an amount set by local ordinance, not to exceed $25. Such amount shall be collected by the local law-enforcement agency and remitted to the treasurer of the appropriate locality to be used solely for the purpose of defraying the costs of operating the law-enforcement agency and shall not be used to supplant existing local funds for the operation of the law-enforcement agency.

2003, cc. 913, 920; 2004, c. 109.

§ 46.2-341.17. Penalty for violation of this article.

Unless otherwise provided in this article or by the laws of the Commonwealth, any person who violates any provision of this article shall be guilty of a Class 2 misdemeanor.

1989, c. 705, § 46.1-372.16.

§ 46.2-341.18. Disqualification for certain offenses.

A. Except as otherwise provided in this section and in § 46.2-341.18:01, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department of Motor Vehicles, shows that he has been convicted of any of the following offenses, if such offense was committed while operating a commercial motor vehicle:

1. A violation of any provision of § 46.2-341.21 or a violation of any federal law or the law of another jurisdiction substantially similar to § 46.2-341.21;

2. A violation of any provision of § 46.2-341.24 or a violation of any federal law or the law of another state substantially similar to § 46.2-341.24;

3. A violation of any provision of § 18.2-51.4 or 18.2-266 or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state or local law or ordinance substantially similar to § 18.2-51.4 or 18.2-266;

4. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12 or this article, or the comparable laws of any other state or jurisdiction;

5. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or

6. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used, other than a felony described in § 46.2-341.19.

B. The Commissioner shall disqualify any such person for a period of three years if any offense listed in subsection A of this section was committed while driving a commercial motor vehicle used in the transportation of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

C. Beginning September 30, 2005, the Commissioner shall disqualify for a period of one year any person whose record, as maintained by the Department, shows that he has been convicted of any of the following offenses committed while operating a noncommercial motor vehicle, provided that the person was, at the time of the offense, the holder of a commercial driver's license, and provided further that the offense was committed on or after September 30, 2005:

1. A violation of any provision of § 18.2-51.4, 18.2-266, or a violation of a local ordinance paralleling or substantially similar to § 18.2-51.4 or 18.2-266, or a violation of any federal, state, or local law or ordinance, or law of any other jurisdiction, substantially similar to § 18.2-51.4 or 18.2-266;

2. Refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath in accordance with §§ 18.2-268.1 through 18.2-268.12, or the comparable laws of any other state or jurisdiction;

3. Failure of the driver whose vehicle is involved in an accident to stop and disclose his identity at the scene of the accident; or

4. Commission of any crime punishable as a felony in the commission of which a motor vehicle is used.

D. The Commissioner shall disqualify for life any person whose record, as maintained by the Department, shows that he has been convicted of two or more violations of any of the offenses listed in subsection A or C of this section, if each offense arose from a separate incident, except that if all of the offenses are for violation of an out-of-service order, the disqualification shall be for five years. If two or more such disqualification offenses arise from the same incident, the disqualification periods imposed pursuant to subsection A, B, or C of this section shall run consecutively and not concurrently.

E. The Commissioner shall disqualify for a period of five years a person who is convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

F. The Department may issue, if permitted by federal law, regulations establishing guidelines, including conditions, under which a disqualification for life under subsection D may be reduced to a period of not less than 10 years.

1989, c. 705, § 46.1-372.17; 1992, c. 830; 1997, c. 691; 2005, c. 513; 2008, c. 190; 2010, c. 424.

§ 46.2-341.18:01. Disqualification for violation of out-of-service order; commercial motor vehicle designed to transport 16 or more passengers; commercial motor vehicle used to transport hazardous materials.

The Commissioner shall disqualify, for a period of two years, any person convicted of violating an out-of-service order while operating (i) a commercial motor vehicle designed to transport 16 or more passengers, including the driver, or (ii) notwithstanding the provisions of § 46.2-341.18, a commercial motor vehicle while used in the transport of hazardous materials required to be placarded under federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F). If the person is convicted of two or more violations of this section, and each offense arose from a separate incident committed within a period of 10 years, the disqualification shall be for five years.

2008, c. 190; 2009, c. 102.

§ 46.2-341.18:1. Disqualification for certain alcohol-related offenses committed in other jurisdictions whose laws provide for disqualification for such offenses without a conviction.

A. Notwithstanding the provisions of § 46.2-341.18 that require the Commissioner act to disqualify only on the basis of conviction records for certain offenses committed while operating a commercial motor vehicle, the Commissioner shall also act to disqualify, as provided in § 46.2-341.18, where he has received a record from another jurisdiction indicating that a Virginia licensee has been disqualified in that jurisdiction, solely as a result of his violation in that jurisdiction, of either of the two offenses listed in subdivisions 1 and 2, committed while operating a commercial motor vehicle, even though the disqualification was imposed as the result of an administrative or civil action and there was

no court proceeding that could result in a conviction for such offense. The two offenses for which such action shall be taken are:

1. Operation of a commercial motor vehicle with a blood alcohol content of 0.04 percent or more, or

2. Refusal to submit to a chemical test to determine the alcohol or drug content of blood or breath of the operator of a commercial motor vehicle under the implied consent laws of that jurisdiction.

B. The Commissioner shall treat such a record of disqualification as though it were a conviction record from that jurisdiction under a law substantially similar to subsection B of § 46.2-341.24 or § 46.2-341.26:4, respectively, for purposes of implementing the disqualification provisions of § 46.2-341.18. Such treatment as a conviction for purposes of § 46.2-341.18 shall be applicable only if the disqualification action is final and unappealable or has been appealed and the appeal dismissed or the action affirmed and no further appeals are possible under the laws of the jurisdiction wherein the offense was committed, and only if the disqualification period imposed by that jurisdiction is at least as long as the periods set out in § 46.2-341.18 for such an offense. If the Commissioner receives notice from a jurisdiction that a Virginia licensee has been subject to an administrative action or civil judgment resulting from a violation of subdivision A 1 or A 2, committed while operating a commercial motor vehicle, the Commissioner shall treat such notice as a conviction for the purposes of this article.

C. In no case shall the Commissioner act more than once to disqualify a Virginia licensee for any single violation committed in another jurisdiction, even though such violation may be reported by that jurisdiction as both an administrative or civil disqualification action and as a conviction from a court in that jurisdiction. Moreover, the Commissioner shall rescind a disqualification imposed pursuant to this section if the disqualification has been vacated or rescinded by the other jurisdiction as a result of the licensee's acquittal in the court proceedings, or the dismissal of those proceedings, in that jurisdiction.

2002, c. 724; 2005, c. 513.

§ 46.2-341.18:2. Disqualification for use of urine-masking agent or device.

The Commissioner shall disqualify for a period of one year any person who has been convicted of a violation of § 18.2-251.4.

2007, c. 422.

§ 46.2-341.18:3. (Effective until July 1, 2021) Cancellation of commercial driver's license endorsement for certain offenders.

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial learner's permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial learner's permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1

shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

If the holder of a commercial driver's license or commercial learner's permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

2011, c. 477; 2012, c. 153; 2015, c. 258.

§ 46.2-341.18:3. (Effective July 1, 2021) Cancellation of commercial driver's license endorsement for certain offenders.

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial learner's permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial learner's permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Department of Education.

If the holder of a commercial driver's license or commercial learner's permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

2011, c. 477; 2012, c. 153; 2015, c. 258; 2020, cc. 860, 861.

§ 46.2-341.19. Controlled substance felony; disqualification.

A. No person shall use a commercial motor vehicle in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance. No person who holds a commercial learner's permit or commercial driver's license shall use a noncommercial motor vehicle in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance. For the purpose of this section, a controlled substance is defined as provided in § 102(6) of the federal Controlled Substances Act (21 U.S.C. § 802(6)) and includes all substances listed on Schedules I through V of 21 C.F.R. Part 1308 as they may be revised from time to time.

B. Violation of this section shall constitute a separate and distinct offense and any person violating this section is guilty of a Class 1 misdemeanor. Punishment for a violation of this section shall be separate and apart from any punishment received from the commission of the primary felony.

C. The Commissioner shall, upon receiving a record of a conviction of a violation of this section, disqualify for life any person who is convicted of such violation.

1989, c. 705, § 46.1-372.18; 2019, c. 750.

§ 46.2-341.20. Disqualification for multiple serious traffic violations.

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change;

5. Following the vehicle ahead too closely;

6. Driving a commercial motor vehicle without obtaining a commercial driver's license or commercial learner's permit;

7. Driving a commercial motor vehicle without a commercial driver's license or commercial learner's permit in the driver's immediate possession;

8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

9. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1 or a local ordinance relating to motor vehicle traffic control prohibiting texting while driving; and

10. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1, or a local ordinance relating to motor vehicle traffic control restricting or prohibiting the use of a handheld mobile telephone while driving a commercial motor vehicle.

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license or commercial learner's permit; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change; or

5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

1. A 60-day disqualification period for any person convicted of two serious traffic violations; or

2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

1989, c. 705, § 46.1-372.19; 1990, c. 218; 2005, c. 513; 2011, cc. 881, 889; 2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.20:1. Disqualification for railroad/highway grade crossing violations.

A. Except as otherwise provided in subsection B, the Commissioner shall disqualify for a period of sixty days any person whose record, as maintained by the Department, shows that he has been convicted of any offense committed while operating a commercial motor vehicle in violation of any law relating to the operation of a motor vehicle at a railroad/highway grade crossing, including but not limited to the provisions of Article 9 (§ 46.2-884 et seq.) of Chapter 8 of this title and the provisions of the Virginia and Federal Motor Carrier Safety Regulations, and any similar law of any other state or any locality.

B. The period of disqualification shall be for 120 days if the conviction was for an offense described in subsection A, committed within three years of a prior such offense, or for one year if for a third or subsequent such offense committed within three years, provided each offense arose from separate incidents.

2002, c. 724.

§ 46.2-341.20:2. Employer penalty; railroad/highway grade crossing violations; out-of-service order violation.

Any employer who knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings, or in violation of an out-of-service order, shall be subject to a civil penalty for each violation pursuant to 49 C.F.R. Part 383, which shall be imposed by the Commissioner upon receipt of notification from federal or state motor carrier officials that an employer may have violated this provision, and upon notice to the employer of the charge and a hearing conducted as provided under the Administrative Process Act (§ 2.2-4000 et seq.), to determine whether such employer has violated this pro-

vision. Civil penalties collected under this section shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

2002, c. 724; 2005, c. 513; 2008, c. 190; 2014, cc. 77, 803.

§ 46.2-341.20:3. Disqualification for determination of imminent hazard.

If the Department receives notification from the Federal Motor Carrier Safety Administration that a driver determined to constitute an imminent hazard has been disqualified from operating a commercial motor vehicle pursuant to 49 C.F.R. Part 383.52, the Department shall make a notation of such disqualification on the driver record maintained by the Department and any disqualification imposed by the Department on the driver shall run concurrently with the period of disqualification imposed pursuant to 49 CFR 383.52.

2005, c. 513; 2008, c. 190.

§ 46.2-341.20:4. Disqualification of driver convicted of fraud related to the testing and issuance of a commercial learner's permit or commercial driver's license.

A person who has been convicted of fraud pursuant to § 46.2-348 related to the issuance of a commercial learner's permit or commercial driver's license shall be disqualified for a period of one year. The application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained commercial driver's license or seeks to renew or upgrade the fraudulently obtained commercial learner's permit must also, at a minimum, be disqualified. Any disqualification must be recorded in the person's driving record. The person may not reapply for a new commercial driver's license for at least one year.

If the Department receives credible information that a commercial learner's permit holder or commercial driver's license holder is suspected, but has not been convicted, of fraud related to the issuance of his commercial learner's permit or commercial driver's license, the Department shall require the driver to retake the skills test or knowledge test, or both. Within 30 days of receiving notification from the Department that retesting is necessary, the affected commercial learner's permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the commercial learner's permit holder or commercial driver's license holder fails to make an appointment within 30 days, the Department shall disqualify his commercial learner's permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the Department shall disqualify his commercial learner's permit or commercial driver's license. Once a commercial learner's permit holder's or commercial driver's license holder's commercial learner's permit or commercial driver's license has been disqualified, he must reapply for a commercial learner's permit or commercial driver's license under Department procedures applicable to all commercial learner's permit and commercial driver's license applicants.

2013, cc. 165, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties.

A. No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed $2,750. Civil penalties collected under this section shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting or using a handheld mobile telephone when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is

no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

2013, cc. 165, 582; 2014, cc. 77, 803; 2020, cc. 1230, 1275.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty.

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a civil penalty not to exceed $11,000. Civil penalties collected under this section shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

2014, cc. 77, 803; 2020, cc. 1230, 1275.

§ 46.2-341.21. Driving while disqualified; penalties.

No person whose privilege to drive a commercial motor vehicle has been suspended or revoked or who has been disqualified from operating a commercial motor vehicle or who has been ordered out of service, and who has been given notice of, or reasonably should know of the suspension, revocation, disqualification, or out-of-service order shall operate a commercial motor vehicle anywhere in the Commonwealth until the period of such suspension, revocation, disqualification, or out-of-service order has terminated, nor shall any person operate on any highway any vehicle that has been declared out of service until such time as the out-of-service declaration has been lifted.

Any person who violates this section shall, for the first offense, be guilty of a Class 2 misdemeanor, and for the second or any subsequent offense, be guilty of a Class 1 misdemeanor; however, if the offense is the violation of an out-of-service order, the minimum mandatory fine shall be $2,500 for any person so convicted of a first offense and $5,000 for a person convicted of a second or subsequent offense. Upon receipt of a record of a violation of this section, the Commissioner shall impose an additional disqualification in accordance with the provisions of §§ 46.2-341.18 and 46.2-341.18:01.

1989, c. 705, § 46.1-372.20; 1990, c. 218; 1995, cc. 145, 151; 2005, c. 513; 2008, c. 190.

§ 46.2-341.22. Requirements upon disqualification.

Any person who has been disqualified pursuant to any provision of this article shall be subject to the provisions of §§ 46.2-370 and 46.2-414, and shall be required to comply with the provisions of §§ 46.2-370 and 46.2-411 as conditions to the reinstatement of his privilege to drive a commercial motor vehicle.

Any person who has been disqualified pursuant to the provisions of § 46.2-341.18 shall be required as further conditions to reinstatement of his privilege to operate a commercial motor vehicle, to (i) apply for such license; (ii) pass the knowledge and skills tests required for the class and type of commercial motor vehicle for which he seeks to be licensed; and (iii) satisfy all other applicable licensing requirements, including the payment of licensing fees, imposed by the laws of the Commonwealth.

The provisions of this section shall not apply to out-of-service orders issued pursuant to §§ 46.2-341.26:2 and 46.2-341.26:3.

1989, c. 705, § 46.1-372.21; 1992, c. 830; 2019, c. 750.

§ 46.2-341.23. Offenses under substantially similar laws.

Except as otherwise provided, whenever in this Act reference is made to an offense which is a violation of a provision of this Code, such reference shall be deemed to include offenses under any local ordinance, any federal law, any law of another state or any local ordinance of another state, substantially similar to such provision of this Code.

1989, c. 705, § 46.1-372.22.

§ 46.2-341.24. Driving a commercial motor vehicle while intoxicated, etc.

A. It shall be unlawful for any person to drive or operate any commercial motor vehicle (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article; (ii) while such person is under the influence of alcohol; (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any commercial motor vehicle safely; (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any commercial motor vehicle safely; or (v) while such person has a blood concentration of any of the following substances at a level that is equal to or greater than: (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood.

B. It shall be unlawful and a lesser included offense of an offense under provision (i), (ii), or (iv) of subsection A of this section for a person to drive or operate a commercial motor vehicle while such person has a blood alcohol concentration of 0.04 percent or more by weight by volume or 0.04 grams or more per 210 liters of breath as indicated by a chemical test administered in accordance with the provisions of this article.

1989, c. 705, § 46.1-372.23; 1992, c. 830; 1994, cc. 359, 363; 2005, c. 616.

§ 46.2-341.25. Preliminary analysis of breath of commercial drivers to determine alcohol content of blood.

A. Any person who is reasonably suspected of a violation of § 46.2-341.24 or of having any alcohol in his blood while driving or operating a commercial motor vehicle may be required by any law-

enforcement officer to provide a sample of such person's breath for a preliminary screening to determine the probable alcohol content of his blood. Such person shall be entitled, upon request, to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. Such breath may be analyzed by any police officer of the Commonwealth, or of any county, city, or town, or by any member of a sheriff's department in the normal discharge of his duties.

B. The Department of Forensic Science shall determine the proper method and equipment to be used in analyzing breath samples taken pursuant to this section and shall advise the respective police and sheriff's departments of the same.

C. If the breath sample analysis indicates that there is alcohol present in the person's blood, or if the person refuses to provide a sample of his breath for a preliminary screening, such person shall then be subject to the provisions of §§ 46.2-341.26:1 through 46.2-341.26:11.

D. The results of a breath analysis conducted pursuant to this section shall not be admitted into evidence in any prosecution under § 46.2-341.24 or 46.2-341.31, but may be used as a basis for charging a person for a violation of the provisions of § 46.2-341.24 or 46.2-341.31.

E. The law-enforcement officer requiring the preliminary screening test shall advise the person of his obligations under this section and of the provisions of subsection C of this section.

1989, c. 705, § 46.1-372.24; 1990, cc. 218, 825; 1992, c. 830; 1996, cc. 154, 952; 2005, cc. 868, 881.

§ 46.2-341.26. Repealed.

Repealed by Acts 1992, c. 830.

§ 46.2-341.26:1. Use of chemical tests to determine alcohol or drug content of blood of commercial driver; definitions.

As used in §§ 46.2-341.26:2 through 46.2-341.26:11, unless the context clearly indicates otherwise:

The phrase "alcohol or drug" means alcohol, drug or drugs, or any combination of alcohol and a drug or drugs.

The phrase "blood or breath" means either or both.

"Chief police officer" means the sheriff in any county not having a chief of police, the chief of police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of police of the town in which the charge will be heard, or their authorized representatives.

"Department" means the Department of Forensic Science.

"Director" means the Director of the Department of Forensic Science.

1992, c. 830; 2005, cc. 868, 881.

§ 46.2-341.26:2. Implied consent to post-arrest chemical test to determine alcohol or drug content of blood of commercial driver.

A. Any person, whether licensed by Virginia or not, who operates a commercial motor vehicle upon a highway as defined in § 46.2-100 in the Commonwealth shall be deemed thereby, as a condition of

such operation, to have consented to have samples of his blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug or both alcohol and drug content of his blood, if he is arrested for violation of § 46.2-341.24 or 46.2-341.31 within three hours of the alleged offense.

B. Such person shall be required to have a breath sample taken and shall be entitled, upon request, to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. If the equipment automatically produces a written printout of the breath test result, the printout or a copy shall be given to the suspect. If a breath test is not available, then a blood test shall be required.

C. The person may be required to submit to blood tests to determine the drug content of his blood if he has been arrested pursuant to provision (iii), (iv), or (v) of subsection A of § 46.2-341.24, or if he has taken the breath test required pursuant to subsection B and the law-enforcement officer has reasonable cause to believe the person was driving under the influence of any drug or combination of drugs, or the combined influence of alcohol and drugs.

D. If the certificate of analysis referred to in § 46.2-341.26:9 indicates the presence of alcohol in the suspect's blood, the suspect shall be taken before a magistrate to determine whether the magistrate should issue an out-of-service order prohibiting the suspect from driving any commercial motor vehicle for a 24-hour period. If the magistrate finds that there is probable cause to believe that the suspect was driving a commercial motor vehicle with any measurable amount of alcohol in his blood, the magistrate shall issue an out-of-service order prohibiting the suspect from driving any commercial motor vehicle for a period of 24 hours. The magistrate shall forward a copy of the out-of-service order to the Department within seven days after issuing the order. The order shall be in addition to any other action or sanction permitted or required by law to be taken against or imposed upon the suspect.

1992, c. 830; 1993, c. 673; 2005, c. 616; 2017, c. 623.

§ 46.2-341.26:3. Refusal of tests; issuance of out-of-service orders; disqualification.

A. It is unlawful for a person who is arrested for a violation of § 46.2-341.24 or 46.2-341.31 to unreasonably refuse to have samples of his breath taken for chemical tests to determine the alcohol content of his blood as required by § 46.2-341.26:2, and any person who so unreasonably refuses is guilty of a violation of this subsection, which is punishable as follows:

1. A first violation is a civil offense. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of any offense listed in subsection E of § 18.2-270, or a violation of § 46.2-341.24 or 46.2-341.31 arising out of separate occurrences or incidents, he is guilty of a Class 1 misdemeanor. A conviction under this subdivision shall of itself operate to deprive the person of the privilege to drive for a period of three years

from the date of the judgment of conviction. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

B. It is unlawful for a person who is arrested for a violation of § 46.2-341.24 or 46.2-341.31 to unreasonably refuse to have samples of his blood taken for chemical tests to determine the alcohol or drug content of his blood as required by § 46.2-341.26:2, and any person who so unreasonably refuses is guilty of a violation of this subsection, which is a civil offense and is punishable as follows:

1. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of any offense listed in subsection E of § 18.2-270, or a violation of § 46.2-341.24 or 46.2-341.31 arising out of separate occurrences or incidents, such violation shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

C. When a person is arrested for a violation of § 46.2-341.24 or 46.2-341.31 and such person refuses to permit blood or breath or both blood and breath samples to be taken for testing as required by § 46.2-341.26:2, the arresting law-enforcement officer shall advise the person, from a form provided by the Office of the Executive Secretary of the Supreme Court, (i) that a person who operates a commercial motor vehicle on a public highway in the Commonwealth is deemed thereby, as a condition of such operation, to have consented to have samples of his blood or breath taken for chemical tests to determine the alcohol or drug content of his blood, (ii) that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, (iii) that the unreasonable refusal to do so constitutes grounds for the immediate issuance of an out-of-service order prohibiting him from driving a commercial vehicle for a period of 24 hours and for the disqualification of such person from operating a commercial motor vehicle, (iv) of the civil penalties for unreasonable refusal to have blood or breath or both blood and breath samples taken, and (v) of the criminal penalty for unreasonable refusal to have breath samples taken within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal, which is a Class 1 misdemeanor. The form from which the law-enforcement officer shall advise the person arrested shall contain a brief statement of the law requiring the taking of blood or breath samples, that a finding of unreasonable refusal to consent to testing may be admitted as evidence at a criminal trial, and the penalties for refusal. The Office of the Executive Secretary of the Supreme Court shall make the form available on the Internet, and the form shall be considered an official publication of the Commonwealth for the purposes of § 8.01-388.

D. The law-enforcement officer shall, under oath before the magistrate, execute the form and certify (i) that the defendant has refused to permit blood or breath or both blood and breath samples to be taken for testing; (ii) that the officer has read the portion of the form described in subsection C to the arrested person; (iii) that the arrested person, after having had the portion of the form described in subsection C

read to him, had refused to permit such sample or samples to be taken; and (iv) how many, if any, violations of this section, any offense listed in subsection E of § 18.2-270, or § 46.2-341.24 or 46.2-341.31 the arrested person has been convicted of within the last 10 years. Such sworn certification shall constitute probable cause for the magistrate to issue a warrant or summons charging the person with unreasonable refusal. The magistrate shall attach the executed and sworn advisement form to the warrant or summons. The warrant or summons for a first offense under subsection A or any offense under subsection B shall be executed in the same manner as a criminal warrant or summons. If the person arrested has been taken to a medical facility for treatment or evaluation of his medical condition, the law-enforcement officer may read the advisement form to the person at the medical facility and issue, on the premises of the medical facility, a summons for a violation of this section in lieu of securing a warrant or summons from the magistrate. The magistrate or law-enforcement officer, as the case may be, shall forward the executed advisement form and warrant or summons to the appropriate court.

E. If the magistrate finds that there was probable cause to believe the refusal was unreasonable, he shall immediately issue an out-of-service order prohibiting the person from operating a commercial motor vehicle for a period of 24 hours.

1992, c. 830; 2001, c. 654; 2017, c. 623.

§ 46.2-341.26:4. Appeal and trial; sanctions for refusal; procedures.

A. Venue for the trial of the warrant or summons shall lie in the court of the county or city in which the offense of driving under the influence of intoxicants or other offense listed in subsection A or B of § 46.2-341.26:3 is to be tried.

B. The procedure for appeal and trial of any civil offense of § 46.2-341.26:3 shall be the same as provided by law for misdemeanors. If requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. If the defendant pleads guilty to a violation of § 46.2-341.24, the court may dismiss the warrant or summons.

The court shall dispose of the defendant's license in accordance with the provisions of § 46.2-398; however, the defendant's license shall not be returned during any period of suspension imposed under § 46.2-391.2.

1992, c. 830; 2017, c. 623.

§ 46.2-341.26:5. Qualifications and liability of persons authorized to take blood samples; procedure for taking samples.

For purposes of this article, only a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician or a technician or nurse designated by order of a circuit court acting on the recommendation of a licensed physician, using soap and water, polyvinylpyrrolidone iodine, pvp iodine, povidone iodine or benzalkonium chloride to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer

which will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the purpose of determining its alcohol or drug content. It is a Class 3 misdemeanor to reuse single-use-only needles or syringes. No civil liability shall attach to any person authorized by this section to withdraw blood as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures. However, the person shall not be relieved from liability for negligence in the withdrawing of any blood sample.

No person arrested for a violation of § 46.2-341.24 or § 46.2-341.31 shall be required to execute in favor of any person or corporation a waiver or release of liability in connection with the withdrawal of blood or as a condition precedent to the withdrawal of blood as provided for in this section.

1992, c. 830; 2004, cc. 150, 440.

§ 46.2-341.26:6. Transmission of blood samples.

The blood sample withdrawn pursuant to § 46.2-341.26:5 shall be placed in vials provided or approved by the Department of Forensic Science. The vials shall be sealed by the person taking the sample or at his direction. The person who seals the vials shall complete the prenumbered certificate of blood withdrawal forms and attach one form to each vial. The completed withdrawal certificate for each vial shall show the name of the suspect, the name of the person taking the blood sample, the date and time the blood sample was taken and information identifying the arresting or accompanying officer. The vials shall be placed in a container provided by the Department, and the container shall be sealed to prevent tampering with the vials. A law-enforcement officer shall take possession of the container as soon as the vials are placed in such container and sealed, and shall promptly transport or mail the container to the Department.

1992, c. 830; 2003, cc. 933, 936; 2005, cc. 868, 881.

§ 46.2-341.26:7. Transmission of samples.

A. Upon receipt of a blood sample forwarded to the Department for analysis pursuant to § 46.2-341.26:6, the Department shall have it examined for its alcohol or drug content, and the Director shall execute a certificate of analysis indicating the name of the suspect; the date, time, and by whom the blood sample was received and examined; a statement that the seal on the vial had not been broken or otherwise tampered with; a statement that the container and vial were provided or approved by the Department and that the vial was one to which the completed withdrawal certificate was attached; and a statement of the sample's alcohol or drug content. The Director or his representative shall remove the withdrawal certificate from the vial and either (i) attach it to the certificate of analysis and state in the certificate of analysis that it was so removed and attached or (ii) electronically scan it into the Department's Laboratory Information Management System and place the original withdrawal certificate in its case-specific file. The certificate of analysis and the withdrawal certificate shall be returned or electronically transmitted to the clerk of the court in which the charge will be heard.

B. After completion of the analysis, the Department shall preserve the remainder of the blood until at least 90 days have lapsed. The accused may, at any time prior to the expiration of such 90-day period, by motion filed before the court in which the charge will be heard, with notice to the Department, request an order directing the Department to transmit the remainder of the blood sample to an independent laboratory retained by the accused for analysis. On motion of the accused, the report of analysis prepared for the remaining blood sample shall be admissible in evidence, provided that the report is duly attested by a person performing such analysis and the independent laboratory that performed the analysis is accredited or certified to conduct forensic blood alcohol/drug testing by one or more of the following: College of American Pathologists (CAP); U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA); American Board of Forensic Toxicology (ABFT); or an accrediting body that requires conformance to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed. If no notice of a motion to transmit the remainder of the blood sample is received prior to the expiration of the 90-day period, the Department shall destroy the remainder of the blood sample unless the Commonwealth has filed a written request with the Department to return the remainder of the blood sample to the investigating law-enforcement agency. In such case, the Department shall return the remainder of the blood sample, if not sent to an independent laboratory, to the investigating law-enforcement agency.

C. When a blood sample taken in accordance with the provisions of §§ 46.2-341.26:2 through 46.2-341.26:6 is forwarded for analysis to the Department, a report of the test results shall be filed in that office. Upon proper identification of the certificate of withdrawal, the certificate of analysis, with the withdrawal certificate attached, shall, when attested by the Director, be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided that the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, or (ii) in any civil proceeding.

Upon request of the person whose blood or breath was analyzed, the test results shall be made available to him.

The Director may delegate or assign these duties to an employee of the Department.

1992, c. 830; 2003, cc. 933, 936; 2005, cc. 868, 881; 2009, Sp. Sess. I, cc. 1, 4; 2014, c. 328; 2017, c. 623; 2019, c. 474.

§ 46.2-341.26:8. Fees.

Payment for withdrawing blood shall not exceed $25, which shall be paid out of the appropriation for criminal charges.

If the person whose blood sample was withdrawn is subsequently convicted for violation of § 46.2-341.24 or § 46.2-341.31, any fees paid by the Commonwealth to the person withdrawing the sample

shall be taxed as part of the costs of the criminal case and shall be paid into the general fund of the state treasury.

1992, c. 830; 2003, cc. 933, 936.

§ 46.2-341.26:9. Assurance of breath test validity; use of breath tests as evidence.

To be capable of being considered valid in a prosecution under § 46.2-341.24 or 46.2-341.31, chemical analysis of a person's breath shall be performed by an individual possessing a valid license to conduct such tests, with the type of equipment and in accordance with methods approved by the Department.

Any individual conducting a breath test under the provisions of § 46.2-341.26:2 shall issue a certificate which includes the name of the suspect, the date and time the sample was taken from the suspect, the alcohol content of the sample, and the identity of the person who examined the sample. The certificate will also indicate that the test was conducted in accordance with the Department's specifications.

The certificate of analysis, when attested by the authorized individual conducting the breath test on equipment maintained by the Department, shall be admissible in any court as evidence of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided that the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, or (ii) in any civil proceeding. Any such certificate of analysis purporting to be signed by a person authorized by the Department shall be admissible in evidence without proof of seal or signature of the person whose name is signed to it.

A copy of such certificate shall be promptly delivered to the suspect. Any person qualified to conduct a breath test as provided by this section may administer the breath test or analyze the results thereof.

1992, c. 830; 2005, cc. 868, 881; 2009, Sp. Sess. I, cc. 1, 4; 2017, c. 623.

§ 46.2-341.26:10. Evidence.

A. In any trial for a violation of § 46.2-341.24, admission of the blood or breath test results shall not limit the introduction of any other relevant evidence bearing upon any question at issue before the court, and the court shall, regardless of the results of the blood or breath tests, consider other relevant admissible evidence of the condition of the accused. If the test results indicate the presence of any drugs other than alcohol, the test results shall be admissible except in a prosecution under clause (v) of subsection A of § 46.2-341.24, only if other competent evidence has been presented to relate the presence of the drug or drugs to the impairment of the accused's ability to drive or operate any commercial motor vehicle safely.

B. The failure of an accused to permit a blood or breath sample to be taken to determine the alcohol or drug content of his blood is not evidence and shall not be subject to any comment by the Commonwealth at the trial of the case, except in rebuttal or pursuant to subsection C; nor shall the fact that a blood or breath test had been offered the accused be evidence or the subject of comment by the Commonwealth, except in rebuttal or pursuant to subsection C.

C. Evidence of a finding against the defendant under § 18.2-268.3 for his unreasonable refusal to permit a blood or breath sample to be taken to determine the alcohol or drug content of his blood shall be admissible into evidence, upon the motion of the Commonwealth or the defendant, for the sole purpose of explaining the absence at trial of a chemical test of such sample. When admitted pursuant to this subsection such evidence shall not be considered evidence of the accused's guilt.

D. The court or jury trying the case involving a violation of clause (ii), (iii) or (iv) of subsection A of § 46.2-341.24 shall determine the innocence or guilt of the defendant from all the evidence concerning his condition at the time of the alleged offense.

1992, c. 830; 2001, c. 654; 2005, c. 616.

§ 46.2-341.26:11. Substantial compliance.

The steps set forth in §§ 46.2-341.26:2 through 46.2-341.26:9 relating to taking, handling, identifying, and disposing of blood or breath samples are procedural and not substantive. Substantial compliance shall be sufficient. Failure to comply with any steps or portions thereof shall not of itself be grounds for finding the defendant not guilty, but shall go to the weight of the evidence and shall be considered with all the evidence in the case; however, the defendant shall have the right to introduce evidence on his own behalf to show noncompliance with the aforesaid procedures or any part thereof, and that as a result his rights were prejudiced.

1992, c. 830; 2003, cc. 933, 936.

§ 46.2-341.27. Presumptions from alcohol and drug content of blood.

In any prosecution for a violation of clause (ii), (iii), or (iv) of subsection A of § 46.2-341.24, the amount of alcohol or drugs in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the suspect's blood or breath to determine the alcohol or drug content of his blood (i) in accordance with the provisions of §§ 46.2-341.26:1 through 46.2-341.26:11 or (ii) performed by the Department of Forensic Science in accordance with the provisions of §§ 46.2-341.26:5, 46.2-341.26:6, and 46.2-341.26:7 on the suspect's whole blood drawn pursuant to a search warrant shall give rise to the following rebuttable presumptions:

A. If there was at that time 0.08 percent or more by weight by volume of alcohol in the accused's blood or 0.08 grams or more per 210 liters of the accused's breath, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

B. If there was at that time less than 0.08 percent by weight by volume of alcohol in the accused's blood or 0.08 grams or more per 210 liters of the accused's breath, such fact shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such fact may be considered with other competent evidence in determining the guilt or innocence of the accused.

C. If there was at that time an amount of the following substances at a level that is equal to or greater than: (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-

methylenedioxymethamphetamine per liter of blood, it shall be presumed that the accused was under the influence of drugs to a degree which impairs his ability to drive or operate any commercial motor vehicle safely.

1989, c. 705, § 46.1-372.26; 1992, c. 830; 1994, cc. 359, 363; 2005, c. 616; 2017, c. 623.

§ 46.2-341.28. Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

A. Except as otherwise provided herein, any person violating any provision of subsection A of § 46.2-341.24 is guilty of a Class 1 misdemeanor with a mandatory minimum fine of $250. If the person's blood alcohol level as indicated by the chemical test as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of five days or (ii) was more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days.

B. 1. Any person convicted of a second offense committed within less than five years after a prior offense under subsection A of § 46.2-341.24 shall upon conviction of the second offense be punished by a mandatory minimum fine of $500 and by confinement in jail for not less than one month nor more than one year. Twenty days of such confinement shall be a mandatory minimum sentence.

2. Any person convicted of a second offense committed within a period of five to 10 years of a prior offense under subsection A of § 46.2-341.24 shall upon conviction of the second offense be punished by a mandatory minimum fine of $500 and by confinement in jail for not less than one month. Ten days of such confinement shall be a mandatory minimum sentence.

3. Upon conviction of a second offense within 10 years of a prior offense, if the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days or (ii) was more than 0.20, he shall be confined for an additional mandatory minimum period of 20 days. In addition, such person shall be fined a mandatory minimum fine of $500.

C. 1. Any person convicted of three offenses under subsection A of § 46.2-341.24 within a 10-year period is upon conviction of the third offense guilty of a Class 6 felony. The sentence of any person convicted of three offenses under subsection A of § 46.2-341.24 shall include a mandatory minimum sentence of 90 days, unless the three offenses were committed within a five-year period, in which case the sentence shall include a mandatory minimum sentence of confinement for six months. In addition, such person shall be fined a mandatory minimum fine of $1,000.

2. Any person who has been convicted of a violation of § 18.2-36.1, 18.2-36.2, 18.2-51.4, or 18.2-51.5 or a felony violation under subsection A of § 46.2-341.24 is upon conviction of a subsequent violation

under subsection A of § 46.2-341.24 guilty of a Class 6 felony. The punishment of any person convicted of such a subsequent violation under subsection A of § 46.2-341.24 shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of $1,000.

3. The punishment of any person convicted of a fourth or subsequent offense under subsection A of § 46.2-341.24 committed within a 10-year period shall, upon conviction, include a mandatory minimum term of imprisonment of one year. In addition, such person shall be fined a mandatory minimum fine of $1,000.

D. In addition to the penalty otherwise authorized by this section, any person convicted of a violation of subsection A of § 46.2-341.24 committed while transporting a person 17 years of age or younger shall be (i) fined an additional minimum of $500 and not more than $1,000 and (ii) sentenced to a mandatory minimum period of confinement of five days.

E. For the purpose of determining the number of offenses committed by, and the punishment appropriate for, a person under this section, a conviction of any person or finding of not innocent in the case of a juvenile under the following shall be considered a conviction under subsection A of § 46.2-341.24: (i) § 18.2-36.1, 18.2-51.4, or 18.2-266, former § 18.1-54 (formerly § 18-75), or subsection A of § 46.2-341.24; (ii) the ordinance of any county, city, or town in the Commonwealth substantially similar to the provisions of any offense listed in clause (i); or (iii) the laws of any other state or of the United States substantially similar to the provisions of any offense listed in clause (i).

F. Mandatory minimum punishments imposed pursuant to this section shall be cumulative, and mandatory minimum terms of confinement shall be served consecutively. However, in no case shall punishment imposed hereunder exceed the applicable statutory maximum Class 1 misdemeanor term of confinement or fine upon conviction of a first or second offense, or Class 6 felony term of confinement or fine upon conviction of a third or subsequent offense.

1989, c. 705, § 46.1-372.27; 1993, c. 673; 1997, c. 691; 2000, cc. 958, 980; 2004, c. 461; 2017, c. 286.

§ 46.2-341.29. Penalty for driving commercial motor vehicle with blood alcohol content equal to or greater than 0.04.

Any person violating the provisions of subsection B of § 46.2-341.24 shall be guilty of a Class 3 misdemeanor.

1989, c. 705, § 46.1-372.28.

§ 46.2-341.30. Disqualification for driving commercial motor vehicle while intoxicated, etc.

A. The judgment of conviction under any provision of § 46.2-341.24 shall of itself operate to disqualify the person so convicted from the privilege to drive or operate any commercial motor vehicle as provided in § 46.2-341.18. Notwithstanding any other provision of law, such disqualification shall not be subject to any suspension, reduction, limitation or other modification by the court or the Commissioner.

B. A judgment of conviction under any provision of subsection A of § 46.2-341.24, in addition to causing the disqualification under subsection A of this section, shall also operate to deprive the person so convicted of his privilege to drive or operate any motor vehicle as provided in § 18.2-271.

1989, c. 705, § 46.1-372.29.

§ 46.2-341.31. Driving commercial motor vehicle with any alcohol in blood.

No person shall drive a commercial motor vehicle while having any amount of alcohol in his blood, as measured by a test administered pursuant to the provisions of §§ 46.2-341.26:1 through 46.2-341.26:11. Any person found to have so driven a commercial motor vehicle shall be guilty of a traffic infraction.

1989, c. 705, § 46.1-372.29:1; 1990, c. 218; 1992, c. 830.

§ 46.2-341.32. Authority to enter into agreements.

The Department may procure and enter into agreements or arrangements for the purpose of participating in the Commercial Driver License System or any other similar information system established to implement the requirements of the Commercial Motor Vehicle Safety Act, and may procure and enter into other agreements or arrangements to carry out the provisions of this article.

1989, c. 705, § 46.1-372.30.

§ 46.2-341.33. Repealed.

Repealed by Acts 2015, c. 709, cl. 2.

§ 46.2-341.34. Appeals.

Any person denied a commercial driver's license or who has been disqualified from operating a commercial motor vehicle under the provisions of this article is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). No appeal shall lie in any case in which such denial or disqualification was mandatory except to determine the identity of the person concerned when the question of identity is in dispute.

From the final decision of the circuit court, either party shall have an appeal as of right to the Court of Appeals.

While an appeal is pending from the action of the Department disqualifying the person or denying him a license, or from the court affirming the action of the Department, the person aggrieved shall not drive a commercial motor vehicle.

1989, c. 705, § 46.1-372.32.

Article 7 - Form of Licenses; Identity Documents Issued by Department

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection B;

5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. The notation shall remain on the individual's license or card until he

revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the subject's organs or tissues without additional authority from the donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is deaf or hard of hearing or speech impaired, (iii) has a traumatic brain injury, or (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Any request for a traumatic brain injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician.

L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

Code 1950, § 46-370; 1958, c. 541, § 46.1-375; 1962, c. 368; 1968, c. 642; 1972, c. 538; 1976, c. 57; 1979, c. 124; 1982, c. 180; 1983, c. 608; 1984, c. 780; 1989, cc. 139, 705, 727; 1990, c. 159; 1993, cc. 118, 986; 1995, cc. 350, 372; 1997, c. 486; 1998, c. 322; 1999, c. 330; 2000, c. 810; 2001, cc. 148, 157; 2002, cc. 135, 767, 834; 2003, cc. 306, 335; 2005, cc. 259, 828; 2007, cc. 92, 907; 2008, c. 82; 2009, cc. 834, 872; 2010, cc. 25, 55; 2014, c. 702; 2016, cc. 135, 743; 2019, c. 288; 2020, c. 545.

§ 46.2-343. (Effective until January 1, 2021) Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply, unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of five dollars for each duplicate license and two dollars for each duplicate learner's permit. An additional fee of five dollars shall be charged to add or change the scene on a duplicate license or duplicate learner's permit.

There shall be a fee of five dollars for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court. An additional fee of five dollars shall be charged to add or change the scene on a license upon reissuance.

Code 1950, § 46-374; 1958, c. 541, § 46.1-379; 1968, c. 642; 1976, c. 48; 1982, c. 202; 1984, c. 780; 1989, c. 727; 1995, c. 468; 1997, c. 486; 1999, c. 593; 2009, c. 872.

§ 46.2-343. (Effective January 1, 2021) Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply, unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of $5 for each duplicate license and $2 for each duplicate learner's permit.

There shall be a fee of $5 for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court.

Code 1950, § 46-374; 1958, c. 541, § 46.1-379; 1968, c. 642; 1976, c. 48; 1982, c. 202; 1984, c. 780; 1989, c. 727; 1995, c. 468; 1997, c. 486; 1999, c. 593; 2009, c. 872; 2020, c. 1227, 1246.

§ 46.2-344. Temporary driver's permit.

The Department, upon determining, after an examination, that an applicant is mentally, physically, and otherwise qualified to receive a license, may issue to him a temporary driver's permit entitling him, while having the permit in his immediate possession, to drive a motor vehicle on the highways. The

temporary driver's permit shall be valid until receipt of the driver's license but in no case shall be valid for more than 90 days from the date of issuance.

Code 1950, § 46-372; 1958, c. 541, § 46.1-377; 1984, c. 780; 1989, c. 727; 2009, c. 872.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is $2 per year, with a $10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of $5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the

requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

K. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

1973, c. 214, § 46.1-383.3; 1975, c. 549; 1981, cc. 593, 594; 1982, c. 180; 1983, c. 608; 1984, c. 780; 1989, c. 727; 1993, cc. 471, 501; 1997, c. 486; 1998, c. 322; 1999, c. 593; 2002, cc. 767, 834; 2005, cc. 259, 260, 281, 665, 828; 2006, cc. 857, 914; 2009, c. 872; 2012, cc. 215, 222; 2014, c. 702; 2015, c. 167; 2016, cc. 135, 743; 2017, c. 122; 2019, cc. 75, 832; 2020, cc. 544, 829.

§ 46.2-345.1. Repealed.

Repealed by Acts 2018, c. 440, cl. 2.

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, or reissue special identification card without a photograph is $10 per year, with a $20 minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

2019, c. 832; 2020, c. 544.

Article 8 - PROHIBITED USES OF DRIVER'S LICENSES

§ 46.2-346. Unlawful acts enumerated.

A. No person shall:

1. Display, cause or permit to be displayed, or have in his possession any driver's license which he knows to be fictitious or to have been cancelled, revoked, suspended, or altered, or photographed for the purpose of evading the intent of this chapter;

2. Lend to, or knowingly permit the use of by one not entitled thereto, any driver's license issued to the person so lending or permitting the use thereof;

3. Display or represent as his own any driver's license not issued to him;

4. Reproduce by photograph or otherwise, any driver's license, temporary driver's permit, learner's permit, or special identification card issued by the Department with the intent to commit an illegal act;

5. Fail or refuse to surrender to the Department, on demand, any driver's license issued in the Commonwealth or any other state when the license has been suspended, cancelled, or revoked by proper authority in the Commonwealth, or any other state as provided by law, or to fail or refuse to surrender the suspended, cancelled, or revoked license to any court in which a driver has been tried and convicted for the violation of any law or ordinance of the Commonwealth or any county, city, or town thereof, regulating or affecting the operation of a motor vehicle.

B. Any law-enforcement officer empowered to enforce the provisions of this title may retain any driver's license held in violation of this section and shall submit the license to the appropriate court for evidentiary purposes.

Code 1950, § 46-380; 1958, c. 541, § 46.1-384; 1962, c. 368; 1984, c. 780; 1988, c. 323; 1989, c. 727; 2004, c. 722.

§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card to obtain alcoholic beverages; penalties.

Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States Armed Forces identification card; United States passport or foreign government visa; Virginia Department of Motor Vehicles special identification card; official identification issued by any other federal, state or foreign government agency; or official student identification card of an institution of higher education to obtain alcoholic beverages shall be guilty of a Class 3 misdemeanor, and upon conviction of a violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a motor vehicle for a period of not less than 30 days nor more than one year.

1980, c. 519, § 46.1-384.1; 1981, c. 24; 1983, c. 473; 1984, c. 780; 1985, c. 559; 1989, c. 727; 1992, c. 531; 1993, c. 866.

§ 46.2-348. Fraud or false statements in applications for license; penalties.

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud during the driver's license examination, including for a commercial driver's license or commercial learner's permit, or in his application is guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

Code 1950, § 46-381; 1958, c. 541, § 46.1-385; 1981, c. 593; 1984, c. 780; 1989, c. 727; 1993, cc. 471, 501; 2006, cc. 857, 914; 2013, cc. 165, 312, 477, 582; 2014, cc. 77, 803; 2015, c. 258.

§ 46.2-349. Unlawful to permit violations of chapter.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this chapter.

Code 1950, § 46-384; 1958, c. 541, § 46.1-386; 1989, c. 727.

§ 46.2-350. Penalty for violation.

Notwithstanding § 46.2-113, except as otherwise provided any violation of any provision of this chapter not declared to be a felony shall constitute a Class 2 misdemeanor.

Code 1950, § 46-385; 1958, c. 541, § 46.1-387; 1989, c. 727.

Article 9 - HABITUAL OFFENDERS

§§ 46.2-351 through 46.2-355. Repealed.

Repealed by Acts 1999, cc. 945, 987.

§ 46.2-355.1. Intervention required for certain offenders; fee; penalty; notice.

A. Upon receiving notification of a second conviction entered on or after July 1, 1999, for driving while the offender's license, permit or privilege to drive is suspended or revoked in violation of § 46.2-301, the Commissioner shall notify such person that he shall report to a Virginia Alcohol Safety Action Program within sixty days of the date of such notice for intervention. Intervention shall be in accordance with § 18.2-271.1. The program shall provide the Commissioner with information of the offender's compliance.

B. An interview shall be conducted by a representative of a Virginia Alcohol Safety Action Program. The representative shall review all applicable laws with the person attending the interview, provide guidance with respect to budgeting for payment of court fines and costs, if applicable, and explain the laws and the consequences of future offenses and may refer the person to any driver improvement clinic. A fee of thirty dollars shall be paid to the Virginia Alcohol Safety Action Program for attendance at a driver intervention interview. All fees collected by a Virginia Alcohol Safety Action Program shall be used to meet its expenses.

C. The Commissioner shall suspend the driving privilege of any person who fails to complete and pay the required fee for an intervention interview within the sixty-day period. The suspension shall continue until such time as the person has completed and paid for the intervention interview.

D. Notice to report for intervention shall be sent by the Department by certified mail, return receipt requested, to the driver at the last known address supplied by the driver and on file with the Department.

E. Failure of the offender to attend as required or failure of the Department to notify the offender upon the second offense shall not prevent conviction for any subsequent offense committed in violation of § 46.2-301.

1999, cc. 945, 987.

§ 46.2-356. Period during which habitual offender not to be licensed to drive motor vehicle.

No license to drive motor vehicles in Virginia shall be issued to any person determined or adjudicated an habitual offender (i) for a period of ten years from the date of any final order of a court entered under this article or if no such order was entered then the notice of the determination by the Commissioner finding the person to be an habitual offender and (ii) until the privilege of the person to drive a motor vehicle in the Commonwealth has been restored by an order of a court entered in a proceeding as provided in this article.

1968, c. 476, § 46.1-387.7; 1989, c. 727; 1995, c. 799; 1999, cc. 945, 987.

§ 46.2-357. Operation of motor vehicle or self-propelled machinery or equipment by habitual offender prohibited; penalty; enforcement of section.

A. It shall be unlawful for any person determined or adjudicated an habitual offender to drive any motor vehicle or self-propelled machinery or equipment on the highways of the Commonwealth while the revocation of the person's driving privilege remains in effect. However, the revocation

determination shall not prohibit the person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another tract of land used for agricultural purposes, provided that the distance between the said tracts of land is no more than five miles.

B. Except as provided in subsection D, any person found to be an habitual offender under this article, who is thereafter convicted of driving a motor vehicle or self-propelled machinery or equipment in the Commonwealth while the revocation determination is in effect, shall be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. If such driving of itself endangers the life, limb, or property of another or takes place while such person is in violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24, irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24, such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended. For the purposes of this section, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of law herein shall be considered an offense in violation of such provision of law.

3. If the offense of driving while a determination as an habitual offender is in effect is a second or subsequent such offense, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

C. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle or self-propelled machinery or equipment while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing the charge shall determine whether the person has been determined an habitual offender and, by reason of this determination, is barred from driving a motor vehicle or self-propelled machinery or equipment on the highways in the Commonwealth. If the court determines the accused has been determined to be an habitual offender and finds there is probable cause that the alleged offense under this section is a felony, it shall certify the case to the circuit court of its jurisdiction for trial.

D. Notwithstanding the provisions of subdivisions 2 and 3 of subsection B, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to

be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

1968, c. 476, § 46.1-387.8; 1970, c. 507; 1980, c. 436; 1988, c. 559; 1989, c. 727; 1990, c. 828; 1993, c. 677; 1994, c. 50; 1995, c. 799; 1997, cc. 5, 344; 1998, c. 298; 1999, cc. 945, 987; 2000, cc. 956, 982; 2004, c. 461; 2019, c. 618.

§ 46.2-358. Restoration of privilege of driving motor vehicle; when petition may be brought; terms and conditions.

In any case where the provisions of § 46.2-360 or § 46.2-361 do not apply, five years from the date of any final order of a court entered under this article, or if no such order was entered then the notice of the determination by the Commissioner finding a person to be an habitual offender and revoking his privilege to drive a motor vehicle in the Commonwealth, the person may petition the court in which he was found to be an habitual offender, or any court of record in Virginia having criminal jurisdiction in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth. On such petition, and for good cause shown, the court may, upon a finding that such person does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle, (i) restore to the person the privilege to drive a motor vehicle in the Commonwealth on whatever conditions the court may prescribe or (ii) order that the person be issued a restricted license to drive a motor vehicle in the Commonwealth for any of the purposes set forth in and in accordance with the procedures of subsection E of § 18.2-271.1, subject to other provisions of law relating to the issuance of driver's licenses.

1968, c. 476, § 46.1-387.9; 1984, c. 780; 1989, c. 727; 1993, c. 617; 1995, c. 799.

§ 46.2-359. Restoration of driving privilege to certain persons.

Any person eighteen years of age or older who has been adjudged an habitual offender based in whole or in part on findings of not innocent as a juvenile may petition the court in which he was found to be an habitual offender, or any circuit court in Virginia having criminal jurisdiction in the political subdivision in which the person now resides, for restoration of his privilege to operate a motor vehicle in the Commonwealth. On such petition, and for good cause shown, the court may, in its discretion, restore to him the privilege to drive a motor vehicle in the Commonwealth on whatever conditions the court may prescribe, subject to other provisions of law relating to the issuance of driver's licenses.

1968, c. 476, § 46.1-387.2; 1970, cc. 507, 724; 1974, c. 453; 1982, c. 655; 1984, c. 780; 1989, c. 727.

§ 46.2-360. Restoration of privilege of operating motor vehicle; restoration of privilege to persons convicted under certain other provisions of Habitual Offender Act.

Any person who has been found to be an habitual offender where the determination or adjudication was based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351, may petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides to:

1. Restore his privilege to drive a motor vehicle in the Commonwealth, provided that five years have elapsed from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination by the Commissioner. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on whatever conditions the court may prescribe, subject to other provisions of law relating to the issuance of driver's licenses, if the court is satisfied from the evidence presented that: (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drug; and (iii) the person does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of subsection E of § 18.2-271.1. The local Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. Issue a restricted permit to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment, to and from his home to the place of his employment or such other medically necessary travel as the court deems necessary and proper upon written verification of need by a licensed physician, provided that three years have elapsed from the date of the final order, or if no such order was entered then the notice of the determination by the Commissioner. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1, if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs, (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs, and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court may prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The local Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the

court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

In the computation of the five-year and three-year periods under subdivisions 1 and 2 of this section, such person shall be given credit for any period his driver's license was administratively revoked under subsection B of § 46.2-391 prior to the final order or notification by the Commissioner of the habitual offender determination.

A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than thirty days after the petition is filed and served as provided herein.

1976, c. 158, § 46.1-387.9:2; 1977, c. 408; 1987, c. 409; 1989, c. 727; 1990, c. 828; 1993, c. 514; 1994, c. 573; 1995, cc. 486, 799; 1996, c. 374; 1998, c. 749; 1999, cc. 742, 945, 987; 2016, c. 230.

§ 46.2-361. Restoration of privilege after driving while license revoked or suspended for failure to furnish proof of financial responsibility or pay uninsured motorist fee.

A. Any person who has been found to be an habitual offender, where the determination or adjudication was based in part and dependent on a conviction as set out in subdivision 1 c of former § 46.2-351, may, after three years from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination or adjudication by the Commissioner, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth. In no event, however, shall the provisions of this subsection apply when such person's determination or adjudication was also based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351. In such case license restoration shall be in compliance with the provisions of § 46.2-360.

B. Any person who has been found to be an habitual offender, where the determination or adjudication was based entirely upon a combination of convictions of § 46.2-707 and convictions as set out in subdivision 1 c of former § 46.2-351, may, after furnishing proof of (i) financial responsibility and (ii) compliance with the provisions of Article 8 (§ 46.2-705 et seq.) of Chapter 6 or both, if applicable, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth.

C. This section shall apply only where the conviction or convictions as set out in subdivision 1 c of former § 46.2-351 resulted from a suspension or revocation ordered pursuant to (i) former § 46.2-395 for failure to pay fines and costs, (ii) § 46.2-459 for failure to furnish proof of financial responsibility, or (iii) § 46.2-417 for failure to satisfy a judgment, provided that the judgment has been paid in full prior to the time of filing the petition or was a conviction under § 46.2-302 or former § 46.1-351.

D. On any such petition, the court, in its discretion, may restore to the person his privilege to drive a motor vehicle, on whatever conditions the court may prescribe, if the court is satisfied from the evidence presented that the petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle and has furnished proof of financial responsibility, if applicable.

E. A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than 30 days after the petition is filed and served as provided herein.

1984, c. 660, § 46.1-387.9:3; 1985, c. 292; 1987, c. 334; 1989, c. 727; 1992, c. 568; 1993, cc. 291, 518, 687; 1995, c. 799; 1998, c. 749; 1999, cc. 945, 987; 2000, c. 792; 2020, cc. 964, 965.

§ 46.2-362. Appeals.

An appeal to the circuit court may be taken from any final action or order of the general district court under former § 46.2-355 in the same manner and form as provided in §§ 16.1-106 and 16.1-107. An appeal to the Court of Appeals may be taken from any final action or order of a circuit court entered under this article in the same manner and form as such an appeal would be taken in any criminal case.

1968, c. 476, § 46.1-387.10; 1984, c. 703; 1989, c. 727; 1996, c. 414; 1999, cc. 945, 987.

§ 46.2-363. Construction of article.

Nothing in this article shall be construed as amending, modifying, or repealing any existing law of Virginia or any existing ordinance of any political subdivision relating to the driving or licensing of motor vehicles, the licensing of persons to drive motor vehicles, or providing penalties for violations. Nor shall this article preclude the exercise of the regulatory powers of any division, agency, department, or political subdivision of the Commonwealth having the statutory power to regulate driving and licensing.

1968, c. 476, § 46.1-387.11; 1989, c. 727.

Article 10 - DRIVER RESPONSIBILITIES, GENERALLY

§ 46.2-364. Definitions.

For the purposes of this chapter, unless a different meaning is clearly required by the context:

"Conviction" means conviction on a plea of guilty or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended and includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant unless the forfeiture has been vacated, in any case of a charge, the conviction of which requires or authorizes the Commissioner to suspend or revoke the license of the defendant;

"Insured" means the person in whose name a motor vehicle liability policy has been issued, as defined in this section, and any other person insured under its terms;

"Judgment" means any judgment for $350 or more arising out of (i) a civil action filed pursuant to § 15.2-1716 or (ii) a motor vehicle accident because of injury to or destruction of property, including loss of its use, or any judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person arising out of the ownership, use or operation of any motor vehicle, including any judgment for contribution between joint tort-feasors arising out of any motor vehicle accident which occurred within the Commonwealth, except a judgment rendered against the Commonwealth, which has become final by expiration without appeal in the time within which an appeal might be perfected or by final affirmance on appeal rendered by a court of competent jurisdiction of the Commonwealth or any other state or court of the United States or Canada or its provinces;

"Motor vehicle" means 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, on or by which any person or property is or can be transported or drawn on a highway, except devices moved by human or animal power and devices used exclusively on rails or tracks, and vehicles used in the Commonwealth but not required to be licensed by the Commonwealth;

"Motor vehicle liability policy" means an owner's or a driver's policy of liability insurance certified, as provided in this chapter, by an insurance carrier licensed to do business in the Commonwealth or by an insurance carrier not licensed to do business in the Commonwealth on compliance with the provisions of this chapter, as proof of financial responsibility.

Code 1950, § 46-387; 1958, c. 541, § 46.1-389; 1989, c. 727; 1996, cc. 474, 489; 2002, c. 289; 2010, c. 343.

§ 46.2-365. Plaintiff not prevented from relying upon other legal process.

This article shall not prevent the plaintiff in any action at law from relying upon any other process provided by law.

Code 1950, § 46-389; 1958, c. 541, § 46.1-391; 1989, c. 727.

§ 46.2-366. Partial application to certain motor vehicles.

This chapter, except its provisions as to the requirements of making reports of motor vehicle accidents and as to the filing of proof of financial responsibility by a common carrier for its drivers, shall not apply to any motor vehicle:

1. Operated under a certificate of convenience and necessity issued by the State Corporation Commission, if public liability and property damage insurance for the protection of the public is required to be carried on it, or

2. Owned by the Commonwealth.

Code 1950, § 46-390; 1958, c. 541, § 46.1-392; 1989, cc. 705, 727.

§ 46.2-367. Persons included within scope of chapter.

Persons who have, by any law of the Commonwealth, been required to file proof of financial responsibility are included within the scope of this chapter. Persons who have been convicted of violations of any law of the Commonwealth or law of any other state or county, city, or town ordinance of either or a federal law pertaining to the driver or driving of motor vehicles or of violations of any provisions of this title are also included.

Code 1950, § 46-391; 1958, c. 541, § 46.1-393; 1989, c. 727.

§ 46.2-368. Certificate of self-insurance exempts from chapter.

A. This chapter, except §§ 46.2-371 through 46.2-373, shall not apply to any person who has registered in his name in the Commonwealth more than twenty motor vehicles, nor to any person operating more than twenty vehicles whether as owner or as lessee, if the person seeking exemption under this section obtains from the Commissioner a certificate of self-insurance as provided in subsection B of this section.

B. The Commissioner may, in his discretion and on the application of such a person, issue a certificate of self-insurance when he is reasonably satisfied (i) that the person has and will continue to have financial ability to respond to a judgment as provided in this chapter, obtained against the person, arising out of the ownership, maintenance, use, or operation of his motor vehicles and (ii) that the certificate provides for protection against the uninsured or underinsured motorist to the extent required by § 38.2-2206. However, protection against the uninsured or underinsured motorist required under this section shall not exceed the financial requirements of § 46.2-472 and shall be secondary coverage to any other valid and collectible insurance providing the same protection which is available to any person otherwise entitled to assert a claim to such protection by virtue of this section.

C. No holder of a certificate of self-insurance shall be liable to pay any judgment arising out of the use or operation of any motor vehicle covered by such certificate by a person who used or operated the vehicle without the permission of the owner of such vehicle; nor shall any holder of a certificate of self-insurance be liable to pay any judgment arising out of the use or operation of any motor vehicle covered by such certificate by a permissive user of such vehicle, where the permissive user has prejudicially failed to cooperate in the defense of the claim which resulted in the judgment. This sub-

section shall only apply to a holder of a certificate of self-insurance who has provided notice of its intention to rely on the provisions of this subsection as set forth in § 38.2-2226.

D. On due notice and hearing, the Commissioner may, in his discretion and on reasonable grounds, cancel a certificate of self-insurance.

Code 1950, § 46-393; 1958, c. 541, § 46.1-395; 1972, c. 463; 1989, c. 727; 1991, c. 374; 1995, c. 85; 1997, c. 553.

§ 46.2-369. Commissioner to administer and enforce chapter; regulations; summoning witnesses and taking testimony.

The Commissioner shall administer and enforce the provisions of this chapter and he may adopt regulations for its administration. He may issue subpoenas for witnesses to attend, administer oaths, and take testimony in, the hearings provided in this chapter for the purpose of finding whether driver's licenses, license plates, or registrations should be suspended or revoked. If any person fails or refuses to obey the subpoena, or to give testimony, the Commissioner shall notify the circuit or district court of the county or city in which the hearing is or was to have been held. On receipt of the notice, the court shall, by appropriate process, compel his attendance or testimony or both, to the same extent that it could be required in a proceeding in the court.

Code 1950, § 46-394; 1952, c. 670; 1958, c. 541, § 46.1-396; 1984, c. 780; 1989, c. 727.

§ 46.2-370. Revoked driver's licenses, special identification cards, certificates of title, license plates, registration cards to be returned; Commissioner may take possession of them.

A. Any person whose driver's license, special identification card, certificate of title, registration card, or license plates have been suspended, cancelled, or revoked as provided in this title or in Title 18.2 and have not been reinstated, shall immediately return every such license, unless it has been surrendered to the court as required by law, special identification card, certificate of title, registration card, and set of license plates or decals held by him to the Commissioner.

B. The Commissioner may take possession of any driver's license, special identification card, certificate of title, registration card, or set of license plates or decals on their suspension, cancellation, or revocation under the provisions of this title or in Title 18.2 or may direct any law-enforcement officer to take possession of and return them to the office of the Commissioner. Whenever any person fails or refuses to surrender a driver's license, special identification card, certificate of title, registration card, license plates, or decals requiring a representative of the Department designated by the Commissioner to serve the order of suspension, cancellation, or revocation, or whenever the Department directs a sheriff to effect service of a decision, order, or notice pursuant to § 46.2-416, the person sought to be served shall, in addition to any other required statutory fees, pay a fee of ten dollars to partially defray the cost of administration incurred by the Department and the Commissioner. No such revoked, cancelled, or suspended license, special identification card, certificate of title, or registration items shall be reinstated before the ten-dollar fee is paid. All fees collected under the provisions of this

section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-395; 1958, cc. 322, 541, § 46.1-397; 1976, c. 156; 1981, c. 619; 1984, c. 780; 1987, c. 696; 1989, c. 727; 1992, c. 99.

Article 11 - ACCIDENT REPORTS

§ 46.2-371. Driver to give immediate notice of certain accidents.

The driver of any vehicle involved in any accident resulting in injury to or death of any person, or some person acting for him, shall immediately give notice of the accident to a law-enforcement officer. A willful failure to make the report required in this section shall constitute a Class 4 misdemeanor.

Code 1950, § 46-397; 1958, c. 541, § 46.1-399; 1989, c. 727.

§ 46.2-372. Driver to report certain accidents in writing; certification of financial responsibility to Department; supplemental reports; reports by witnesses.

A. Any person involved in an accident (i) resulting in injury to or death of any person or property damage, or (ii) when there is reason to believe a motor vehicle involved in the accident was uninsured at the time of the accident, may make a written report of it to the Commissioner, on a form prescribed by the Department.

B. If any accident report filed pursuant to the provisions of this article is alleged to be false or inaccurate, the Commissioner shall withhold any action under this section or imposition of any penalty and shall investigate and determine the true circumstances of the accident, including a determination of the identity of the parties involved.

C. For the purposes of this article the definitions provided in subsection B of § 38.2-2206 shall apply.

D. The Commissioner shall require the owner of a motor vehicle involved in any accident of which report is made pursuant to this section to provide information relating to certification of insurance or bond if there was in effect at the time of the accident with respect to the motor vehicle involved:

1. A standard provisions automobile liability policy in form approved by the State Corporation Commission and issued by an insurance carrier authorized to do business in the Commonwealth or, if the motor vehicle was not registered in the Commonwealth or was a motor vehicle which was registered elsewhere than in the Commonwealth at the effective date of the policy, or at its most recent renewal, an automobile liability policy acceptable to that Commission as substantially the equivalent of a standard provisions automobile liability policy; in either event, every automobile liability policy is subject to the limits provided in § 46.2-472.

2. Any other form of liability insurance policy issued by an insurance carrier authorized to do business in the Commonwealth or by a bond; provided that every such policy or bond mentioned herein is subject to limits set out in § 46.2-472.

E. The Commissioner shall forward the certification of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether or not the policy or bond certified was applicable to any liability that may arise out of the accident as to the named insured. A copy of the certification of insurance or bond shall be retained by the Commissioner and shall be disclosed pursuant to § 46.2-380.

Code 1950, § 46-398; 1958, c. 541, § 46.1-400; 1966, c. 130; 1972, c. 442; 1974, c. 453; 1975, c. 553; 1978, c. 205; 1979, c. 228; 1982, c. 221; 1986, c. 639; 1989, c. 727.

§ 46.2-373. Report by law-enforcement officer investigating accident.

A. Every law-enforcement officer who in the course of duty investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of $1,500 or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Department. The report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in the accident.

B. Any report filed pursuant to subsection A of this section shall include information as to (i) the speed of each vehicle involved in the accident and (ii) the type of vehicles involved in all accidents between passenger vehicles and vehicles or combinations of vehicles used to transport property, and (iii) whether any trucks involved in such accidents were covered or uncovered.

C. The Department shall supply copies of accident reports received under this section to the Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through 46.2-878 to reduce speed limits where accident frequency or severity or other factors may indicate the course of action to be warranted.

Code 1950, § 46-399; 1958, c. 541, § 46.1-401; 1975, c. 553; 1986, c. 639; 1988, cc. 662, 897; 1989, c. 727; 1992, cc. 149, 413; 2009, c. 1.

§ 46.2-373.1. Report of law-enforcement officer involved in accident.

Notwithstanding the provisions of § 46.2-208, any law-enforcement officer, as defined in § 9.1-101, who is named as a driver in a motor vehicle accident on a report submitted to the Department pursuant to § 46.2-373 shall not have the accident displayed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. The driving record of such law-enforcement officer involved in an accident in the course of his employment shall not contain any information of an accident submitted pursuant to § 46.2-373.

2017, cc. 800, 821.

§ 46.2-374. Department to prepare and supply forms for reports.

The Department shall prepare and, on request, supply to police departments, medical examiners or other officials exercising like functions, sheriffs, and other suitable agencies forms for accident reports

and other reports required to be made to the Department, appropriate with respect to the persons required to make the reports and the purpose to be served. The forms for accident reports shall include suitable spaces for the name or names of the insurance carrier of the automobile liability policy of each vehicle involved in the accidents as required to be reported by § 46.2-373.

Code 1950, § 46-401; 1958, c. 541, § 46.1-403; 1975, c. 553; 1986, c. 639; 1989, c. 727.

§ 46.2-375. Reports by medical examiners of deaths resulting from accidents.

Every person holding the office of medical examiner shall report to the Commissioner: (i) the death of a person in his jurisdiction as a result of a motor vehicle accident, immediately after learning of the death; (ii) on or before the tenth day of each month, all deaths resulting from motor vehicle accidents during the preceding calendar month. These reports shall be made in the form prescribed by the Commissioner.

Code 1950, §§ 46-402, 46-404; 1958, c. 541, § 46.1-404; 1985, c. 10; 1989, c. 727.

§ 46.2-376. Report required of person in charge of garage or repair shop.

The person in charge of any garage or repair shop to which is brought any motor vehicle (i) that shows evidence of having been involved in a serious motor vehicle accident or (ii) with evidence of bloodstains shall report to the nearest police station or to the State Police, within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle if known. Reports required by this section shall be made upon forms furnished by the Superintendent of State Police.

Code 1950, §§ 46-405, 46-406; 1958, c. 541, § 46.1-406; 1989, c. 727.

§ 46.2-377. Reports made by garages to be without prejudice and confidential; exceptions.

All accident reports made by garages pursuant to this article shall be without prejudice to the individual so reporting and shall be for the confidential use of the State Police, local law-enforcement agencies, or by agencies having use for the records for accident prevention purposes.

Code 1950, § 46-407; 1958, c. 541, § 46.1-407; 1986, c. 639; 1989, c. 727.

§ 46.2-378. Extent to which reports may be used as evidence.

No report submitted pursuant to this article shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish, on demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove compliance or noncompliance with the requirement that the report be made to the Department.

Code 1950, § 46-408; 1958, c. 541, § 46.1-408; 1989, c. 727.

§ 46.2-379. Use of crash reports made by investigating officers.

All crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. If otherwise authorized by law, the Department may

disclose from the reports, on request of any person, the date, time, and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer.

Code 1950, § 46-409; 1952, c. 544; 1958, c. 541, § 46.1-409; 1986, c. 639; 1989, c. 727; 2014, cc. 77, 803.

§ 46.2-380. Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period.

A. Any report of a crash made pursuant to § 46.2-372, 46.2-373, 46.2-375, or 46.2-377 shall be maintained by the Department in either hard copy or electronic form for a period of at least 36 months from the date of the crash. The report shall be open to the inspection of (i) any person involved or injured in the crash or as a result thereof, or his attorney, or any person owning a vehicle or property involved in the crash, or his attorney, (ii) any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the crash or to which the person has applied for issuance or renewal of a policy of automobile insurance, or (iii) the FMCSA or any authorized agent thereof. The Commissioner shall, upon written request of the person authorized to inspect the report, furnish a copy of the report, in either hard copy or electronic form, at the expense of the requester. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the crash, including his guardian, conservator, executor, committee, next of kin as defined in § 54.1-2800, or administrator, or, if the person injured or killed is under 18 years of age, his parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a procedure for payment.

B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by a law-enforcement officer relating to a nonfatal crash shall maintain the negatives for or an electronic record of such photographs in their records for at least 36 months from the date of the crash.

Code 1950, § 46-410; 1956, c. 648; 1958, c. 541, § 46.1-410; 1975, c. 21; 1976, c. 40; 1978, c. 829; 1986, c. 639; 1989, cc. 302, 727; 1997, c. 801; 1998, c. 522; 2013, cc. 80, 104; 2015, c. 171; 2019, c. 750; 2020, c. 701.

§ 46.2-381. Accident reports required by county or municipal ordinance; copies.

Any county, city, or town may, by ordinance, require that the driver of a vehicle involved in an accident file with a designated department a report of the accident. These reports shall be for the confidential use of the department and subject to the provisions of this article. The county, city, or town may, by ordinance, require the designated department to make the reports, including the report of the law-enforcement officer, and including any photographs taken by law-enforcement officers, available for inspection by any person involved or injured in the accident or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident. The county, city, or town may, by ordinance, prescribe fees to be charged

for copies of the reports and photographs and require the designated department to furnish copies of the reports and photographs, after payment of the prescribed fees, to any such person, attorney, or authorized representative.

Code 1950, § 46-413; 1954, c. 393; 1956, c. 703; 1958, c. 541, § 46.1-411; 1962, c. 458; 1986, c. 639; 1989, c. 727.

§ 46.2-382. Courts to keep full records of certain cases.

Every general district court or circuit court or the clerk thereof shall keep a full record of every case in which:

1. A person is charged with (i) a violation of any law of the Commonwealth pertaining to the operator or operation of a motor vehicle or commercial motor vehicle; (ii) a violation of any ordinance of any county, city, or town pertaining to the operator or operation of any motor vehicles, except parking regulations; (iii) any theft of a motor vehicle or unauthorized use thereof or theft of any part attached to it; (iv) a violation of § 18.2-36.2, subsection B of § 29.1-738, or § 29.1-738.02, 29.1-738.2, or 29.1-738.4; or (v) a violation or offense involving the use of a motor vehicle or commercial motor vehicle by a person holding a commercial learner's permit or commercial driver's license in the commission of any felony involving manufacturing, distributing, or dispensing a controlled substance or possession with intent to manufacture, distribute, or dispense such controlled substance;

2. A person is charged with manslaughter or any other felony in the commission of which a motor vehicle was used; or

3. There is rendered a judgment for damages, the rendering and nonpayment of which under the terms of this title require the Commissioner to suspend the driver's license and registration in the name of the judgment debtor.

Code 1950, §§ 46-195, 46-414; 1952, c. 188; 1954, c. 168; 1958, c. 541, § 46.1-412; 1966, c. 533; 1984, c. 780; 1989, c. 727; 1998, c. 147; 2005, c. 376; 2019, c. 750.

§ 46.2-382.1. Courts to make findings relating to commercial motor vehicles.

For the purpose of enforcing the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), in any case in which a person is charged with a violation of any law of the Commonwealth or of any ordinance of any county, city or town pertaining to the operator or operation of a motor vehicle, except parking violations, and the warrant or summons indicates that the motor vehicle so operated was a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act, or that it was a commercial motor vehicle carrying hazardous materials as defined by the Virginia Commercial Driver's License Act, the court hearing such case shall make a finding, which shall be noted on the record, as to whether such vehicle was in fact a commercial motor vehicle and, if applicable, whether such vehicle was carrying hazardous materials.

If the offense charged is one in which operation of a commercial motor vehicle is an element of the offense, the conviction of the offense shall constitute the court's finding that the vehicle was a commercial motor vehicle, but a separate finding shall be made as to whether such vehicle was carrying

hazardous materials, if applicable. If the offense charged is one in which operation of a commercial motor vehicle is not an element of the offense, then the court, after convicting the person charged, shall make a separate finding as to whether the vehicle was a commercial motor vehicle and, if applicable, whether it was carrying hazardous materials. The separate findings required by this section shall be noted on the conviction record, and the following procedures shall apply to such separate findings:

1. If the person charged prepays fines and costs pursuant to § 19.2-254.1, he shall be deemed to have admitted that such motor vehicle was a commercial motor vehicle and, if applicable, that it carried hazardous materials at the time of the violation, as indicated on the warrant or summons, and such admission or admissions shall be noted on the conviction record as the court's finding.

2. In all other cases, the Commonwealth shall have the burden of proving by a preponderance of the evidence that the vehicle was a commercial motor vehicle and, if applicable, that it carried hazardous materials.

1989, c. 705, § 46.1-412.1.

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.
A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1, (ii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, (iii) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, (iv) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (v) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after such conviction, forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final. No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving

and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

D. The Code section and description of an offense referenced in an abstract for any juvenile adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision 1 of § 46.2-382, or any other provision of law that does not involve an offense referenced in subsection A or an offense involving the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.

Code 1950, §§ 46-195, 46-414; 1952, c. 188; 1954, c. 168; 1958, c. 541, § 46.1-413; 1960, c. 179; 1966, c. 376; 1968, c. 335; 1972, c. 406; 1976, cc. 28, 336, 505; 1978, c. 134; 1979, c. 594; 1988, cc. 770, 852; 1989, cc. 705, 727; 2002, c. 258; 2013, c. 263; 2015, c. 478; 2020, cc. 964, 965.

§ 46.2-384. Law-enforcement officers arresting drivers for certain offenses to request abstracts or transcripts of drivers' conviction records.

Every law-enforcement officer who has arrested any person for (i) driving while under the influence of intoxicants or drugs in violation of § 18.2-51.4 or § 18.2-266 or a parallel local ordinance, or § 46.2-341.24, (ii) reckless driving in violation of §§ 46.2-852 through 46.2-865 or a parallel local ordinance, (iii) failure to stop at the scene of an accident in violation of §§ 46.2-894 through 46.2-899 or a parallel local ordinance or (iv) driving without a license or while his license has been suspended or revoked in violation of § 18.2-51.4 or § 18.2-272, or §§ 46.2-300 through 46.2-302 or a parallel local ordinance or while he is disqualified in violation of § 46.2-341.21 of the Commercial Vehicle Driver's License Act (§ 46.2-341.1 et seq.), shall request from the Department an abstract or transcript of the person's driver's conviction record on file at the Department. The Department shall furnish the abstract or transcript to the attorney for the Commonwealth of the jurisdiction in which the case will be heard, to be held available for the court in which the person is to be tried for the violation or charge. However, the failure of the attorney for the Commonwealth to receive the abstract or transcript in any case shall not constitute grounds for the granting of a continuance of such case. In any such prosecution wherein a necessary element of the offense charged is that the defendant was previously convicted of the same or similar offense, a copy, certified as provided in § 46.2-215, of (1) the abstract of the relevant prior conviction, certified as provided in § 46.2-386, or (2) that portion of the transcript relating to the relevant prior conviction, shall be prima facie evidence of the facts stated therein with respect to the prior offense.

1968, c. 335, § 46.1-413.1; 1976, c. 148; 1984, c. 780; 1988, c. 413; 1989, cc. 705, 727; 1992, c. 838; 1997, c. 691.

§ 46.2-385. Prosecuting attorneys to appear in certain cases.

If requested by the judge trying the case, attorneys for the Commonwealth and all city and town attorneys whose general duties include the prosecution of offenses which are reportable by the courts to the Department under § 46.2-383, shall appear on behalf of the Commonwealth or the locality in any contested criminal case wherein a resulting conviction is required to be reported to the Department under § 46.2-383.

The failure of the attorney to appear shall, in no case, affect the validity of any conviction.

1968, c. 640, § 46.1-413.2; 1989, c. 727.

§ 46.2-386. Forms for and information to be contained in abstracts; certification.

Abstracts required by § 46.2-383 shall be made on forms prepared by or approved by the Department and the Department of State Police. They shall include all information as to the parties to the case. In the event the abstract relates to a person convicted or found not innocent of a charge described in subdivision 1 or 2 of § 46.2-382, it shall include the nature and date of the offense, the date of conviction or finding of not innocent, the plea, the judgment, the penalty or forfeiture as the case may be, and the driver's license number if any, the month, day and year of birth, the sex and the residence address or whereabouts of the defendant and shall indicate whether the defendant appeared and was represented by or waived counsel. Every such abstract shall be certified by the general district court or juvenile and domestic relations district court judge or clerk of the general district court or juvenile and domestic relations district court or clerk of a circuit court as a true abstract of the records of the court as it relates to the charge, judgment and penalty.

Abstracts transmitted to the Department by electronic means may be certified by machine imprint of the name of the general district court or juvenile and domestic relations district court judge or the clerk's name of the general district court or juvenile and domestic relations district court or the name of the clerk of the circuit court that furnished the record as a true abstract of the records of the court as it relates to the charge, judgment, and penalty.

Code 1950, § 46-196; 1958, c. 541, § 46.1-414; 1968, c. 151; 1984, c. 780; 1986, c. 607; 1989, c. 727; 1992, c. 838.

§ 46.2-387. Penalty for failure to forward record of conviction or of judgment for damages.

Any person required to forward to the Commissioner a record of a conviction or of a judgment for damages as provided in this chapter who fails, refuses, or neglects so to do without reasonable cause shall be guilty of a Class 4 misdemeanor and may be suspended or removed from office or otherwise disciplined for dereliction of duty.

The Commissioner shall call every such failure to the attention of the person guilty of the dereliction and to the judge of the court of which he is an officer in cases of dereliction on the part of officers of courts and also to the appropriate attorney for the Commonwealth.

Discipline for dereliction of the duties provided by this chapter is cumulative to the other penalties prescribed and may be imposed by the court having jurisdiction over the official whose negligence is complained of.

Code 1950, § 46-415; 1958, c. 541, § 46.1-416; 1989, c. 727.

§ 46.2-388. Uniform summons to be used for reportable motor vehicle law violations; citations.

A. The Attorney General, after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner, shall approve a form for the summons to be issued in either an electronic or paper format and all revisions to the form to be used by all law-enforcement officers throughout the Commonwealth in cases of motor vehicle law violations reportable to the Department under the provisions of §§ 46.2-382 and 46.2-383 and for other offenses charged on a summons pursuant to § 19.2-74. The commencement and termination date for the use of the form and each revised version of the form shall be made by the Attorney General after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner. The law-enforcement agency issuing the summons shall determine whether to use an electronic or paper format.

The form of the summons shall include multiple copies with the original to be used for court records and other copies in sufficient number to permit the use of one copy by the courts for purposes of filing abstracts of records with the Department as required by § 46.2-383 and shall be a form prepared by the Department within the meaning of § 46.2-386. The form of the summons shall also include appropriate space for use in cases of violation of either state laws or local ordinances.

B. A separate citation which has been approved in the manner prescribed in subsection A shall be used for violations of §§ 46.2-1122 through 46.2-1127 and 46.2-1130. The citation shall be directed to the owner, operator or other person responsible for the overweight violation, and shall advise him of:

1. The nature of the violation charged against him;

2. The amount of monetary fees, penalties, and damages that may be assessed for violations;

3. The requirement that he either pay the fees, penalties, and damages in full or deliver a notice of his intent to contest the charge to the Department;

4. The procedures and time limits for making the payments or contesting such charge, which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and

5. The consequences of a failure to timely pay or contest the charge.

C. A separate citation that has been approved in the manner prescribed in subsection A shall be used for violations of § 46.2-613.1. The citation shall be directed to the owner, operator, or other person responsible for the violation and shall advise him of:

1. The nature of the violation charged against him;

2. The amount of monetary fees and penalties that may be assessed for violations;

3. The requirement that he either pay the fee and penalties in full or deliver a notice of his intent to contest the charge to the Department;

4. The procedures and time limits for making the payments or contesting such charge which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and

5. The consequences of a failure to timely pay or contest the charge.

1968, c. 712, § 46.1-416.1; 1977, cc. 81, 585; 1984, c. 24; 1986, c. 588; 1989, c. 727; 2005, c. 589; 2011, cc. 62, 73.

Article 12 - SUSPENSION AND REVOCATION OF LICENSES, GENERALLY; ADDITIONAL PENALTIES

§ 46.2-389. Required revocation for one year upon conviction or finding of guilty of certain offenses; exceptions.

A. The Commissioner shall forthwith revoke, and not thereafter reissue for a period of time specified in subsection B, except as provided in § 18.2-271 or § 18.2-271.1, the driver's license of any resident or nonresident on receiving a record of his conviction or a record of his having been found guilty in the case of a juvenile of any of the following crimes, committed in violation of a state law or a valid county, city, or town ordinance or law of the United States, or a law of any other state, substantially paralleling and substantially conforming to a like state law and to all changes and amendments of it:

1. Voluntary or involuntary manslaughter resulting from the driving of a motor vehicle;

2. Violation of § 18.2-266 or § 18.2-272, or subsection A of § 46.2-341.24 or violation of a substantially similar local ordinance;

3. Perjury or the making of a false affidavit to the Department under this chapter or any other law of the Commonwealth requiring the registration of motor vehicles or regulating their operation on the highways;

4. The making of a false statement to the Department on any application for a driver's license;

5. Any crime punishable as a felony under the motor vehicle laws of the Commonwealth or any other felony in the commission of which a motor vehicle is used;

6. Failure to stop and disclose his identity at the scene of the accident, on the part of a driver of a motor vehicle involved in an accident resulting in the death of or injury to another person; or

7. Violation of § 18.2-36.1 or § 18.2-51.4.

B. Upon conviction of an offense set forth in subsection A, the person's driver's license shall be revoked for one year; however, for a violation of subdivision A 1 or A 7, the driver's license shall be revoked as provided in subsection B of § 46.2-391. However, in no such event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by a court to do so unless the requirement for completion of the program has been waived by the court for good cause shown.

Code 1950, § 46-416; 1958, cc. 496, 541, § 46.1-417; 1960, c. 364; 1966, c. 238; 1974, c. 453; 1976, cc. 612, 691; 1982, c. 301; 1984, c. 780; 1988, c. 860; 1989, cc. 705, 727; 1990, c. 949; 1992, cc. 109, 891; 1997, cc. 486, 691; 1999, cc. 945, 987; 2000, cc. 956, 959, 982, 985.

§ 46.2-390. Required suspension for conviction of theft or unauthorized use of a motor vehicle.
When any person is convicted, or found guilty in the case of a juvenile, of any theft of a motor vehicle or its unauthorized use, or the theft of any of its parts, whether the motor vehicle is used in the commission of a theft or not, then in addition to any penalties provided by law, the driver's license of the person shall be suspended by the court for a period of not less than sixty days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with § 46.2-398. If the conviction is a second or subsequent offense, the license shall be suspended at least sixty days and not more than one year, and the court shall transmit the license to the Department as provided by law. If the person has not obtained a license as required by this chapter, or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period to coincide with the judgment of the court. This section shall not apply in the event that the theft is one in which the revocation of the license of any person is required under the provisions of subdivision 5 of § 46.2-389. Sections 46.2-391.1 and 46.2-411 shall not apply to any person whose license is suspended under this section.

1966, c. 533, § 46.1-417.1; 1984, c. 780; 1988, c. 860; 1989, c. 727; 1992, c. 109.

§ 46.2-390.1. Repealed.
Repealed by Acts 2020, cc. 740 and 741 cl. 2.

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege.
A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted license as provided in subsection E of § 18.2-271.1, he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an

alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1 or 18.2-51.4 or a felony violation of § 18.2-266 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24 or 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B of this section may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that: (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program which shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection

E of § 18.2-271.1, if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 of this subsection need only be satisfied once as to any single revocation under subsection B of this section for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court

trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions 2 and 3 of subsection D, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B, or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, shall be guilty of a violation of § 18.2-272.

Code 1950, § 46-417; 1958, c. 541, § 46.1-421; 1960, c. 364; 1964, c. 194; 1968, c. 561; 1976, cc. 359, 612, 691; 1983, c. 504; 1984, cc. 658, 673, 780; 1987, c. 409; 1989, cc. 705, 727; 1990, c. 949; 1994, c. 573; 1995, c. 486; 1997, cc. 691, 706; 1999, cc. 945, 987; 2000, cc. 243, 956, 958, 959, 980, 982, 985; 2001, c. 739; 2004, cc. 461, 937, 951; 2013, cc. 415, 655; 2016, c. 230; 2019, c. 618.

§ 46.2-391.01. Administrative enforcement of ignition interlock requirements.

If the court, as a condition of license restoration or as a condition of a restricted license under subsection C or D of § 18.2-271.1 or § 46.2-391, or when required by § 18.2-270.1, fails to prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system, the Commissioner shall enforce the requirements relating to installation of such systems in accordance with the provisions of § 18.2-270.1.

2001, c. 739; 2002, c. 811; 2014, c. 707; 2015, c. 729.

§ 46.2-391.1. Suspension of registration certificates and plates upon suspension or revocation of driver's license.

Whenever the Commissioner, under the authority of law of the Commonwealth, suspends or revokes the driver's license of any person upon receiving record of that person's conviction, the Commissioner shall also suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name. The Commissioner shall not suspend such registration certificates or license plates in the event that such person has previously given or gives and thereafter maintains proof of his financial responsibility in the future, in the manner specified in this chapter, with respect to each and every motor vehicle owned and registered by such person. In this event it shall be lawful for said vehicle or vehicles to be operated during this period of suspension by any duly licensed driver when so authorized by the owner.

1992, c. 109; 1994, cc. 841, 945; 2020, cc. 964, 965.

§ 46.2-391.2. Administrative suspension of license or privilege to operate a motor vehicle.

A. If a breath test is taken pursuant to § 18.2-268.2 or any similar ordinance or § 46.2-341.26:2 and (i) the results show a blood alcohol content of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath, or (ii) the results, for persons under 21 years of age, show a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath or (iii) the person refuses to submit to the breath or blood test in violation of § 18.2-268.3 or any similar ordinance or § 46.2-341.26:3, and upon issuance of a petition or summons, or upon issuance of a warrant by the magistrate, for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1, or any similar ordinance, or § 46.2-341.24 or upon the issuance of a warrant or summons by the magistrate or by the arresting officer at a medical facility for a violation of § 18.2-268.3, or any similar ordinance, or § 46.2-341.26:3, the person's license shall be suspended immediately or in the case of (a) an unlicensed person, (b) a person whose license is otherwise suspended or revoked, or (c) a person whose driver's license is from a jurisdiction other than the Commonwealth, such person's privilege to operate a motor vehicle in the Commonwealth shall be suspended immediately. The period of suspension of the person's license or privilege to drive shall be seven days, unless the petition, summons or warrant issued charges the person with a second or subsequent offense. If the person is charged with a second offense the suspension shall be for 60 days. If not already expired, the period of suspension shall expire on the day and time of trial of the offense charged on the petition, summons or warrant, except that it shall not so expire during the first seven days of the suspension. If the person is charged with a third or subsequent offense, the suspension shall be until the day and time of trial of the offense charged on the petition, summons or warrant.

A law-enforcement officer, acting on behalf of the Commonwealth, shall serve a notice of suspension personally on the arrested person. When notice is served, the arresting officer shall promptly take possession of any driver's license held by the person and issued by the Commonwealth and shall promptly deliver it to the magistrate. Any driver's license taken into possession under this section shall be forwarded promptly by the magistrate to the clerk of the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made together with any

petition, summons or warrant, the results of the breath test, if any, and the report required by subsection B. A copy of the notice of suspension shall be forwarded forthwith to both (1) the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made and (2) the Commissioner. Transmission of this information may be made by electronic means.

The clerk shall promptly return the suspended license to the person at the expiration of the suspension. Whenever a suspended license is to be returned under this section or § 46.2-391.4, the person may elect to have the license returned in person at the clerk's office or by mail to the address on the person's license or to such other address as he may request.

B. Promptly after arrest and service of the notice of suspension, the arresting officer shall forward to the magistrate a sworn report of the arrest that shall include (i) information which adequately identifies the person arrested and (ii) a statement setting forth the arresting officer's grounds for belief that the person violated § 18.2-51.4, 18.2-266, or 18.2-266.1, or a similar ordinance, or § 46.2-341.24 or refused to submit to a breath or blood test in violation of § 18.2-268.3 or a similar ordinance or § 46.2-341.26:3. The report required by this subsection shall be submitted on forms supplied by the Supreme Court.

C. Any person whose license or privilege to operate a motor vehicle has been suspended under subsection A may, during the period of the suspension, request the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made to review that suspension. The court shall review the suspension within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting officer did not have probable cause for the arrest, that the magistrate did not have probable cause to issue the warrant, or that there was not probable cause for issuance of the petition, the court shall rescind the suspension, or that portion of it that exceeds seven days if there was not probable cause to charge a second offense or 60 days if there was not probable cause to charge a third or subsequent offense, and the clerk of the court shall forthwith, or at the expiration of the reduced suspension time, (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked, (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded or reduced, and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded or reduced. Otherwise, the court shall affirm the suspension. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the suspension or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

D. If a person whose license or privilege to operate a motor vehicle is suspended under subsection A is convicted under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-266.1 or subdivision A 1 or B 1 of § 18.2-268.3, or any similar ordinance, or § 46.2-341.24 during the suspension imposed by subsection A, and if the court decides to issue the person a restricted permit under subsection E of § 18.2-271.1 or subsection E of § 18.2-268.3, such restricted permit shall not be issued to the person before the expiration of the first seven days of the suspension imposed under subsection A.

1994, cc. 359, 363; 1996, cc. 865, 1007; 1997, c. 691; 2001, c. 779; 2003, c. 605; 2004, cc. 937, 960; 2005, cc. 757, 840; 2014, c. 707; 2017, c. 623; 2020, c. 341.

§ 46.2-391.3. Content of notice of suspension.

A notice of suspension issued pursuant to § 46.2-391.2 shall clearly specify (i) the reason and statutory grounds for the suspension, (ii) the effective date and duration of the suspension, (iii) the right of the offender to request a review of that suspension by the appropriate district court of the jurisdiction in which the arrest was made, and (iv) the procedures for requesting such a review.

1994, cc. 359, 363.

§ 46.2-391.4. When suspension to be rescinded.

Notwithstanding any other provision of § 46.2-391.2, a subsequent dismissal or acquittal of all the charges under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-268.3, or any similar ordinances, or § 46.2-341.24 or 46.2-341.26:3 for the same offense for which a person's driver's license or privilege to operate a motor vehicle was suspended under § 46.2-391.2 shall result in the immediate rescission of the suspension. In any such case, the clerk of the court shall forthwith (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked; (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded; and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded.

1994, cc. 359, 363; 1997, c. 691; 2005, cc. 757, 840; 2017, c. 623.

§ 46.2-391.5. Preparation and distribution of forms.

The Supreme Court shall develop policies and regulations pertaining to the notice of suspension under subsection A of § 46.2-391.2 and the notice that the suspension has been rescinded under subsection C of § 46.2-391.2 and § 46.2-391.4, and shall furnish appropriate forms to all law-enforcement officers and district courts, respectively.

1994, cc. 359, 363.

§ 46.2-392. Suspension of license or issuance of a restricted license on conviction of reckless or aggressive driving; probationary conditions required; generally.

In addition to the penalties for reckless driving prescribed in § 46.2-868 and the penalties for aggressive driving prescribed in § 46.2-868.1, the court may suspend the driver's license issued to a person convicted of reckless driving or aggressive driving for a period of not less than 10 days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398.

Additionally, any person convicted of a reckless driving offense which the court has reason to believe is alcohol-related or drug-related may be required as a condition of probation or otherwise to enter into and successfully complete an alcohol safety action program. If the court suspends a person's driver's license for reckless driving and requires the person to enter into and successfully complete an alcohol safety action program, the Commissioner shall not reinstate the driver's license of the person until receipt of certification that the person has enrolled in an alcohol safety action program.

If a person so convicted has not obtained the license required by this chapter, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than 10 days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

Code 1950, § 46-210; 1950, p. 691; 1952, Ex. Sess., c. 16; 1958, c. 541, § 46.1-422; 1981, c. 237; 1989, c. 727; 1996, c. 615; 2000, c. 342; 2001, cc. 645, 779; 2004, c. 361; 2007, c. 432.

§ 46.2-393. Suspension of license on conviction of certain reckless offenses; restricted licenses.
A. When any person is convicted of reckless driving as provided in §§ 46.2-853 through 46.2-864, in addition to any penalties provided by law, the driver's license of the person may be suspended by the court for a period of not less than 60 days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. If the person so convicted has not obtained a license required by this chapter or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period of not less than 60 days nor more than six months.

B. The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall forward to the Commissioner a copy of its order entered pursuant to this section, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

Code 1950, § 46-209.1; 1954, c. 401; 1958, c. 541, § 46.1-423; 1960, c. 200; 1966, c. 694; 1974, c. 453; 1984, c. 780; 1989, c. 727; 2004, c. 115; 2005, c. 152.

§ 46.2-394. Revocation of license for fourth conviction of certain offenses.

If any person is convicted four times of a violation of §§ 46.2-865, 46.2-894, or § 46.2-895, or any substantially similar ordinance or law of any other jurisdiction, the court shall revoke his driver's license for five years.

1962, c. 424, § 46.1-423.2; 1984, c. 780; 1989, c. 727; 1997, c. 691; 2000, cc. 956, 982.

§ 46.2-395. Repealed.

Repealed by Acts 2020, cc. 964 and 965, cl. 2.

§ 46.2-396. Suspension of license for reckless driving resulting in death of any person.

When any person is convicted of reckless driving as provided for in §§ 46.2-853 through 46.2-864 and the reckless driving was the cause of the death of any person, then in addition to any other penalties provided by law, the driver's license of the person may be suspended by the court for no more than twelve months. In case of conviction the court may order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. If the person so convicted has not obtained a license required by this chapter or is a nonresident, the court may direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period not to exceed twelve months. The fact of the suspension shall not be admissible as evidence in any related civil proceeding.

1976, c. 320, § 46.1-423.4; 1984, c. 780; 1989, c. 727.

§ 46.2-396.1. Conviction of serious driving offense.

Upon the conviction of a traffic offense that causes the death of any person and which (i) the Commissioner has designated a serious traffic offense, a relatively serious traffic offense, or a traffic offense of a less serious nature under § 46.2-492 or (ii) constitutes any criminal offense in this title, the court may suspend the driver's license of the person convicted for not more than twelve months, in

addition to any other penalties provided by law and may order the surrender of his license to the court to be disposed of in accordance with § 46.2-398. In those cases where the court determines it is appropriate, the court may provide that any individual whose license is suspended pursuant to this section be issued a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1 during the term of suspension. If the convicted driver does not have a driver's license, as defined in § 46.2-100, or is a nonresident, the court may order the driver not to drive any motor vehicle in the Commonwealth for not more than twelve months.

2002, c. 849.

§ 46.2-397. Suspension of license for certain violations while transporting explosives, inflammable gas or liquid.

When the driver of any motor vehicle is convicted of any violation of §§ 46.2-816, 46.2-820 through 46.2-823, 46.2-825, 46.2-826 or §§ 46.2-852 through 46.2-864, or of any of the applicable speed limits prescribed in §§ 46.2-870 through 46.2-878 and the violation was committed while driving a motor vehicle, tractor truck, trailer, or semitrailer, transporting explosives or any inflammable gas or liquid, in addition to any penalty imposed, the court may suspend the driver's license of the convicted person for a period of ninety days from the date of conviction.

Code 1950, § 46-197.2; 1954, c. 377; 1958, c. 541, § 46.1-424; 1984, c. 780; 1989, c. 727.

§ 46.2-398. Disposition of surrendered licenses on revocation or suspension.

In any case in which the accused is convicted of an offense, on the conviction of which the law requires or permits revocation or suspension of the driver's license of the person so convicted, the court shall order the surrender of such license, which shall remain in the custody of the court during the period of revocation or suspension if the period does not exceed 30 days.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in a court not of record, the license shall remain in the custody of that court (i) until the time allowed by law for an appeal to the circuit court has elapsed, when it shall be forwarded to the Commissioner, or (ii) until an appeal to the circuit court is noted, at which time it shall be returned to the accused.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in the circuit court, the circuit court shall forward the license to the Commissioner forthwith upon the conviction.

For any revocation or suspension of a privilege to drive in Virginia of a person who does not have a Virginia driver's license but who does have a valid driver's license from another jurisdiction, the court shall not order the physical surrender of such license.

Code 1950, § 46-195.1; 1952, c. 66; 1958, c. 541, § 46.1-425; 1973, c. 164; 1977, c. 585; 1982, c. 673; 1984, c. 780; 1989, c. 727; 2005, c. 943; 2011, c. 271.

§ 46.2-398.1. Issuance of restricted driver's privilege to out-of-state licensees.

When the operator of any motor vehicle who is not licensed to drive in Virginia, but who has a valid driver's license from another jurisdiction, is convicted in Virginia of any violation for which license

suspension and issuance of a restricted license to a Virginia driver is authorized, the court may issue him a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license. The court order, and any writing or communication setting forth the person's restricted privilege, shall include clear language indicating that the person is not a licensed Virginia driver.

2010, c. 493.

§ 46.2-399. Revocation of license for improper use or failure to pay certain taxes.

The Department shall revoke a driver's license whenever the person to whom the license has been issued makes or permits to be made an unlawful use of it or permits the use of it by a person not entitled to it or fails or refuses to pay within the time prescribed by law, any lawful taxes due the Commonwealth imposed under Chapter 27 of Title 58.1.

Code 1950, § 46-379; 1958, c. 541, § 46.1-426; 1984, c. 780; 1989, c. 727.

§ 46.2-400. Suspension of license of person not competent to drive; restoration of license; duty of clerk of the court.

A. The Commissioner, on receipt of notice from a court, shall suspend the license of any person who has been legally adjudged to be incapacitated in accordance with Article 1 (§ 64.2-2000 et seq.) of Chapter 20 of Title 64.2. No driver's license shall be issued to any applicant who has previously been adjudged incapacitated and not competent to drive unless, at the time of such application, (i) the applicant has been adjudged restored to capacity by judicial decree or has a court order restoring or retaining the privilege to drive and (ii) the Department is satisfied that the applicant is competent to drive a motor vehicle with safety to persons and property pursuant to § 46.2-322 or 46.2-325. The clerk of the court in which the adjudication is made shall send a certified copy or abstract of such adjudication to the Commissioner.

B. The Commissioner shall not suspend the license or prior privilege to drive of any person legally adjudged to be incapacitated in accordance with Article 1 (§ 64.2-2000 et seq.) of Chapter 20 of Title 64.2, where the court order specifically permits such person to retain his driver's license or the privilege to drive or to apply for such license. In such case, the clerk of the court in which the adjudication is made shall not send a copy of the order to the Commissioner. However, a court may order any person adjudicated legally incapacitated to submit to an examination pursuant to § 46.2-322 or 46.2-325. In such case, the clerk of the court shall forward a copy of the order requiring an examination to the Department. Upon completion of the examination, the Department shall take whatever action may be appropriate and may (i) suspend the license or privilege to drive a motor vehicle in the Commonwealth, (ii) permit the examinee to retain his license or privilege to drive a motor vehicle in the Commonwealth, or (iii) issue a license subject to the restrictions authorized by § 46.2-329.

C. Upon receipt of notice that a person has been discharged from a facility operated or licensed by the Department of Behavioral Health and Developmental Services and is, in the opinion of the authorities of the facility, not competent because of mental illness, intellectual disability, alcoholism, or drug addiction to drive a motor vehicle with safety to persons or property, the Commissioner shall forthwith

suspend his license; however he shall not suspend the license if the person has been adjudged competent by judicial order or decree. The Commissioner shall require any person whose license has been suspended pursuant to this subsection to submit to an examination pursuant to § 46.2-322 or 46.2-325.

In any case in which the person's license has been suspended prior to his discharge, it shall not be returned to him unless the Commissioner is satisfied, after an examination pursuant to § 46.2-322 or 46.2-325, that the person is competent to drive a motor vehicle with safety to persons and property.

The facility operated or licensed by the Department of Behavioral Health and Developmental Services shall send the necessary information to the Commissioner to initiate the examination process pursuant to § 46.2-322 or 46.2-325.

D. Notwithstanding any other provision of law, the Department reserves the right to examine any licensed driver, any person applying for a driver's license or renewal thereof, or any person whose license has been suspended or revoked to determine his fitness to drive a motor vehicle pursuant to § 46.2-322 or 46.2-325.

Code 1950, § 46-418; 1950, p. 949; 1954, c. 213; 1958, cc. 154, 541, § 46.1-427; 1964, c. 230; 1987, c. 413; 1988, c. 78; 1989, c. 727; 1997, c. 921; 2009, cc. 813, 840; 2012, cc. 476, 507; 2017, c. 156.

§ 46.2-401. Reports to Commissioner of discharge of individuals from state facilities.

Whenever practicable, at least 10 days prior to the time when any individual is to be discharged from any facility operated or licensed by the Department of Behavioral Health and Developmental Services, if the mental condition of the individual is, because of mental illness, intellectual disability, alcoholism, or drug addiction, in the judgment of the director or chief medical officer of the facility such as to prevent him from being competent to drive a motor vehicle with safety to persons and property, the director or chief medical officer shall forthwith report to the Commissioner, in sufficient detail for accurate identification, the date of discharge of the individual, together with a statement concerning his ability to drive a motor vehicle.

Code 1950, § 46-419; 1954, c. 293; 1958, c. 541, § 46.1-429; 1964, c. 230; 1987, c. 413; 1989, c. 727; 2009, cc. 813, 840; 2012, cc. 476, 507.

§ 46.2-402. When Commissioner may suspend or revoke license for not more than one year after hearing.

A. The Commissioner may, after due hearing, after giving not less than five days' written notice by registered letter to the most recent address of the driver on file at the Department, suspend or revoke for not more than one year and not thereafter reissue during the period of suspension or revocation the Virginia driver's license issued to any person whenever it is satisfactorily proved at the hearing conducted by the Commissioner or other personnel of the Department designated by him, that the licensee under charges:

1. Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or in serious property damage,

2. Is incompetent to drive a motor vehicle,

3. Suffers from mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle on the highways,

4. Is habitually a reckless or negligent driver of a motor vehicle, or

5. Has committed a serious violation of the motor vehicle laws of this Commonwealth.

B. The Commissioner, in determining the propriety of suspending or revoking a license as provided in this section, may take into consideration facts and conditions antedating the issuance of the current license.

Code 1950, § 46-420; 1958, c. 541, § 46.1-430; 1984, c. 780; 1989, c. 727; 1996, cc. 943, 994.

§ 46.2-403. Contents of notice of hearing.

A. The notice of a hearing when mailed to any person, as provided in § 46.2-402 shall contain:

1. A specific statement of the alleged offense or offenses or other grounds for suspension or revocation of the license, including the date, time and place thereof when applicable;

2. The date, time and place of the hearing;

3. The names and addresses of all known witnesses whose testimony is proposed to be taken at the hearing;

4. As to any record of conviction of any offense which is to be offered as evidence, the date of the conviction and the court in which the same was had.

B. If these requirements are complied with it shall be sufficient regardless of whether the licensee appeared and regardless of whether the notice was ever received.

Code 1950, § 46-421; 1952, c. 544; 1958, c. 541, § 46.1-431; 1989, c. 727.

§ 46.2-404. Where and before whom hearing held.

The hearing shall be in the county or city where the licensee resides or in the county or city in which the licensee works or, with the consent of the licensee, in any other county or city to which the county or city of his residence is contiguous. The hearing shall be before the Commissioner or any of the personnel of the Department designated by him.

Code 1950, § 46-422; 1958, c. 541, § 46.1-432; 1978, c. 563; 1980, c. 10; 1989, c. 727.

§ 46.2-405. How hearings to be conducted.

A. In any such hearing all relevant and material evidence shall be received, except that: (i) the rules relating to privileged communications and privileged topics shall be observed; (ii) hearsay evidence shall be received only according to the rules of evidence prevailing in courts of record; and (iii) secondary evidence of the contents of a document shall be received only if the original is not readily available.

B. All reports of inspectors and subordinates of the Department and other records and documents in the possession of the Department bearing on the case subject to the provisions of subsection A of this section shall be introduced at the hearing. Any certified copy of any conviction forwarded to the Commissioner under the provisions of § 46.2-383, shall be prima facie evidence of the conviction, and may be introduced in evidence.

C. Subject to the provisions of subsection A of this section, every party shall have the right to cross-examine adverse witnesses and any inspector or subordinate of the Department whose report is in evidence, and to submit rebuttal evidence.

D. The decision shall be based only on evidence received at the hearing and matters of which a court of record could take judicial notice.

Code 1950, § 46-422.1; 1952, c. 544; 1958, c. 541, § 46.1-433; 1989, c. 727.

§ 46.2-406. Appointment and authority of hearing officers.

The Commissioner may appoint one or more persons to conduct the hearings provided for in this title. The hearing officers are hereby authorized to administer oaths, take acknowledgments and affidavits, take testimony and depositions, and perform other duties which are incidental to conducting the hearings.

1958, c. 541, § 46.1-434; 1989, c. 727.

§ 46.2-407. Form and contents of decision; copies.

Any decision or order of the Commissioner to be valid must be reduced to writing and contain the explicit findings of fact and conclusions of law upon which the decision or order of the Commissioner is based. Certified copies of the decision or order shall be delivered to any party affected by it.

Code 1950, § 46-422.2; 1952, c. 544; 1958, c. 541, § 46.1-435; 1989, c. 727.

§ 46.2-408. When Commissioner may suspend or revoke license for no more than five years.

On any reasonable ground appearing in the records of the Department, the Commissioner may, when he deems it necessary for the safety of the public on the highways in the Commonwealth and after notice as provided in § 46.2-403 and hearing as provided in §§ 46.2-404, 46.2-405, 46.2-406 and 46.2-407 suspend or revoke for no more than five years, and not reissue during the period of suspension or revocation, the driver's license of any person who is a violator of any of the provisions of this title punishable as felonies, misdemeanors, or traffic infractions and he may suspend or revoke for a like period, and not reissue during the period of suspension or revocation, any or all of his registration cards and license plates for any motor vehicle.

Code 1950, § 46-423; 1952, c. 544; 1958, c. 541, § 46.1-436; 1974, c. 453; 1984, c. 780; 1989, c. 727.

§ 46.2-409. Certain abstracts of conviction to be prima facie evidence of conviction.

In any administrative hearing conducted by the Commissioner or his designee pursuant to this article, an abstract showing a conviction of the violation of any of the provisions of this title, submitted as provided by § 46.2-383 by the court in which the conviction was had, shall be prima facie evidence

that the person named in the abstract was duly convicted of the violation, and the burden shall be on any person challenging the propriety of the conviction to show that the conviction was improper.

1966, c. 183, § 46.1-436.1; 1989, c. 727.

§ 46.2-410. Appeals from order suspending or revoking license or registration.

Any person aggrieved by an order or act of the Commissioner requiring suspension or revocation of a license or registration under the provisions of this chapter is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). No appeal shall lie in any case in which the suspension or revocation of the license or registration was mandatory except to determine the identity of the person concerned when the question of identity is in dispute.

From the final decision of the circuit court, either the person who petitioned the court for an appeal or the Commissioner shall have an appeal as of right to the Court of Appeals.

Code 1950, § 46-424; 1952, c. 544; 1958, c. 541, § 46.1-437; 1960, c. 511; 1984, cc. 673, 703; 1986, c. 615; 1989, c. 727.

§ 46.2-410.1. Judicial review of revocation or suspension by Commissioner.

A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or suspension of a person's driver's license under the provisions of this chapter, the person so aggrieved may, in cases of manifest injustice, within 60 days of receipt of notice of the suspension or revocation, petition the circuit court of the jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error or was issued without authority or jurisdiction. The person shall provide notice of his petition to the attorney for the Commonwealth of that jurisdiction.

B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust the court may, notwithstanding any other provision of law, order the Commissioner to modify the order or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any action under this section, no appeal shall lie from the determination of the circuit court.

C. This section shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.).

2001, cc. 739, 749; 2002, c. 811; 2020, cc. 740, 741.

§ 46.2-410.2. License suspension or revocation by Commissioner; offenses under the laws of other jurisdictions.

Notwithstanding any other provision of this chapter, the Commissioner shall not administratively revoke or suspend the driver's license of any person on the basis of receiving a record of such person's conviction for any offense under the laws of another jurisdiction that would otherwise require the Commissioner to revoke or suspend such person's driver's license unless such offense is substantially similar to an offense under the laws of the Commonwealth or a county, city, or town ordinance. Whenever the Commissioner is required to determine whether the law of another jurisdiction is

substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, such determination shall be based only on the text of the other jurisdiction's law without reference to the particular circumstances of any conviction under such other jurisdiction's laws. However, if the Commissioner cannot reasonably determine from the text of the other jurisdiction's law whether such law is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, the Commissioner may, if available, review a certified copy of the final order of the person's conviction in order to make such determination.

2017, c. 776.

§ 46.2-411. Reinstatement of suspended or revoked license or other privilege to operate or register a motor vehicle; proof of financial responsibility; reinstatement fee.

A. The Commissioner may refuse, after a hearing if demanded, to issue to any person whose license has been suspended or revoked any new or renewal license, or to register any motor vehicle in the name of the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public on the highways in the Commonwealth.

B. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended pursuant to § 46.2-389, 46.2-391, 46.2-391.1, or 46.2-417, the Commissioner shall require proof of financial responsibility in the future as provided in Article 15 (§ 46.2-435 et seq.), but no person shall be licensed who may not be licensed under the provisions of §§ 46.2-389 through 46.2-431.

C. Whenever the driver's license or registration cards, license plates and decals, or other privilege to drive or to register motor vehicles of any resident or nonresident person is suspended or revoked by the Commissioner or by a district court or circuit court pursuant to the provisions of Title 18.2 or this title, or any valid local ordinance, the order of suspension or revocation shall remain in effect and the driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall not be reinstated and no new driver's license, registration cards, license plates and decals, or other privilege to drive or register motor vehicles shall be issued or granted unless such person, in addition to complying with all other provisions of law, pays to the Commissioner a reinstatement fee of $30. The reinstatement fee shall be increased by $30 whenever such suspension or revocation results from conviction of involuntary manslaughter in violation of § 18.2-36.1; conviction of maiming resulting from driving while intoxicated in violation of § 18.2-51.4; conviction of driving while intoxicated in violation of § 18.2-266 or 46.2-341.24; conviction of driving after illegally consuming alcohol in violation of § 18.2-266.1 or failure to comply with court imposed conditions pursuant to subsection D of § 18.2-271.1; unreasonable refusal to submit to drug or alcohol testing in violation of § 18.2-268.2; conviction of driving while a license, permit or privilege to drive was suspended or revoked in violation of § 46.2-301 or 46.2-341.21; disqualification pursuant to § 46.2-341.20; violation of driver's license probation pursuant to § 46.2-499; failure to attend a driver improvement clinic pursuant to § 46.2-503 or habitual offender interventions pursuant to former § 46.2-351.1; conviction of eluding police in violation of § 46.2-817; conviction of hit and run in violation of § 46.2-894; conviction

of reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or a conviction, finding or adjudication under any similar local ordinance, federal law or law of any other state. Five dollars of the additional amount shall be retained by the Department as provided in this section and $25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5. When three years have elapsed from the termination date of the order of suspension or revocation and the person has complied with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee.

D. No reinstatement fee shall be required when the suspension or revocation of license results from the person's suffering from mental or physical infirmities or disabilities from natural causes not related to the use of self-administered intoxicants or drugs. No reinstatement fee shall be collected from any person whose license is suspended by a court of competent jurisdiction for any reason, other than a cause for mandatory suspension as provided in this title, provided the court ordering the suspension is not required by § 46.2-398 to forward the license to the Department during the suspended period.

E. Except as otherwise provided in this section and § 18.2-271.1, reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

F. Before granting or restoring a license or registration to any person whose driver's license or other privilege to drive motor vehicles or privilege to register a motor vehicle has been revoked or suspended, the Commissioner shall collect from such person, in addition to all other fees provided for in this section, an additional fee of $40. The Commissioner shall pay all fees collected pursuant to this subsection into the Trauma Center Fund, created pursuant to § 18.2-270.01, for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

G. Whenever any person is required to pay a reinstatement fee pursuant to subsection C or pursuant to subsection E of § 18.2-271.1 and such person has more than one suspension or revocation on his record for which reinstatement is required, then such person shall be required to pay one reinstatement fee, the amount of which shall equal the full reinstatement fee attributable to the one of his revocations or suspensions that would trigger the highest reinstatement fee, plus an additional $5 fee for administrative costs associated with compliance for each additional suspension or revocation. Fees collected pursuant to this subsection shall be set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-425; 1958, c. 541, § 46.1-438; 1973, c. 396; 1980, c. 29; 1982, c. 671; 1984, c. 780; 1987, c. 696; 1988, c. 860; 1989, c. 727; 1992, c. 109; 1998, c. 703; 1999, cc. 945, 987; 2002, c. 60; 2005, c. 886; 2011, cc. 54, 71; 2012, cc. 803, 835.

§ 46.2-411.1. Reinstatement of driver's license suspended or revoked for a conviction of driving while intoxicated.

A. Before restoring a driver's license to any person (i) whose license to drive a motor vehicle has been suspended or revoked as a result of a conviction for driving while intoxicated in violation of § 18.2-266, or of any substantially similar valid local ordinance or law of another jurisdiction, or of subsection A of § 46.2-341.24 and (ii) who has been required by a court order to successfully complete an alcohol safety action program pursuant to § 18.2-271.1 because of that conviction, the Commissioner shall require written confirmation that the person has successfully completed such program unless the requirement for completion of the program has been waived by the court for good cause shown.

B. Any person who drives a motor vehicle in the Commonwealth after the period of license suspension has expired and after all requirements for reinstatement have been satisfied except for successful completion of such program shall be guilty of a violation of § 46.2-300.

2000, cc. 959, 985; 2001, cc. 133, 160.

§ 46.2-412. Time suspension or revocation.

Every suspension or revocation shall remain in effect and the Commissioner shall not issue any new or renewal license or register in his name any motor vehicle, until permitted under the provisions of this chapter. When three years shall have elapsed from the date of the termination of the revocation provided by § 46.2-389 or § 46.2-391, or in the case of a suspension pursuant to the provisions of § 46.2-417, when three years has elapsed from the date of satisfaction of the judgment or judgments, the person may be relieved of giving proof of his financial responsibility in the future, provided he is not required to furnish or maintain proof of financial responsibility under any other provision of this chapter. The requirement of this section for giving and maintaining proof of financial responsibility shall not, however, apply in the case of a person whose license has been suspended under § 46.2-400.

Code 1950, § 46-426; 1958, cc. 154, 541, § 46.1-439; 1966, c. 377; 1989, c. 727.

§ 46.2-413. Effect of reversal of conviction.

Reversal on appeal of any conviction because of which conviction any license or registration has been suspended or revoked pursuant to the provisions of this chapter shall entitle the holder to the restoration of his license or registration forthwith without proof of financial responsibility.

Code 1950, § 46-427; 1958, c. 541, § 46.1-440; 1989, c. 727.

§ 46.2-414. Commencement of periods for suspension or revocation of licenses, registration cards, or license plates.

Wherever it is provided in this title that the driver's license, registration cards, or license plates of any person be suspended or revoked for a period of time on conviction of certain offenses, or after a hearing before the Commissioner as provided by law, the period shall be counted from the date the conviction becomes final or after the order of the Commissioner, as a result of the hearing, becomes final. However, the provisions of this section shall not apply in any case where the person whose license is subject to suspension or revocation gives a false name or otherwise conceals his identity.

Code 1950, § 46-427.1; 1954, c. 222; 1958, c. 541, § 46.1-441; 1984, c. 780; 1989, c. 727; 2005, c. 565.

§ 46.2-415. United States magistrates and judges of district courts authorized to revoke or suspend driver's license under certain conditions.

When any person is found guilty of a violation of any traffic regulation by a United States magistrate or a judge of a district court of the United States, which violation occurred on a federal reservation, and, for which, if the violation had occurred on the highways in the Commonwealth, revocation or suspension of the person's driver's license would be mandatory or discretionary with a court of the Commonwealth, the magistrate or judge is authorized to revoke or suspend the person's driver's license, provided it is forwarded to the Commissioner as is provided by law as to courts of the Commonwealth.

1966, c. 591, § 46.1-441.1; 1976, c. 62; 1984, c. 780; 1985, c. 90; 1989, c. 727.

§ 46.2-416. Notice of suspension or revocation of license.

A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the most recent address of the driver on file at the Department. If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

1968, c. 144, § 46.1-441.2; 1980, c. 704; 1981, c. 619; 1984, c. 780; 1985, c. 231; 1989, cc. 439, 727; 1993, c. 24; 1994, c. 345; 1996, cc. 943, 994; 2001, c. 414; 2010, cc. 25, 55; 2012, c. 615; 2020, cc. 964, 965.

§ 46.2-416.1. Repealed.

Repealed by Acts 2020, cc. 740 and 741 cl. 2.

Article 13 - SUSPENSION OF LICENSES FOR UNSATISFIED JUDGMENTS AND AFTER CERTAIN ACCIDENTS

§ 46.2-417. Suspension for failure to satisfy motor vehicle accident judgment; exceptions; insurance in liquidated company; insurer obligated to pay judgment.

A. Upon the application of any judgment creditor, the Commissioner shall suspend the driver's license and all of the registration certificates and license plates of any person who has failed for 30 days to satisfy any judgment (i) in an amount and on a cause of action as hereinafter stated in this subsection or (ii) in an amount and on a cause of action pursuant to § 15.2-1716 or 15.2-1716.1, immediately upon receiving an authenticated judgment order or abstract thereof in an action for damages in a motor vehicle accident or pursuant to § 15.2-1716 or 15.2-1716.1, if the order or abstract is received by the Commissioner within 10 years of the date of judgment or if the judgment has been revived. However, if judgment is marked satisfied on the court records on or before the Commissioner's issuance of suspension, the order of suspension shall be invalid.

B. The Commissioner shall not, however, suspend the license of an owner or driver if the insurance carried by him was in a company which was authorized to transact business in this Commonwealth and which subsequent to an accident involving the owner or driver and prior to settlement of the claim therefor went into liquidation, so that the owner or driver is thereby unable to satisfy the judgment arising out of the accident.

C. The Commissioner shall not suspend the driver's license or driving privilege or any registration certificate, license plates, or decals under clause (i) of subsection A or § 46.2-418, if the Commissioner finds that an insurer authorized to do business in the Commonwealth was obligated to pay the judgment upon which suspension is based, or that a policy of the insurer covers the person subject to the suspension, if the insurer's obligation or the limits of the policy are in an amount sufficient to meet the minimum amounts required by § 46.2-472, even though the insurer has not paid the judgment for any reason. A finding by the Commissioner that an insurer is obligated to pay a judgment, or that a policy of an insurer covers the person, shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this article. Whenever in any judicial proceeding it is determined by any final judgment, decree, or order that an insurer is not obligated to pay the judgment, the Commissioner, notwithstanding any contrary finding made by him, forthwith shall suspend the driver's license or driving privilege, or any registration card, license plates or decals of any person against whom the judgment was rendered, as provided in subsection A.

D. Any suspensions timely requested by any judgment creditor under subsection A and issued by the Commissioner shall not extend (i) beyond 10 years from the date of judgment for any civil judgment obtained in a general district court, unless the judgment creditor notifies the Commissioner that an extension has been granted as provided in subdivision B 4 of § 16.1-69.55 or (ii) beyond 20 years from the date of judgment for any civil judgment obtained in a circuit court, unless the judgment creditor notifies the Commissioner that an extension has been granted as provided in § 8.01-251. The expiration of such suspension shall not relieve the judgment debtor of complying with the requirements of proof of financial responsibility pursuant to subsection B of § 46.2-411 and the reinstatement fees pursuant to subsections C and F of § 46.2-411 after the judgment debtor becomes eligible for restoration of his driving privileges.

Code 1950, § 46-430; 1958, c. 541, § 46.1-442; 1973, c. 394; 1974, cc. 49, 360; 1984, c. 780; 1988, c. 860; 1989, c. 727; 1992, c. 109; 2004, c. 998; 2013, c. 598.

§ 46.2-418. Nonpayment of judgments of Virginia and other states.

The Commissioner shall take action as required in § 46.2-417 on receiving proper evidence that the person has failed for a period of thirty days to satisfy any judgment, in amount and on a cause of action as stated in §§ 46.2-364 and 46.2-417, rendered by a court of competent jurisdiction of the Commonwealth, any other state of the United States, the United States, Canada or its provinces.

Code 1950, § 46-430; 1958, c. 541, § 46.1-443; 1989, c. 727.

§ 46.2-419. When judgment satisfied.

A. Every judgment for damages in any motor vehicle accident referred to in this chapter shall, for the purpose of this chapter, be satisfied:

1. When paid in full or when $25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

2. When, subject to the limit of $25,000 because of bodily injury to or death of one person, the judgment has been paid in full or when the sum of $50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident;

3. When the judgment has been paid in full or when $20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident; or

4. When the judgment has been discharged in bankruptcy.

B. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amount provided in this section.

Code 1950, § 46-431; 1954, c. 378; 1958, cc. 501, 541, § 46.1-444; 1968, c. 685; 1970, c. 272; 1972, cc. 47, 433; 1975, c. 382; 1978, c. 550; 1989, cc. 621, 727.

§ 46.2-420. Order for payment of judgment in installments.

A judgment debtor, on five days' notice to the judgment creditor, may apply to the court in which the judgment was obtained for the privilege of paying it in installments. The court, without prejudice to other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments.

Code 1950, § 46-432; 1958, c. 541, § 46.1-445; 1989, c. 727.

§ 46.2-421. Effect of order for such payment and proof of financial responsibility.

The Commissioner shall not suspend a license or registration of a motor vehicle and shall restore any license or registration suspended following nonpayment of a judgment, if the judgment debtor obtains an order from the court in which the judgment was rendered permitting payment of the judgment in installments and if the judgment debtor gives proof of his financial responsibility in the future as provided in this chapter.

Code 1950, § 46-433; 1958, c. 541, § 46.1-446; 1989, c. 727.

§ 46.2-422. Suspension on failure to pay installments.

If the judgment debtor fails to pay any installment as permitted by the order of the court, then on notice of default, the Commissioner shall forthwith suspend the driver's license, registration cards, and license plates of the judgment debtor until the judgment is satisfied as provided in this chapter. The judgment debtor may apply, after due notice to the judgment creditor, to the court which allowed installment payment of the judgment, within thirty days after the default, for resumption of the privilege of paying the judgment in installments, if past-due installments are first paid.

Code 1950, § 46-434; 1958, c. 541, § 46.1-447; 1989, c. 727.

§ 46.2-423. Creditor's consent to license notwithstanding default in payment.

If the judgment creditor consents in writing, in whatever form the Commissioner prescribes, that the judgment debtor be allowed a driver's license and motor vehicle registration, the Commissioner may allow the same, notwithstanding default in the payment of the judgment or any installment thereof, for six months from the date of consent and thereafter until it is revoked in writing, if the judgment debtor furnishes proof of his financial responsibility in the future as provided in this chapter.

Code 1950, § 46-435; 1958, c. 541, § 46.1-448; 1989, c. 727.

§ 46.2-424. Duty of insurance carrier after notice of accident; report of omissions by insurers to State Corporation Commission; investigation and assessment for omissions.

On receipt of the certificate of insurance, the insurance carrier or surety company named in the certificate of insurance shall determine whether the policy or bond was applicable to liability, if any, as to the named insured. Thereupon and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company shall cause to be filed with the Commissioner a

written notice if the policy or bond was not applicable to liability, if any, as to the named insured resulting from the accident. The Commissioner shall prescribe the manner in which the written notice shall be made.

When the insurance company or surety company notifies the Commissioner that the policy or bond named in the certificate of insurance was not applicable to liability resulting from the accident, the Department shall determine, under § 46.2-708, whether suspension of the driver's license, registration cards, and license plates issued to the owner of the motor vehicle involved in the accident is required.

If the records of the Department reasonably indicate that any insurance carrier or surety company does not cause to be filed the notice herein required, the Commissioner shall report every such omission to the State Corporation Commission.

The State Corporation Commission shall investigate every such report of omission. If the Commission finds that any insurance carrier or surety company licensed to transact business in the Commonwealth, has failed, without good reason, to cause to be filed the notice required hereunder, the State Corporation Commission may assess the carrier or company fifty dollars for each omission.

Code 1950, § 46-438; 1958, c. 541, § 46.1-451; 1972, c. 442; 1989, c. 727.

§ 46.2-425. Driver or owner having no license issued by Department.

In case a driver or owner has no driver's license issued by the Department or no motor vehicle registered in his name in the Commonwealth, he shall not be allowed a driver's license or motor vehicle registration until he has complied with this chapter to the same extent as would be necessary if he had held a driver's license or a motor vehicle registration at the time of the accident in which he was involved or at the time of the commission of the offense resulting in a conviction as is mentioned in §§ 46.2-389 and 46.2-391.

Code 1950, § 46-439; 1958, c. 541, § 46.1-452; 1984, c. 780; 1989, c. 727.

§ 46.2-426. Custody and application of cash or securities deposited; limitation of actions; assignment.

Cash or securities furnished in compliance with the requirements of this chapter shall be placed by the Commissioner in the custody of the State Treasurer and shall be applicable only to the payment of any judgment against the depositor for damages arising out of the accident in question in an action at law in a court in the Commonwealth begun not later than one year after the date of the accident. The cash or securities may be assigned by the depositor for the benefit of the person or persons damaged or injured in the accident as the result of which the cash or securities were filed or deposited without the damaged or injured person being required to institute legal proceedings. The Commissioner shall accept the assignment if, in his opinion, the rights of any other person or persons shall not be prejudiced thereby.

Code 1950, § 46-441; 1958, c. 541, § 46.1-454; 1989, c. 727.

§ 46.2-427. When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration in name of another person.

The suspension required by the provisions of § 46.2-417 shall continue except as otherwise provided by §§ 46.2-421 and 46.2-423 until the person satisfies the judgment or judgments as prescribed in § 46.2-419 and gives proof of his financial responsibility in the future. However, the judgment debtor whose driving privileges, registration certificates, and license plates have been so suspended may petition the court that entered the judgment for reinstatement of his driving privileges, registration certificates, and license plates and the court may order reinstatement if the judgment has not been satisfied, provided the judgment debtor proves by a preponderance of the evidence that the judgment debtor (i) is unable, after examination of the records of the Department and the court reflecting that suspension and the exercise of due diligence, to locate the person to whom payment is due or, if the person to whom payment is due is dead, the judgment debtor is unable to identify either who are his heirs and assignees, or where they are located, and (ii) has paid into the court an amount equal to the judgment, court costs, and all interest that has accrued up to the date payment was made to the court. Any payment made to the court under this section shall be held for one year and, if unclaimed by the judgment creditor during that period, shall be transmitted by the court to the State Treasurer or his designee to be disposed of pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

Upon receipt of such an order, the Commissioner shall reinstate the driving privileges, registration certificates, and license plates of the judgment debtor, provided the judgment debtor has given proof of his financial responsibility in the future and satisfied all other reinstatement requirements as provided in this chapter.

The motor vehicle involved in the accident on which the suspension under § 46.2-417 is based shall not be registered in the name of any other person when the Commissioner has reasonable grounds to believe that the registration of the vehicle will have the effect of defeating the purpose of the chapter and no other motor vehicle shall be registered, and no driver's license or learner's permit shall be issued in the name of the person suspended, except as prescribed in § 46.2-437 until the suspension is terminated.

This section shall not relieve any person from giving or maintaining proof of his financial responsibility when he is required so to do for some reason rather than having been involved in a motor vehicle accident.

Code 1950, §§ 46-446, 46-447, 46-477.1; 1950, p. 639; 1958, c. 541, § 46.1-459; 1972, c. 638; 1984, c. 780; 1989, c. 727; 2003, c. 316; 2013, c. 598.

§ 46.2-428. Commonwealth responsible for deposits.

The Commonwealth shall be responsible for the safekeeping of all bonds, cash, and securities deposited with the State Treasurer under the provisions of this chapter, and if the deposit or any part of the deposit is lost, destroyed, or misappropriated the Commonwealth shall make good the loss to any person entitled thereto.

Code 1950, § 46-448; 1958, c. 541, § 46.1-460; 1989, c. 727.

§ 46.2-429. Release of deposits only upon consent of Commissioner.

Bonds, cash, or securities deposited with the State Treasurer pursuant to this chapter shall only be released by the State Treasurer upon consent of the Commissioner given in conformity with this chapter.

Code 1950, § 46-449; 1958, c. 541, § 46.1-461; 1989, c. 727.

Article 14 - SUSPENSION OF LICENSES OF NONRESIDENTS OR FOR ACCIDENTS IN OTHER STATES

§ 46.2-430. Power over nonresidents.

Whenever by the laws of the Commonwealth the Commissioner may suspend or revoke: (i) the license of a resident driver, or (ii) the registration cards and license plates of a resident owner, he may:

1. Suspend or revoke the privilege of operating a motor vehicle in the Commonwealth by a nonresident driver, and

2. Suspend the privilege of driving a vehicle owned by a nonresident regardless of whether the vehicle is registered in the Commonwealth.

Code 1950, § 46-450; 1958, c. 541, § 46.1-462; 1984, c. 780; 1989, c. 727.

§ 46.2-431. Chapter applies to nonresidents.

Every provision of this chapter applies to any person who is not a resident of the Commonwealth under the same circumstances as it would apply to a resident. No nonresident may drive any motor vehicle in the Commonwealth and no motor vehicle owned by him may be driven in the Commonwealth, unless the nonresident has complied with the requirements of this chapter with respect to giving proof of financial responsibility in the future.

Code 1950, § 46-451; 1958, c. 541, § 46.1-463; 1972, c. 638; 1989, c. 727.

§ 46.2-432. Failure of nonresident to report accident.

The failure of a nonresident to report an accident as required in this title shall constitute sufficient ground for suspension or revocation of his privileges of driving a motor vehicle in the Commonwealth and of driving within the Commonwealth of any motor vehicle owned by him.

Code 1950, § 46-452; 1958, c. 541, § 46.1-464; 1989, c. 727.

§ 46.2-433. Notification of officers in nonresident's home state.

On conviction of a nonresident or in case any unsatisfied judgment results in suspension of a nonresident's driving privileges in the Commonwealth and the prohibition of driving within the Commonwealth of any motor vehicle, or on suspension of a nonresident's driving privileges in the Commonwealth pursuant to any other provision of this chapter, the Commissioner shall transmit a certified copy of the record of the conviction or the unsatisfied judgment, or any other action pursuant to this chapter resulting in suspension of a nonresident's driving privileges of any motor vehicle owned by such nonresident, to the motor vehicle commissioner or officer performing the functions of a

commissioner in the state of the United States, or possession under the exclusive control of the United States, Mexico or its states, or Canada or its provinces in which the nonresident resides.

Code 1950, § 46-453; 1958, c. 541, § 46.1-465; 1989, c. 727; 2005, c. 513.

§ 46.2-434. Conviction of or judgment against resident in another jurisdiction.
The Commissioner shall suspend or revoke the license and registration certificate and plates of any resident of the Commonwealth upon receiving notice of his conviction, in a court of competent jurisdiction of the Commonwealth, any other state of the United States, the United States, Canada or its provinces or any territorial subdivision of such state or country, of an offense therein which, if committed in the Commonwealth, would be grounds for the suspension or revocation of the license granted to him or registration of any motor vehicle registered in his name. No suspension or revocation under this subsection shall continue for a longer period than it would have, had the offense been committed in the Commonwealth, provided the person gives proof of his financial responsibility in the future for the period provided in § 46.2-412.

The Commissioner shall take like action upon receipt of notice that a resident of the Commonwealth has failed, for a period of thirty days, to satisfy any final judgment in amount and upon a cause of action as stated herein, rendered against him in a court of competent jurisdiction of any other state of the United States, the United States, Canada or its provinces, or any territorial subdivision of such state or country.

Code 1950, § 46-454; 1950, p. 888; 1958, c. 541, § 46.1-466; 1988, c. 860; 1989, c. 727; 1992, c. 109; 1997, c. 486.

Article 15 - PROOF OF FINANCIAL RESPONSIBILITY

§ 46.2-435. Proof of financial responsibility to be furnished for each vehicle.
Proof of financial responsibility in the amounts required by this chapter shall be furnished for each motor vehicle registered by the person required to furnish such proof.

Code 1950, § 46-455; 1954, c. 378; 1958, cc. 501, 541, § 46.1-467; 1989, c. 727.

§ 46.2-436. Methods of proving financial responsibility.
Proof of financial responsibility when required under this chapter may be given by proof that:

1. A policy or policies of motor vehicle liability insurance have been obtained and are in full force;

2. A bond has been duly executed;

3. A deposit has been made of money or securities; or

4. A self-insurance certificate has been filed, all as provided in this chapter.

Code 1950, § 46-456; 1958, c. 541, § 46.1-468; 1989, c. 727.

§ 46.2-437. Proof of financial responsibility by owner in lieu of driver.

When the Commissioner finds that any person required to give proof of financial responsibility under this title is or later becomes a driver, however designated, or a member of the immediate family or household, in the employ or home of an owner of a motor vehicle, the Commissioner shall accept proof of financial responsibility given by the owner in lieu of proof of financial responsibility by such person to permit him to operate a motor vehicle for which the owner has given proof of financial responsibility as provided in this chapter. The Commissioner shall designate the restrictions imposed by this section on the face of the person's driver's license.

Code 1950, § 46-457; 1958, c. 541, § 46.1-469; 1972, c. 638; 1984, c. 780; 1989, c. 727.

§ 46.2-438. Proof by owner of vehicles operated under permit or certificate of State Corporation Commission or Department of Motor Vehicles.

If the owner of a motor vehicle is one whose vehicles are operated under a permit or a certificate of convenience and necessity issued by the State Corporation Commission or the Department, proof by the owner on behalf of another as provided by this chapter may be made if there is filed with the Commissioner satisfactory evidence that the owner has complied with the law with respect to his liability for damage caused by the operation of his vehicles by providing the required insurance or other security or has qualified as a self-insurer as described in § 46.2-368.

Code 1950, § 46-458; 1958, c. 541, § 46.1-470; 1989, c. 727; 1997, c. 283.

§ 46.2-439. Certificate of insurance carrier.

Proof of financial responsibility, when requested, shall be made by filing with the Commissioner the written certificate of any insurance carrier authorized to do business in the Commonwealth, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. This certificate shall give its effective date and the effective date of the policy.

Code 1950, § 46-459; 1958, c. 541, § 46.1-471; 1972, c. 380; 1976, c. 143; 1988, c. 860; 1989, c. 727.

§ 46.2-440. Certificate for nonresident may be by carrier not qualified in Commonwealth.

A nonresident owner of a vehicle not registered in Virginia may give proof of financial responsibility by filing with the Commissioner a written certificate or certificates of an insurance carrier not authorized to transact business in the Commonwealth but authorized to transact business in any other state, any territory or possession of the United States and under its exclusive control, Canada or its provinces, or the territorial subdivisions of such states or countries, in which any motor vehicle described in the certificate and all replacement vehicles of similar classification are registered or, if the nonresident does not own a motor vehicle, then in the like jurisdiction in which the insured resides and otherwise conforming to the provisions of this chapter. The Commissioner shall accept the same if the insurance carrier, in addition to having complied with all other provisions of this chapter as requisite, shall:

1. Execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in the Commonwealth;

2. Duly adopt a resolution, which shall be binding upon it, declaring that its policies are to be deemed to be modified to comply with the law of the Commonwealth and the terms of this chapter relating to the terms of motor vehicle liability policies issued herein;

3. Agree to accept as final and binding the judgment of any court of competent jurisdiction in the Commonwealth from which judgment no appeal is or can be taken, duly rendered in any action arising out of a motor vehicle accident;

4. Deposit with the State Treasurer cash or securities as are mentioned in § 46.2-453 or the surety bond of a company authorized to do business in Virginia equal in value to $60,000 for each insurance policy filed as proof of financial responsibility.

Code 1950, § 46-460; 1954, c. 378; 1958, cc. 501, 541, § 46.1-472; 1968, c. 685; 1972, c. 433; 1975, c. 382; 1976, c. 143; 1978, c. 220; 1989, cc. 621, 727; 1993, c. 164; 1995, c. 121.

§ 46.2-441. Nonresident may file proof of future financial responsibility of insurance company or other state-authorized entity providing insurance.

Notwithstanding the requirement of §§ 46.2-439 and 46.2-440, a nonresident required to file proof of future financial responsibility under this chapter may file proof of future financial responsibility of an insurance company or other state-authorized entity providing insurance and authorized or licensed to do business in the nonresident's state of residence as long as such proof of future financial responsibility is in the amounts equal to those required by § 46.2-472.

Code 1950, § 46-461; 1958, c. 541, § 46.1-473; 1989, c. 727; 1995, c. 121.

§ 46.2-442. Default of foreign insurance carrier.

If any insurance carrier not authorized to do business in the Commonwealth which is qualified to furnish proof of financial responsibility defaults in any of its undertakings or agreements, the Commissioner shall not thereafter accept any certificate of that carrier so long as the default continues and shall revoke licenses previously granted on the basis of its policies unless the default is immediately repaired.

Code 1950, § 46-462; 1958, c. 541, § 46.1-474; 1989, c. 727.

§ 46.2-443. Chapter not applicable to certain policies of insurance.

This chapter does not apply to:

1. Policies of automobile insurance against liability which may now or hereafter be required by any other law of the Commonwealth and such policies if endorsed to the requirements of this chapter shall be accepted as proof of financial responsibility when required under this chapter; or

2. Policies insuring solely the insured named in the policy against liability resulting from the maintenance, use, or operation by persons in the insured's employ or in his behalf of motor vehicles not owned by the insured.

Code 1950, § 46-463; 1958, c. 541, § 46.1-475; 1989, c. 727.

§ 46.2-444. Surety requirements of bond.

The bond mentioned in subdivision 2 of § 46.2-436 shall be duly executed by the person giving proof and by a surety company duly authorized to transact business in the Commonwealth or by the person giving proof and by one or more individual sureties owning real estate within the Commonwealth and having an equity therein in at least the amount of the bond and the real estate shall be scheduled in the bond. But the Commissioner may not accept any real estate bond unless it is first approved by the circuit court of the jurisdiction wherein the real estate is located.

Code 1950, § 46-465; 1958, c. 541, § 46.1-476; 1989, c. 727.

§ 46.2-445. How bond to be conditioned.

The Commissioner shall not accept any bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving proof.

Code 1950, § 46-466; 1958, c. 541, § 46.1-477; 1989, c. 727.

§ 46.2-446. Notice to Commissioner prerequisite to cancellation of bond; cancellation not to affect rights arising prior thereto.

No bond shall be cancelled unless twenty days' prior written notice of cancellation is given the Commissioner, but cancellation of the bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Code 1950, § 46-467; 1958, c. 541, § 46.1-478; 1989, c. 727.

§ 46.2-447. Bond to constitute lien on real estate of surety.

A bond with individual sureties shall constitute a lien in favor of the Commonwealth on the real estate of any individual surety. The lien shall exist in favor of any holder of any final judgment against the principal on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use, or operation of his, or any other, motor vehicle, upon the recording of the bond in the office of the clerk of the court where deeds are admitted to record of the city or county where the real estate is located.

Code 1950, § 46-468; 1958, c. 541, § 46.1-479; 1989, c. 727.

§ 46.2-448. Notice of cancellation; record; fees.

Notice of cancellation is to be signed by the Commissioner or by someone designated by him and the seal of the Department placed thereon. Notwithstanding any other provision of law the clerk shall record the notice in the books kept for the recording of deeds and shall index the same in the indices thereto for grantors and grantees, under the respective names of the individual sureties in the column for grantors, and the Commonwealth of Virginia in the column for grantees, for which he shall receive two dollars and fifty cents to be paid by the principal in full payment of all services in connection with the recordation and release of the bond. The clerk shall place on the notice a statement showing the time of recording and the book and page of recording and return the notice to the Commissioner.

Code 1950, § 46-469; 1958, c. 541, § 46.1-480; 1989, c. 727.

§ 46.2-449. Cancellation of bond with individual sureties; certificates of cancellation.

When a bond with individual sureties filed with the Commissioner is no longer required under this chapter, the Commissioner shall, on request, cancel it as to liability for damage to property or injury to or death of any person or persons thereafter caused and when a bond has been cancelled by the Commissioner or otherwise he shall, on request, furnish a certificate of the cancellation signed by him or by someone designated by him and bearing the seal of the Department. The certificate, notwithstanding any other provision of law, may be recorded in the office of the clerk of the court in which the bond was admitted to record.

Code 1950, § 46-470; 1958, c. 541, § 46.1-481; 1989, c. 727.

§ 46.2-450. Order discharging lien of bond.

On satisfactory proof that the bond filed with the Commissioner as provided for in this chapter has been cancelled and that there are no claims or judgments against the principal in the bond on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use, or operation of a motor vehicle of the principal caused while the bond was in effect, the court in which the bond was admitted to record may enter an order discharging the lien of the bond on the real estate of the sureties thereon, upon their petition and at their proper cost.

Code 1950, § 46-471; 1958, c. 541, § 46.1-482; 1989, c. 727.

§ 46.2-451. Action or suit on bond.

If a final judgment rendered against the principal on the bond filed with the Commissioner as provided in this chapter is not satisfied within fifteen days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action on the bond in the name of the Commonwealth against the company or persons executing the bond.

Code 1950, § 46-472; 1958, c. 541, § 46.1-483; 1989, c. 727.

§ 46.2-452. Parties to suit on bond with individual sureties.

When the sureties on the bond filed with the Commissioner as provided in this chapter are individuals the judgment creditor may proceed against any or all parties to the bond at law for a judgment or in equity for a decree and foreclosure of the lien on the real estate of the sureties. The proceeding whether at law or in equity may be against one, all, or any intermediate number of the parties to the bond and when less than all are joined other or others may be impleaded in the same proceeding and after final judgment or decree other proceedings may be instituted until full satisfaction is obtained.

Code 1950, § 46-473; 1958, c. 541, § 46.1-484; 1989, c. 727.

§ 46.2-453. Proof of financial responsibility by delivering cash or securities.

A person may give proof of financial responsibility by delivering to the Commissioner cash or securities equal to the sum of the liability coverage required for bodily injury or death of two or more persons in any one accident and injury to or destruction of property of others in any one accident as prescribed by § 46.2-472. Securities so deposited shall be such as public bodies may invest in according to § 2.2-4500.

Code 1950, § 46-474; 1954, c. 378; 1958, cc. 501, 541, § 46.1-485; 1968, c. 685; 1978, c. 220; 1980, c. 484; 1986, c. 16; 1989, c. 727.

§ 46.2-454. Moneys or securities to be deposited with State Treasurer subject to execution.
All moneys or securities delivered to the Commissioner pursuant to this chapter shall be placed by him in the custody of the State Treasurer and shall be subject to execution to satisfy any judgment within the limits on amounts required by this chapter for motor vehicle liability insurance policies. The State Treasurer shall certify the value of such moneys or securities to the Commissioner as soon as practicable after their delivery to him.

Code 1950, § 46-475; 1958, c. 541, § 46.1-486; 1986, c. 16; 1989, c. 727.

§ 46.2-455. Assessment for expense of holding deposits.
For the purpose of defraying the expense of the safekeeping and handling of the cash or securities deposited with him under the provisions of this title, in December of each year the State Treasurer shall levy against each person having cash or securities deposited with him an assessment of not more than one-tenth of one percent of the cash or of the par value of the securities deposited to his account, and shall collect the assessment in January of each year. These funds shall be deposited to the general fund of the state treasury. If any assessment is not paid by January 31 of each year, the State Treasurer shall so notify the Commissioner in writing, attaching thereto a dated copy of the original assessment.

1986, c. 16, § 46.1-486.1; 1989, c. 727.

§ 46.2-456. Additional security if fund impaired by any legal process, or otherwise.
Whenever the moneys or securities are subjected to attachment, garnishment, execution, or other legal process or are otherwise depleted or threatened with depletion or impairment in amount or value the depositor must immediately furnish additional moneys or securities, free from lien, claim, or threat of impairment, in sufficient amount or value fully to comply with the requirements of this chapter.

The Treasurer shall notify the Commissioner promptly of any depletion, impairment, or decrease or of any legal threat of depletion, impairment, or decrease in the value of the securities or in the moneys on deposit with him under the provisions of this chapter.

Code 1950, § 46-476; 1958, c. 541, § 46.1-487; 1989, c. 727.

§ 46.2-457. Substitution of new proof; cancellation or return of old.
The Commissioner may cancel any bond or return any certificate of insurance and on the substitution and acceptance by him of other adequate proof of financial responsibility pursuant to this chapter, and on his direction to such effect the State Treasurer shall return any money or securities on deposit with him to the person entitled to it.

Code 1950, § 46-477; 1958, c. 541, § 46.1-488; 1989, c. 727.

§ 46.2-458. Interpleader to determine rights in deposits; other proceedings.

The Commissioner and the State Treasurer, or either, may proceed in equity by bill of interpleader for the determination of any dispute as to ownership of or rights in any deposit held by the State Treasurer pursuant to this chapter and may have recourse to any other appropriate proceeding for determination of any question that arises as to their rights or liabilities or as to the rights or liabilities of the Commonwealth under this chapter.

Code 1950, § 46-478; 1958, c. 541, § 46.1-489; 1989, c. 727.

§ 46.2-459. When other proof of financial responsibility required; suspension of license pending furnishing of proof required.

Whenever any proof of financial responsibility filed by any person under this chapter no longer fulfills the purpose for which required, the Commissioner shall require other proof of financial responsibility as required by this chapter and shall suspend the person's driver's license, registration cards and license plates pending the furnishing of proof as required.

Nonpayment of the assessment provided for in § 46.2-455 shall also be reason for suspension of the driver's license, registration cards and license plates of a person offering cash or securities as proof of financial responsibility under this chapter. The suspension shall be promptly initiated by the Commissioner on receipt of written notice of nonpayment of the assessment from the State Treasurer and shall take effect ten days from the date of a written notice sent by the Commissioner to the person by first-class mail, the notice to notify the person of the forthcoming suspension if payment is not received within the ten-day period.

Code 1950, § 46-479; 1958, c. 541, § 46.1-490; 1984, c. 780; 1986, c. 16; 1989, c. 727.

§ 46.2-460. When Commissioner to consent to cancellation of bond or policy, or return of money or securities.

The Commissioner, on request and subject to the provisions of § 46.2-461, shall consent to the cancellation of any bond or insurance policy or to the return to the person entitled thereto of any money or securities deposited pursuant to this chapter as proof of financial responsibility or he shall not require proof of financial responsibility in the event:

1. Of the death of the person on whose behalf the proof was filed;

2. Of his permanent incapacity to operate a motor vehicle; or

3. That the person who has given proof of financial responsibility surrenders his driver's license, and all of his registration cards, and license plates to the Commissioner.

Code 1950, § 46-480; 1958, c. 541, § 46.1-491; 1984, c. 780; 1989, c. 727.

§ 46.2-461. When Commissioner not to release proof of financial responsibility; affidavit of nonexistence of facts.

A. Notwithstanding the provisions of § 46.2-460 the Commissioner shall not release the proof in the event:

1. Any action for damages upon a liability included in this chapter is then pending;

2. Any judgment on any liability is then outstanding and unsatisfied; or

3. The Commissioner has received notice that the person involved has within the period of twelve months immediately preceding been involved as a driver in any motor vehicle accident.

B. An affidavit of the applicant of the nonexistence of these facts shall be sufficient evidence thereof in the absence of evidence in the records of the Department tending to indicate the contrary.

Code 1950, § 46-481; 1958, c. 541, § 46.1-492; 1989, c. 727.

§ 46.2-462. New license or registration to person to whom proof surrendered.
Whenever any person to whom proof has been surrendered as provided in § 46.2-460 applies for a driver's license or the registration of a motor vehicle, the application shall be refused unless the applicant reestablishes proof as required by this chapter.

Code 1950, § 46-482; 1958, c. 541, § 46.1-493; 1984, c. 780; 1989, c. 727.

§ 46.2-463. Penalty for forging evidence of financial responsibility.
Any person who forges or without authority signs any evidence of ability to respond in damages or knowingly attempts to employ or use any evidence of ability to respond in damages, as required by the Commissioner in the administration of this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 46-485; 1958, c. 541, § 46.1-496; 1989, c. 727.

Article 16 - ASSIGNMENT OF INSURANCE RISKS

§ 46.2-464. Application for assignment of risk to insurance carrier.
Every person who has been unable to obtain a motor vehicle liability policy shall have the right to apply to the State Corporation Commission to have his risk assigned to an insurance carrier licensed to write and writing motor vehicle liability insurance in the Commonwealth and the insurance carrier, whether a stock or mutual company, reciprocal, or interinsurance exchange, or other type or form of insurance organization, as provided in this article shall issue a motor vehicle liability policy which will meet at least the minimum requirements for establishing financial responsibility as provided in this chapter, and in addition shall provide, at the option of the insured, reasonable motor vehicle physical damage and medical payments coverages, (both as defined in § 38.2-124) in the same policy.

Every person who has otherwise obtained a motor vehicle liability insurance policy, or who has been afforded motor vehicle liability insurance under the provisions of § 38.2-2015, but who was not afforded motor vehicle medical payments insurance or motor vehicle physical damage insurance in the same policy, or who was not afforded such coverages under the provisions of that section, shall have the right to apply to the Commission to have his risk assigned to an insurance carrier, as provided above, licensed to write and writing either or both coverages, and the insurance carrier shall issue a policy providing the coverage or coverages applied for.

Code 1950, § 46-486; 1958, c. 541, § 46.1-497; 1972, c. 842; 1974, c. 88; 1989, c. 727.

§ 46.2-465. Optional coverage for persons occupying insured motor vehicle and for named insured and his family.

Once an assigned risk policy has been issued to an insured, every insurer licensed in the Commonwealth issuing or delivering any policy or contract of bodily injury liability insurance, or of property damage liability insurance, covering liability arising from the ownership, maintenance, or use of any motor vehicle shall provide on request of the insured, on payment of premium established by law for the coverage (i) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while occupying a motor vehicle or if struck by a motor vehicle while not occupying a motor vehicle; and (ii) to persons occupying the insured motor vehicle, the following health care and disability benefit for each accident:

1. Medical and chiropractic payments (accident insurance as defined in Article 2, § 38.2-101 et seq. of Chapter 1 of Title 38.2) coverages incurred within two years after the date of the accident, up to $2,000 per person;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred within one year after the date of the accident resulting from injuries received in the accident up to $100 per week during the period from the first work day lost as a result of the accident up to the date on which the person is able to return to his usual occupation and for a period not to exceed fifty-two weeks or any part thereof; and

3. The insured has the option of purchasing either or both of the coverages set forth in subdivisions 1 and 2 of this section.

1972, c. 859, § 46.1-497.1; 1973, c. 294; 1977, c. 112; 1982, c. 450; 1989, c. 727.

§ 46.2-466. Regulations for assignment, rate classifications, and schedules.

The Commission may make reasonable regulations for the assignment of risks to insurance carriers.

It shall establish rate classifications, rating schedules, rates, and regulations to be used by insurance carriers issuing assigned risk, policies of motor vehicle liability, physical damage, and medical payments insurance in accordance with this chapter as appear to it to be proper.

In the establishment of rate classifications, rating schedules, rates, and regulations, it shall be guided by the principles and practices which have been established under its statutory authority to regulate motor vehicle liability, physical damage, and medical payments insurance rates and it may act in conformity with its statutory discretionary authority in such matters.

Code 1950, § 46-487; 1958, c. 541, § 46.1-498; 1972, c. 842; 1989, c. 727.

§ 46.2-467. Action within power of Commission.

The Commission may, in its discretion, after reviewing all information pertaining to the applicant or policyholder available from its records, the records of the Department or from other sources:

1. Refuse to assign an application;

2. Approve the rejection of an application by an insurance carrier;

3. Approve the cancellation of a policy of motor vehicle liability, physical damage, and medical payments insurance by an insurance carrier; or

4. Refuse to approve the renewal or the reassignment of an expiring policy.

Code 1950, § 46-488; 1958, c. 541, § 46.1-499; 1972, c. 842; 1989, c. 727.

§ 46.2-468. Information filed with Commission by insurance carrier confidential.

Any information filed with the Commission by an insurance carrier in connection with an assigned risk shall be confidential and solely for the information of the Commission and its staff and shall not be disclosed to any person, including an applicant, policyholder, and any other insurance carrier.

Code 1950, § 46-489; 1958, c. 541, § 46.1-500; 1989, c. 727.

§ 46.2-469. Commission not required to disclose reasons for action; liability of Commission for act or omission.

A. The Commission shall not be required to disclose to any person, including the applicant or policyholder, its reasons for:

1. Refusing to assign an application;

2. Approving the rejection of an application by an insurance carrier;

3. Approving the cancellation of a policy of motor vehicle liability, physical damage, and medical payments insurance by an insurance carrier; or

4. Refusing to approve the renewal or the reassignment of an expiring policy.

B. The Commission or anyone acting for it shall not be held liable for any act or omission in connection with the administration of the duties imposed upon it by the provisions of this chapter, except upon proof of actual malfeasance.

Code 1950, § 46-490; 1958, c. 541, § 46.1-501; 1972, c. 842; 1989, c. 727.

§ 46.2-470. Assignment of risks for nonresidents.

The provisions of this chapter relevant to assignment of risks shall be available to nonresidents who are unable to obtain a policy of motor vehicle liability, physical damage, and medical payments insurance with respect only to motor vehicles registered and used in the Commonwealth.

Code 1950, § 46-491; 1958, c. 541, § 46.1-502; 1972, c. 842; 1989, c. 727.

§ 46.2-471. Assignment of risks for certain carriers.

Notwithstanding the provisions of § 46.2-366, the provisions of this chapter relating to assignment of risks shall be available to carriers by motor vehicle who are required by law to carry public liability and property damage insurance for the protection of the public.

Code 1950, § 46-491.1; 1954, c. 345; 1958, c. 541, § 46.1-503; 1989, c. 727.

Article 17 - MOTOR VEHICLE LIABILITY INSURANCE POLICIES

§ 46.2-472. Coverage of owner's policy.

Every motor vehicle owner's policy shall:

1. Designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.

2. Insure as insured the person named and any other person using or responsible for the use of the motor vehicle or motor vehicles with the permission of the named insured.

3. Insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by accident and arising out of the ownership, use, or operation of such motor vehicle or motor vehicles within the Commonwealth, any other state in the United States, or Canada, subject to a limit exclusive of interest and costs, with respect to each motor vehicle, of $25,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of $50,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of $20,000 because of injury to or destruction of property of others in any one accident.

Code 1950, § 46-492; 1954, c. 378; 1958, cc. 501, 541, § 46.1-504; 1968, c. 685; 1972, c. 433; 1975, c. 382; 1978, c. 550; 1989, cc. 621, 727.

§ 46.2-473. Coverage of driver's policy.

Every driver's policy shall insure the person named therein as insured against loss from the liability imposed upon him by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the use by him of any motor vehicle not owned by him, within the territorial limits and subject to the limits of liability set forth with respect to a motor vehicle owner's policy.

Code 1950, § 46-493; 1958, c. 541, § 46.1-505; 1989, c. 727.

§ 46.2-474. Policy must contain certain agreement; additional coverage.

Every policy of insurance subject to the provisions of this chapter:

1. Shall contain an agreement that the insurance is provided in accordance with the coverage defined in this chapter as respects bodily injury, death, property damage, and destruction and that it is subject to all the provisions of this chapter and of the laws of the Commonwealth relating to this kind of insurance; and

2. May grant any lawful coverage in excess of or in addition to the coverage herein specified and this excess or additional coverage shall not be subject to the provisions of this chapter but shall be subject to other applicable laws of the Commonwealth.

Code 1950, § 46-494; 1958, c. 541, § 46.1-506; 1989, c. 727.

§ 46.2-475. Policy must comply with law.

No policy required under this chapter shall be issued or delivered in the Commonwealth unless it complies with §§ 38.2-2218 through 38.2-2225, with all other applicable and not inconsistent laws of the Commonwealth, and with the terms and conditions of this chapter.

Code 1950, § 46-495; 1958, c. 541, § 46.1-507; 1989, c. 727.

§ 46.2-476. Liability covered by workers' compensation law.

Policies issued under this chapter shall not insure any liability of the employer on account of bodily injury to, or death of, an employee of the insured for which benefits are payable under any workers' compensation law.

Code 1950, § 46-496; 1958, c. 541, § 46.1-508; 1989, c. 727.

§ 46.2-477. When chapter applicable to policy.

This chapter shall not apply to any policy of insurance except as to liability thereunder incurred after certification thereof as proof of financial responsibility.

Code 1950, § 46-496.1; 1958, c. 541, § 46.1-509; 1989, c. 727.

§ 46.2-478. Several policies together meeting requirements of chapter.

Several policies of one or more insurance carriers which together meet the requirements of this chapter shall be deemed a motor vehicle liability policy within the meaning of this chapter.

Code 1950, § 46-497; 1958, c. 541, § 46.1-510; 1989, c. 727.

§ 46.2-479. Provisions to which every policy shall be subject but need not contain.

Every policy shall be subject to the following provisions which need not be contained therein:

1. The liability of any insurance carrier to the insured under a policy becomes absolute when loss or damage covered by the policy occurs and the satisfaction by the insured of a judgment for the loss or damage shall not be a condition precedent to the right or duty of the carrier to make payment on account of the loss or damage;

2. No policy shall be cancelled or annulled, as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for the loss or damage and any attempted cancellation or annulment shall be void;

3. If the death of the insured occurs after the insured has become liable, during the policy period, for loss or damage covered by the policy, the policy shall not be terminated by the death with respect to the liability and the insurance carrier shall be liable hereunder as though death had not occurred;

4. On the recovery of a judgment against any person for loss or damage, if the person or the decedent he represents was at the accrual of the cause of action insured against the liability under the policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment;

5. If the death, insolvency, or bankruptcy of the insured occurs within the policy period, the policy during the unexpired portion of the period shall cover the legal representatives of the insured; and

6. No statement made by the insured or on his behalf and no violation of the terms of the policy shall operate to defeat or avoid the policy so as to bar recovery within the limits provided in this chapter.

Code 1950, § 46-498; 1958, c. 541, § 46.1-511; 1989, c. 727.

§ 46.2-480. Reimbursement of carrier and proration of insurance.

Any policy may provide:

1. That the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payments made on account of any accident, claim, or suit involving a breach of the terms, provisions, or conditions of the policy; or

2. For proration of the insurance with other applicable valid and collectible insurance.

Code 1950, § 46-499; 1958, c. 541, § 46.1-512; 1989, c. 727.

§ 46.2-481. Binder or endorsement in lieu of policy.

Insurance carriers authorized to issue policies as provided in this chapter may, pending the issuance of the policy, execute an agreement to be known as a binder, which shall not be valid beyond sixty days from the date it becomes effective, or may, in lieu of a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as a formal policy. The provisions of this chapter apply to these binders and endorsements.

Code 1950, § 46-500; 1958, c. 541, § 46.1-513; 1989, c. 727.

§ 46.2-482. Notification of cancellation or termination of certified policy.

When any insurance policy certified under this chapter is cancelled or terminated, the insurer shall report the fact to the Commissioner within fifteen days after the cancellation on a form prescribed by the Commissioner.

1976, c. 259, § 46.1-513.2; 1989, c. 727.

Article 18 - DRIVER LICENSE COMPACT

§ 46.2-483. Compact enacted into law; terms.

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

THE DRIVER LICENSE COMPACT

Article I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II

Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

Article III

Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

Article IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

Article VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

1968, c. 166, § 46.1-167.8; 1989, c. 727.

§ 46.2-484. Department of Motor Vehicles to be "licensing authority" within meaning of compact; duties of Department.

As used in the compact, the term "licensing authority" with reference to this Commonwealth shall mean the Department of Motor Vehicles. The Department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

1968, c. 166, § 46.1-167.9; 1989, c. 727 .

§ 46.2-485. Compensation and expenses of compact administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

1968, c. 166, § 46.1-167.10; 1989, c. 727 .

§ 46.2-486. Governor to be "executive head" within meaning of compact.

As used in the compact, with reference to the Commonwealth, the term "executive head" shall mean the Governor.

1968, c. 166, § 46.1-167.11; 1989, c. 727 .

§ 46.2-487. Statutes and ordinances deemed to cover offenses specified in subdivision (a) of Article IV of compact.

For the purposes of complying with subdivisions (a) and (c) of Article IV of the compact, the following sections of the Code of Virginia and county, city, or town ordinances substantially paralleling such sections shall be deemed to cover the offenses of subdivision (a) of Article IV: With respect to subdivision (2), §§ 18.2-266 and 46.2-341.24 A; with respect to subdivision (4), §§ 46.2-894 through 46.2-899 subject to the limitation that the accident resulted in the death or personal injury of another; with respect to subdivisions (1) and (3), the Department shall determine which offenses are covered in the same manner as under § 46.2-389.

1968, c. 166, § 46.1-167.12; 1989, c. 727; 1994, c. 255.

§ 46.2-488. Question to be included in application for driver's license; surrender of license issued by another party state.

For the purpose of enforcing subdivision (3) of Article V of this compact, the Department shall include as part of the form for application for a driver's license under § 46.2-323 a question whether the applicant is currently licensed in another state and shall, if the applicant is so licensed, require the surrender of such license prior to the granting of such application in accordance with the provisions of this chapter.

1968, c. 166, § 46.1-167.13; 1984, c. 780; 1989, c. 727 .

Article 19 - DRIVER IMPROVEMENT PROGRAM

§ 46.2-489. Regulations; appeals.

The Commissioner may, subject to the provisions of § 46.2-203, promulgate regulations which he deems necessary to carry out the provisions of this article.

Any person receiving an order of the Commissioner to suspend or revoke his driver's license or licensing privilege or to require attendance at a driver improvement clinic or placing him on probation may, within thirty days from the date of the order, file a petition of appeal in accordance with § 46.2-410.

1974, c. 453, § 46.1-514.2; 1989, c. 727; 1995, c. 672.

§ 46.2-490. Establishment of driver improvement clinic program; application fees.

A. The Commissioner shall, in his discretion, contract with such entities as the Commissioner deems fit, including private or governmental entities, to develop curricula for a statewide driver improvement clinic program. Such program shall include instruction concerning but not limited to (i) alcohol and drug abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, and (v) work zone safety. The driver improvement clinic program shall be established for the purpose of instructing persons identified by the Department and the court system as problem drivers in need of driver improvement education and training and for those drivers interested in improved driving safety. The clinics shall be composed of uniform education and training programs designed for the rehabilitation of problem drivers, and for the purpose of creating a lasting and corrective influence on their driving performance. The clinics shall operate in localities based on their geographical location so as to be reasonably accessible to persons attending these clinics.

B. All businesses, organizations, governmental entities or individuals that want to provide driver improvement clinic instruction as a driver improvement clinic or instructor in the Commonwealth using approved curricula shall apply to the Department to be licensed to do so, based on criteria established by the Department. A nonrefundable annual license application fee of $100 shall be paid to the Department by all such businesses, organizations, governmental entities or individuals. A nonrefundable annual license fee of $25 shall also be paid for each additional clinic location operated by a clinic. A nonrefundable annual license fee of $50 shall be paid to the Department by a person applying for a clinic instructor license. However, neither the annual license fee for each additional clinic location nor the annual license fee for a clinic instructor license shall be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training. All such application fees collected by the Department shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 453, § 46.1-514.3; 1989, c. 727; 1995, c. 672; 2002, c. 177; 2004, c. 622; 2007, c. 180.

§ 46.2-490.1. Section 46.2-391.1 not applicable.

The provisions of § 46.2-391.1 shall not apply to any person whose license or other privilege to operate a motor vehicle is suspended or revoked in accordance with the provisions of this article.

1992, c. 109.

§ 46.2-490.2. Repealed.

Repealed by Acts 2004, c. 622.

§ 46.2-490.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Computer-based clinic provider," means any clinic licensed by the Department to conduct driver improvement clinics via the Internet or other electronic means approved by the Department.

"Driver improvement clinic" or "clinic" means an individual, partnership or corporation, institution of higher education, or government entity licensed by the Department as prescribed by this chapter for the purpose of instructing persons identified by the Department and the court system as problem drivers; in need of driver improvement education and training; and for drivers interested in improving their own knowledge of highway safety.

"Instructor" means any person, whether acting for himself as operator of a driver training clinic or for such clinic for compensation, who is licensed by the Department as prescribed by this chapter and who teaches, conducts classes, gives demonstrations, or supervises persons undergoing mandatory or voluntary driver improvement training.

2004, c. 622.

§ 46.2-490.4. Action on applications; hearing on denial.

The Commissioner shall act on any application for a clinic or instructor license under this chapter within 30 days after receipt by either granting or denying the application. Any applicant denied a clinic or instructor license shall, on his written request, made within 30 days, be given a hearing at a time and place determined by the Commissioner or his designee. All hearings under this section shall be public and shall be held promptly. The applicant may be represented by counsel. Any applicant denied a license may not apply again for a license for 30 days from the date of denial of the application or outcome of the hearing.

2004, c. 622.

§ 46.2-490.5. Suspension, revocation, cancellation or refusal to renew clinic license or instructor license; imposition of monetary penalties.

A. Except as otherwise provided in this section, no license issued under this chapter shall be suspended, revoked, or cancelled or renewal thereof denied, and no monetary penalty shall be imposed pursuant to § 46.2-490.6, unless the licensee has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.

B. The order suspending, revoking, canceling, or denying renewal of a license, or imposing a monetary penalty, except as otherwise provided in subsection D of this section, shall not become effective until the licensee has had 30 days after notice of the opportunity for a hearing to make a written request for such a hearing. If no hearing has been requested within such 30-day period, the order shall become effective and no hearing shall thereafter be held. Except as provided in subsection D of

this section, a timely request for a hearing shall automatically stay operation of the order until after the hearing.

C. Notice of an order suspending, revoking, canceling or denying renewal of a license, or imposing a monetary penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by registered mail to the clinic address as shown in the Department's records and shall be considered served when mailed.

D. Notwithstanding the provisions of subsection B of this section, if the Commissioner makes a finding, after conducting a preliminary investigation, that the conduct of a licensee (i) is in violation of this chapter, regulations adopted pursuant to this chapter, or criteria established by the Department pursuant to this chapter, and (ii) such violation constitutes a danger to public safety, the Commissioner may issue an order suspending, revoking, or denying renewal of the instructor's license, the clinic's license, or both, as deemed appropriate by the Commissioner. Orders suspending, revoking, or denying renewal of such license pursuant to this subsection shall be effective immediately. Notice of the suspension, revocation or denial shall be in writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a hearing appealing the suspension, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but no longer than 30 days of receipt of the hearing request. The suspension shall remain in effect pending the outcome of the hearing.

2004, c. 622.

§ 46.2-490.6. Civil penalties.

In addition to any other sanctions or remedies available to the Commissioner under this chapter, the Commissioner may assess a civil penalty not to exceed $1,000 for any violation of any provision of this chapter, any regulation promulgated thereunder, or any criteria established by the Department pursuant to this chapter. The penalty may be sued for and recovered in the name of the Commonwealth.

2004, c. 622.

§ 46.2-490.7. Acts of owners, operators, officers, directors, partners, and instructors.

If a licensee is a partnership or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a clinic license if any, owner, operator, officer, director, or trustee of the partnership or corporation, or any member in the case of a partnership, has committed any act or omitted any duty which would be cause for refusing, suspending, or revoking a license issued to him as an individual under this chapter. Each licensee shall be responsible for the acts of any of his instructors while acting as his agent, if the clinic approved of those acts or had knowledge of those acts or other similar acts and after such knowledge retained the benefit, proceeds, profits, or advantages accruing from those acts or otherwise ratified those acts.

2004, c. 622.

§ 46.2-490.8. Grounds for denying, suspending, or revoking licenses of clinics and clinic instructors.

A clinic or instructor license may be denied, suspended, or revoked on any one or more of the following grounds:

1. Material misstatement or omission in an application for a driver improvement clinic license or a driver improvement clinic instructor license;

2. Failure to comply subsequent to receipt of a written warning from the Department for any willful failure to comply with any provision of this chapter or any regulation promulgated by the Commissioner under this chapter; or any criteria established by the Department pursuant to this chapter;

3. Defrauding any student in a driver improvement clinic, or any other person in the conduct of a driver improvement clinic's business;

4. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of the Commonwealth;

5. Having used deceptive acts or practices;

6. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of a clinic;

7. Having been convicted of any fraudulent act in connection with a driver improvement clinic or driver training school, or any consumer-related fraud;

8. Having been convicted of any criminal act involving the operation of a driver improvement clinic or driver training school;

9. Having been convicted of a felony;

10. Failing or refusing to pay civil penalties imposed by the Department pursuant to § 46.2-490.6.

2004, c. 622.

§ 46.2-490.9. Unlawful acts; prosecution; proceedings in equity.

A. It shall be unlawful for any person to engage in any of the following acts:

1. Operate as a driver improvement clinic or as an instructor without holding a valid license as required by statute or regulation;

2. Make use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed;

3. Perform any act or function that is restricted by statute or regulation to persons holding a driver improvement clinic or instructor license, without being duly licensed;

4. Materially misrepresenting facts in an application for a license;

5. Willfully refusing to furnish the Department information or records required or requested pursuant to statute, regulation, or criteria established by the Department pursuant to § 46.2-490.

B. In addition to the provisions of subsection A of this section, the Department may institute proceedings in equity to enjoin any person from engaging in any unlawful act enumerated in this section.

Such proceedings shall be brought in the name of the Commonwealth in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

C. Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a Class 1 misdemeanor.

2004, c. 622.

§ 46.2-490.10. Changes in form of ownership or name.

Any change in the form of ownership or the addition or deletion of a partner shall require a new application and license. The addition or deletion of a clinic site or change in the name of a clinic shall require immediate notification to the Department and the Department may endorse the change on the license as appropriate. The change of an officer or director of a corporation shall be made at the time of license renewal.

2004, c. 622.

§ 46.2-490.11. Reports, records of licensed computer-based clinic providers.

A. The Department is hereby authorized to require annual, periodical, or special reports from computer-based clinic providers the Department has authorized to conduct clinics; to prescribe the manner and form in which such reports shall be made; and to require from such computer-based clinic providers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any computer-based clinic provider to file with it a true copy of each or any contract, agreement, or arrangement between such licensees and any person in relation to the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by licensed computer-based clinic providers and (ii) the length of time such accounts, records, and memoranda shall be preserved.

2004, c. 622.

§ 46.2-491. Persons included within scope of article.

This article shall apply to (i) every resident of the Commonwealth, regardless of whether he possesses a driver's license issued by the Department and (ii) every nonresident to whom the Department has issued a driver's license.

1974, c. 453, § 46.1-514.5; 1989, c. 727; 1995, c. 672.

§ 46.2-492. Uniform Demerit Point System.

A. The Commissioner shall assign point values to those convictions, or findings of not innocent in the case of a juvenile, which are required to be reported to the Department in accordance with § 46.2-383 for traffic offenses committed in violation of the laws of the Commonwealth or any county, city, or town ordinance paralleling and substantially conforming to state law, provided that no conviction, or finding

of not innocent in the case of a juvenile for any offense, relating to registration, insurance, or equipment shall be included except as otherwise provided by this title.

B. The Commissioner shall assign point values to those convictions received from any other state of the United States, the United States, Canada or its provinces, or any territorial subdivision of any of them, of an offense therein, which if committed in this Commonwealth, would be required to be reported to the Department by § 46.2-383.

C. No point assignment shall be made for any conviction which results from a vehicle having been parked or stopped, in order for the driver to sleep or rest, on the shoulder or other portion of a highway not ordinarily used for vehicular traffic. The court shall make a separate finding on this issue and note such finding on the conviction record.

D. The Uniform Demerit Point System standard for rating convictions of traffic offenses shall be based on the severity of the offense and the potential hazardous exposure to other users of the highways and streets. The Commissioner shall designate the point values assigned to convictions, or findings of not innocent in the case of a juvenile, on a graduated scale not to exceed six demerit points for any single conviction. The Commissioner shall develop point system assignments as follows:

1. Serious traffic offenses such as driving while intoxicated in violation of § 18.2-266, persons under age twenty-one driving after illegally consuming alcohol in violation of § 18.2-266.1, reckless driving in violation of § 46.2-852, speeding twenty or more miles per hour above the posted speed limit, racing in violation of § 46.2-865, and other serious traffic offenses as the Commissioner may designate, shall be assigned six demerit points.

2. Relatively serious traffic offenses such as failure to yield the right-of-way in violation of §§ 46.2-820 through 46.2-823, speeding between ten and nineteen miles per hour above the posted speed limit, following too closely in violation of § 46.2-816, failure to stop when entering a highway in violation of § 46.2-863, aggressive driving in violation of § 46.2-868.1 and other relatively serious traffic offenses as the Commissioner may designate, shall be assigned four demerit points.

3. Traffic offenses of a less serious nature such as improper driving in violation of § 46.2-869, speeding between one and nine miles per hour above the posted speed limit, improper passing in violation of § 46.2-838, failure to obey a highway sign in violation of § 46.2-830 and other offenses of a less serious nature as the Commissioner may designate, shall be assigned three demerit points.

E. When a person is convicted of two or more traffic offenses committed on a single occasion, he shall be assessed points for one offense only and if the offenses involved have different point values, he shall be assessed points for the offense having the greater point value.

1974, c. 453, § 46.1-514.6; 1976, c. 86; 1989, c. 727; 1992, c. 856; 1998, c. 430; 2002, cc. 752, 782.

§ 46.2-493. Demerit points valid for two years.

Demerit points, assigned to any conviction, or finding of not innocent in the case of a juvenile, shall be valid for a period of two years from the date the offense was committed. Demerit points used prior to

the termination of the two-year period as the basis for suspension, revocation, probation, or other action which extends beyond the two-year period shall remain valid until the suspension, revocation, probationary period, or other action has terminated.

1974, c. 453, § 46.1-514.7; 1989, c. 727.

§ 46.2-494. Safe driving point credit.

Every resident or nonresident person holding a valid Virginia driver's license whose driving record does not contain any suspension, revocation, conviction, or finding of not innocent in the case of a juvenile, of a traffic violation, during any calendar year shall be awarded one safe driving point. One safe driving point shall be awarded for each calendar year of safe driving, but no person shall be permitted to accumulate more than five safe driving points. The Commissioner shall apply these points to offset an equivalent number of demerit points, if any, to the chronologically earliest offense conviction, or finding of not innocent in the case of a juvenile, for which demerit points have been assigned and are valid. If subsequent to awarding a safe driving point to any person, the Department receives a conviction, or finding of not innocent in the case of a juvenile, for an offense which occurred during the period for which a safe driving point was awarded for and which requires the Department to assess demerit points, the safe driving point shall be invalidated.

1974, c. 453, § 46.1-514.8; 1978, c. 44; 1989, c. 727.

§ 46.2-495. Advisory letters.

Whenever the driving record of any person who is eighteen years old or older shows an accumulation of at least eight demerit points based on convictions for traffic offenses committed within a period of twelve consecutive months, or at least twelve demerit points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner may mail, by first-class mail, to the last known address of the person an advisory letter listing his convictions and the demerit points assigned thereto, including his safe driving points, if any, and furnish any other information deemed appropriate and applicable to the rehabilitation of the person, for the purpose of preventing subsequent traffic offenses.

The Department's failure to mail, or the citizen's nonreceipt of the advisory letter shall not be grounds for waiving any other provision of this article.

1974, c. 453, § 46.1-514.9; 1984, c. 673; 1989, c. 727; 1995, c. 672; 1998, cc. 124, 792.

§§ 46.2-496, 46.2-497. Repealed.

Repealed by Acts 1995, c. 672.

§ 46.2-498. Driver improvement clinics; voluntary attendance.

A. Whenever the driving record of any person who is eighteen years old or older shows an accumulation of at least twelve demerit points based on convictions for traffic offenses committed within a period of twelve consecutive months, or at least eighteen demerit points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct the person to attend a driver improvement clinic.

B. Except for those persons whose licenses are subject to the restrictions of § 46.2-334.01, whenever the driving record of a person under the age of eighteen years shows an accumulation of (i) at least nine points based on convictions for traffic offenses committed within a period of twelve consecutive months or (ii) at least twelve points based on convictions for traffic offenses committed within a period of twenty-four consecutive months, the Commissioner shall direct the person to attend a driver improvement clinic and such person shall be subject to probation pursuant to § 46.2-499.

C. Except as provided for in subsection D of this section and in §§ 46.2-334.01 and 46.2-505, every person who attends a driver improvement clinic conducted by the Department or those businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction and who satisfactorily completes the clinic shall have five demerit points subtracted from his total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made. No person shall be allowed to accumulate more than five safe driving points.

Safe driving points shall be awarded or reductions in premium charges, as set forth in § 38.2-2217, shall be received for the completion of a driver improvement clinic only once within a period of two years from the date a person satisfactorily completes the clinic. Persons shall be eligible to voluntarily attend a driver improvement clinic again for either safe driving points or a reduction in premium charges, whichever was not awarded or received previously, one year from the date of satisfactory completion of a driver improvement clinic in which safe driving points or a reduction in premium charges was received or awarded.

D. Any resident or nonresident person holding a valid license to drive a motor vehicle in Virginia, whether or not he has accumulated demerit points, may apply to any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction for permission to attend a driver improvement clinic on a voluntary basis. Such businesses, organizations, governmental entities or individuals may, when seating space is available, schedule the person to attend a driver improvement clinic.

Persons who voluntarily attend and satisfactorily complete a driver improvement clinic shall be eligible (i) to have five demerit points subtracted from their total accumulation of demerit points, except in those instances where a person has not accumulated five demerit points, in which case a reduction in demerit points and/or the award of safe driving points will be made, or (ii) to receive a reduction in premium charges as set forth under § 38.2-2217, either of which, but not both, shall be awarded or received no more than once in a two-year period, as set forth in subsection C of this section. Such persons shall inform the business, organization or individual providing instruction if they are attending to be awarded safe driving points or to receive a reduction in premium charges as set forth under § 38.2-2217.

1974, c. 453, § 46.1-514.12; 1982, c. 671; 1984, c. 673; 1989, c. 727; 1995, cc. 226, 672; 1996, cc. 307, 1035; 1998, cc. 124, 792.

§ 46.2-499. Driver's license probation.

A. The Commissioner shall place on probation for a period of six months any person who has been directed to attend a driver improvement clinic pursuant to the provisions of § 46.2-498. In addition, the Commissioner shall place any person on probation for a period of six months on receiving a record of a conviction of such person of any offense for which demerit points are assessed and the offense was committed within any driver control period imposed pursuant to § 46.2-500. Whenever a person who has been placed on probation is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the probation period, the Commissioner shall suspend the person's license for a period of ninety days when six demerit points are assigned, for a period of sixty days when four demerit points are assigned, and for a period of forty-five days when three demerit points are assigned. In addition, the Commissioner shall again place the person on probation for a period of six months, effective on termination of the suspension imposed pursuant to this section.

B. Upon request, the Commissioner shall grant a restricted license during the first period of suspension imposed pursuant to subsection A of this section provided the person is otherwise eligible to be licensed. Any person whose driver's license is suspended for a second or subsequent time under subsection A of this section shall be eligible to receive a restricted driver's license only if the violation occurred within a probation period that was immediately preceded by a control period. A restricted license may be issued for any of the purposes set forth in subsection E of § 18.2-271.1. Written verifications of the person's employment, continuing education or medically necessary travel shall also be required and made available to the Commissioner. Whenever a person who has been granted a restricted license pursuant to this subsection is convicted, or found not innocent in the case of a juvenile, of any offense for which demerit points are assessed, and the offense was committed during the restricted license period, the Commissioner shall suspend the person's license using the same demerit point criteria and suspension periods set forth in subsection A of this section. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

C. Whenever the Department receives notice from the court that restricted license privileges have been granted to a person who has an existing restricted license issued pursuant to subsection B of this section, the existing restricted license shall be cancelled, and the Commissioner shall suspend the person's license for the period of time remaining on the original order of suspension. No court-granted restricted license shall be issued until the end of the suspension period imposed by the Commissioner.

1974, c. 453, § 46.1-514.13; 1978, c. 221; 1984, c. 673; 1989, c. 727; 1994, c. 849; 1995, c. 672; 1996, cc. 943, 994; 2001, cc. 645, 779.

§ 46.2-500. Driver control period.

Whenever an individual is placed on probation pursuant to §§ 46.2-498, 46.2-499 or § 46.2-506, the Commissioner shall also place the person on driver control status for a period of eighteen months following the termination of the probationary period. If the individual commits any violation during the driver control period for which points are assessed, the Commissioner shall again place the individual on probation for a period of six months and on driver control status for an additional period of eighteen months following the probationary period.

1984, c. 673, § 46.1-514.13:1; 1989, c. 727; 1995, c. 672.

§ 46.2-501. Notice to attend driver improvement clinic.

A. Any notice to attend a driver improvement clinic shall contain:

1. Information on how to schedule a driver improvement clinic.

2. The purpose of the driver improvement clinic, including the consequences of not attending the clinic program.

3. An explanation of the terms of the probationary licensing period.

4. A requirement stating that the clinic must be satisfactorily completed within ninety days from the date of the notice. The Commissioner may for good cause shown, and provided the person provides the Commissioner with satisfactory evidence documenting the need and soonest date of return, extend the time limit otherwise provided for attending such a clinic when the person directed to attend a driver improvement clinic is (i) attending an institution of higher education outside Virginia, and attendance is to coincide with a break in the school year of such institution of higher education, provided that jurisdiction does not offer an approved driver improvement clinic or (ii) in the military or is a military dependent and is stationed outside the United States or outside the Commonwealth in a jurisdiction that does not offer an approved driver improvement clinic.

B. The notice directing any person to attend a driver improvement clinic shall be forwarded by certified mail to the last known address of the person, as shown on the records of the Department.

1974, c. 453, § 46.1-514.14; 1989, c. 727; 1995, c. 672; 2002, c. 385.

§ 46.2-502. Clinic fees.

A. The Department and all businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction may charge a fee not to exceed $100, which shall include the processing fee set forth in subsection B of this section, to persons notified by the Department to attend a driver improvement clinic. No person shall be permitted to attend a driver improvement clinic unless the person first pays the required attendance fee to the business, organization, governmental entity or individual providing the driver improvement clinic instruction.

B. All businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction shall collect for the Department a processing fee of $10 from each person attending a driver improvement clinic taught by such businesses, organizations, governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters

submitted to the Department by such businesses, organizations, governmental entities or individuals. No such processing fee, however, shall be required or collected from members of volunteer emergency medical services agencies and volunteer fire departments who attend such clinics in order to successfully complete training for emergency vehicle operation. All fees collected by the Department under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 453, § 46.1-514.15; 1984, c. 673; 1987, c. 696; 1989, c. 727; 1992, c. 459; 1995, c. 672; 1996, c. 171; 1998, c. 437; 2013, c. 326; 2015, cc. 502, 503.

§ 46.2-503. Suspension of privilege to operate a motor vehicle for failure to attend clinics.
The Commissioner shall suspend the privilege to operate a motor vehicle of any person who fails to satisfactorily complete a driver improvement clinic. This suspension shall remain in effect until such person satisfactorily completes the driver improvement clinic. This section shall not be applicable to persons attending clinics on a voluntary basis.

1974, c. 453, § 46.1-514.16; 1984, c. 673; 1989, c. 727; 1995, c. 672.

§ 46.2-504. Form and contents of order of probation, suspension or revocation; service.
Whenever the Commissioner issues a probation, suspension or revocation order in accordance with any provision of this chapter, the order shall provide the addressee with a minimum of ten days' notice and shall be served as provided in § 46.2-416.

1974, c. 453, § 46.1-514.17; 1980, c. 704; 1984, c. 673; 1989, c. 727.

§ 46.2-505. Court may direct defendant to attend driver improvement clinic.
A. Any circuit or general district court or juvenile court of the Commonwealth, or any federal court, charged with the duty of hearing traffic cases for offenses committed in violation of any law of the Commonwealth, or any valid local ordinance, or any federal law regulating the movement or operation of a motor vehicle, may require any person found guilty, or in the case of a juvenile found not innocent, of a violation of any state law, local ordinance, or federal law, to attend a driver improvement clinic or a mature driver motor vehicle crash prevention course as provided for in § 38.2-2217. The attendance requirement may be in lieu of or in addition to the penalties prescribed by § 46.2-113, the ordinance, or federal law. The court shall determine if a person is to receive safe driving points upon satisfactory completion of a driver improvement clinic conducted by the Department or by any business, organization, governmental entity or individual certified by the Department to provide driver improvement clinic instruction. In the absence of such notification, no safe driving points shall be awarded by the Department.

B. Notwithstanding the provisions of subsection A, no court shall, as a result of a person's attendance at a driver improvement clinic or a mature driver motor vehicle crash prevention course, reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et

seq.) or any holder of a commercial driver's license charged with any offense committed while operating a noncommercial motor vehicle.

C. Persons required by the court to attend a driver improvement clinic or a mature driver motor vehicle crash prevention course shall notify the court if the driver improvement clinic or mature driver motor vehicle crash prevention course has or has not been attended and satisfactorily completed, in compliance with the court order. Failure of the person to attend and satisfactorily complete a driver improvement clinic or mature driver motor vehicle crash prevention course, in compliance with the court order, may be punished as contempt of such court.

1974, c. 453, § 46.1-514.18; 1989, c. 727; 1995, c. 672; 2002, c. 724; 2008, c. 190; 2014, c. 282.

§ 46.2-506. Formal hearings; suspension for excessive point accumulation.

A. Whenever the operating record of any person shows a continued disregard of the motor vehicle laws subsequent to being placed on probation, he may be charged as a reckless or negligent driver of a motor vehicle, and cited for a formal hearing in accordance with the provisions of §§ 46.2-402 through 46.2-408. If the hearing results in the suspension of a person's driving privilege, the person shall be placed on probation at the end of the suspension period in accordance with the provisions of § 46.2-499.

B. Whenever the operating record of any person shows an accumulation of at least eighteen demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any twelve consecutive months, or at least twenty-four demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any twenty-four consecutive months, respectively, the Commissioner shall suspend the person's license or licenses for a period of ninety days and thereafter until he attends and satisfactorily completes a driver improvement clinic. At the end of this suspension period, the person shall be placed on probation in accordance with the provisions of § 46.2-499.

1974, c. 453, § 46.1-514.19; 1984, c. 673; 1989, c. 727; 1995, c. 672.

Chapter 6 - Titling and Registration of Motor Vehicles

Article 1 - TITLING AND REGISTRATION, GENERALLY

§ 46.2-600. Owner to secure registration and certificate of title or certificate of ownership.

Except as otherwise provided, for the purposes of this chapter, a moped shall be deemed a motor vehicle.

Except as otherwise provided in this chapter every person who owns a motor vehicle, trailer or semitrailer, or his authorized attorney-in-fact, shall, before it is operated on any highway in the Commonwealth, register with the Department and obtain from the Department the registration card and certificate of title for the vehicle. Individuals applying for registration shall provide the Department with the residence address of the owner of the vehicle being registered. A business applying for registration

shall provide the Department with the street address of the owner or lessee of the vehicle being registered.

At the option of the applicant for registration, the address shown on the title and registration card may be either a post office box or the business or residence address of the applicant.

Unless he has previously applied for registration and a certificate of title or he is exempted under §§ 46.2-619, 46.2-626.1, 46.2-631, and 46.2-1206, every person residing in the Commonwealth who owns a motor vehicle, trailer, or semitrailer, or his duly authorized attorney-in-fact, shall, within 30 days of the purchase or transfer, apply to the Department for a certificate of ownership.

Nothing in this chapter shall be construed to require titling or registration in the Commonwealth of any farm tractor or special construction and forestry equipment, as defined in § 46.2-100.

Notwithstanding the foregoing provisions of this section, provided such vehicle is registered and titled elsewhere in the United States, nothing in this chapter shall be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, mobilized reserve or national guard member living in the Commonwealth, or person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed.

Code 1950, § 46-42; 1958, c. 541, § 46.1-41; 1972, c. 301; 1978, c. 402; 1980, c. 469; 1986, c. 228; 1988, c. 363; 1989, c. 727; 2003, c. 297; 2007, c. 934; 2010, c. 135; 2013, cc. 244, 367, 783; 2016, c. 428.

§ 46.2-600.1. Indication of special communication needs.

A. As used in this section, "disability that can impair communication" means a condition with symptoms that can impair the ability of a person with such condition to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems, including autism spectrum disorders as defined in § 38.2-3418.17 and hearing loss.

B. The Department shall include on the application for registration of a motor vehicle an option for the vehicle owner to, if applicable, voluntarily indicate that he has a disability that can impair communication. Any application on which the applicant indicates that he has such a disability shall be accompanied by a certification signed by a licensed physician that such individual has a disability that can impair communication.

C. Any vehicle owner with a driver's license indicator authorized pursuant to subsection K of § 46.2-342 or special identification card indicator authorized pursuant to subsection L of § 46.2-345 shall be eligible for the registration indicator. Vehicle owners with a driver's license indicator or special identification card indicator may apply to the Department for a registration indicator in a manner prescribed by the Commissioner.

D. Notwithstanding the provisions of § 46.2-208, the Department shall provide information regarding vehicle registrants who have indicated, pursuant to subsection B or C, that they have a disability that can impair communication with employees and agents of criminal justice agencies as defined in § 9.1-101. The Department shall confirm the presence or absence of a registration indicator indicating that the registrant has a disability that can impair communication, but it shall not provide information about the type of health condition or disability that the registrant has.

2020, c. 786.

§ 46.2-601. Appointment of Commissioner agent for service of process.

Each nonresident owner of a motor vehicle, trailer, or semitrailer applying for the registration thereof in the Commonwealth shall file with the application a duly executed instrument, constituting the Commissioner and his successors in office his attorney on whom all lawful process against and notice to the owner may be served in any action or legal proceeding brought as the result of the operation or use of any motor vehicle, trailer, or semitrailer registered by or for him, in the Commonwealth; and therein shall agree that any process against or notice to the owner shall have the same effect as if served on the owner within the Commonwealth. The service of the process or notice shall be made by leaving a copy of it in the office of the Commissioner with a service fee of three dollars to be taxed as a part of the costs of the suit. The Commissioner shall forthwith notify the owner of the service by letter.

Code 1950, § 46-125; 1958, c. 541, § 46.1-139; 1989, c. 727.

§ 46.2-602. Titling and registration of foreign market vehicles.

A. The Department shall not issue a permanent certificate of title or registration for a foreign market vehicle until the applicant submits proof that the vehicle complies with federal safety requirements.

B. The Department shall accept as proof that a foreign market vehicle complies with federal safety requirements documents from either the United States Department of Transportation or the United States Customs Service stating that the vehicle conforms or has been brought into conformity with federal safety requirements.

C. The certificate of title of any foreign market vehicle titled under this section shall contain an appropriate notation that the owner has submitted proof that it complies with federal safety requirements.

D. Any foreign market vehicle previously titled in the Commonwealth shall be titled and registered without further proof of compliance with federal safety requirements. If, however, proof of compliance is not submitted to the Department, the certificate of title shall contain an appropriate notation that the owner of the foreign market vehicle has not submitted proof that the vehicle complies with federal safety requirements.

E. No foreign market vehicle manufactured prior to 1968 shall be subject to this section.

F. Notwithstanding the provisions of subsection A of this section, the Department shall issue a nonnegotiable title for a foreign market vehicle on submission of a complete application for a title including all necessary documents of ownership. A negotiable title will be issued on proof of compliance as

provided in subsection A of this section. The Department shall show on the face of any title issued under this section any negotiable security interests in the motor vehicle as provided in §§ 46.2-636 through 46.2-643.

G. The Department shall not transfer the title to a foreign market vehicle if ownership of the vehicle is evidenced by a nonnegotiable title, unless the nonnegotiable title owner is deceased. If the nonnegotiable title owner is deceased, a new, nonnegotiable title may be issued to the legatee or distributee in accordance with §§ 46.2-633 and 46.2-634.

H. A nonnegotiable title may be issued for the purpose of recording a lien. A negotiable certificate of title shall be issued on proof of compliance with all regulations prescribed in this section.

I. Notwithstanding other provisions of this section, the Department shall issue, on application, a temporary, nonrenewable 180-day registration to a foreign market vehicle upon:

1. Proof that the vehicle has been brought into compliance with all federal safety requirements and that the applicant is merely waiting for documentary releases from the Federal Department of Transportation;

2. Proof of satisfactory passage of a Virginia safety inspection; and

3. Submission of a complete application for a title, including all necessary documents of ownership.

J. The Department shall withhold delivery of the certificate of title during the 180-day period of conditional registration and shall not issue the permanent title until the requirements of subsection A of this section have been met.

K. Upon application, the Department shall issue a temporary one-trip permit for the purpose of transporting a foreign market vehicle from the port of entry to the applicant's home or to a conversion facility. The one-trip permit shall be issued in accordance with § 46.2-651.

1986, c. 613, § 46.1-41.2; 1989, c. 727.

§ 46.2-602.1. Titling and registration of replica vehicles.

Notwithstanding any other provision of this chapter, the model year of vehicles constructed or assembled by multiple manufacturers or assemblers shall be the model year of which the vehicle is a replica. No vehicle titled under this section shall be driven more than 5,000 miles per year as shown by the vehicle's odometer. No vehicle titled under this section shall be automatically eligible for antique motor vehicle license plates provided for in § 46.2-730.

Any vehicle registered under this section shall be subject to vehicle safety inspections as provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 and emissions inspections as provided for in Article 22 (§ 46.2-1176 et seq.) of Chapter 10. Such vehicles shall meet such safety and emission requirements as established for the model year of which the vehicle is a replica.

The Department shall assign each such vehicle a new vehicle identification number, line-make, and model year, if required.

2007, cc. 325, 393.

§ 46.2-602.2. Titling and registration of company vehicles of automotive manufacturers.
For the purpose of this section:

"Automotive manufacturer" means the entire worldwide affiliated group as defined in § 58.1-3700.1, as of July 31, 2007, if at least one member of the worldwide affiliated group is an automotive manufacturer, as classified under the 2007 North American Industry Classification System Codes 3361, 3362, and 3363 in effect as of December 31, 2007.

"Company vehicles" means the following vehicles owned or operated by an automotive manufacturer having its headquarters in Virginia:

1. Vehicles used for sales or service training, advertising, public relations, quality control, and emissions or other testing and/or evaluation purposes;

2. Vehicles used for headquarters-related purposes, including but not necessarily limited to use by visiting executives or employees;

3. Vehicles provided for use by eligible headquarters employees or their eligible family members in compliance with established corporate policies as may from time to time be in effect, but not more than four vehicles may be leased for the benefit of any eligible headquarters employee at any one time; and

4. All other vehicles deemed by the automotive manufacturer to serve a headquarters function, but excluding any vehicles provided for use by eligible headquarters employees or their eligible family members in compliance with established corporate policies.

"Family members" means the spouse of an employee, and the children and parents of an employee or an employee's spouse.

"Headquarters" means a facility at which company employees are physically employed and at which the majority of the company's financial, personnel, legal, or planning functions are handled either on a regional or national basis.

Each automotive manufacturer having its headquarters in the Commonwealth shall be issued a motor vehicle dealer license or equivalent permit by the Commissioner. Such license or permit shall authorize the automotive manufacturer to dispose of company vehicles using a manufacturer's certificate of origin, but if disposed of within the Commonwealth of Virginia, such vehicles may only be transferred to a new motor vehicle dealer holding a franchise for the automotive manufacturer's line-make, provided each vehicle is transferred with a designation indicating that it is not a new motor vehicle as defined in § 46.2-1500. The automotive manufacturer and its affiliates may sell used motor vehicles directly to its lessees.

An automotive manufacturer having its headquarters in the Commonwealth may obtain a title for any company vehicle, but issuance of any such title shall be exempt from all fees except for the fee for issuance of a certificate of title as provided in § 46.2-627.

All company vehicles used as provided in this section may be driven using license plates issued and affixed as provided in Article 5 (§ 46.2-1545.1 et seq.) of Chapter 15. All such vehicles shall be classified as merchants' capital and subject to merchants' capital tax pursuant to Article 3 (§ 58.1-3509 et seq.) of Chapter 35 of Title 58.1.

2008, cc. 304, 753; 2015, c. 615.

§ 46.2-602.3. Titling and registration of converted electric vehicles.

A. Upon receipt of an application and such evidence of ownership as required by the Commissioner pursuant to § 46.2-625, the Department shall issue a certificate of title for a converted electric vehicle. The first certificate of title issued for a converted electric vehicle shall be an original certificate of title, regardless of the submission of a Virginia certificate of title issued for the vehicle prior to conversion.

B. 1. No converted electric vehicle shall be registered or operated on the highways of the Commonwealth until the owner submits to the Department a certification by a certified Virginia safety inspector that the conversion to electric propulsion is complete and proof that the vehicle has passed a Virginia safety inspection subsequent to the certification. Such certification shall be on a form approved by the Commissioner and the Superintendent and shall state that the inspector has verified that (i) the internal combustion engine has been removed; (ii) the fuel tank has been removed and not replaced; (iii) a traction battery pack has been installed that is distinct from the vehicle's original auxiliary battery system; and (iv) an electric motor has been installed to drive the wheels of the vehicle. The safety inspector may charge a fee not to exceed $40 to complete a certification pursuant to this subsection, but no such charge shall be mandatory. Any fee charged for such certification shall be in addition to any fee imposed pursuant to § 46.2-1167 for the completion of a Virginia safety inspection.

2. The completion of the certification required by this section shall not impose any liability on the safety inspector for the quality of the conversion process; however, nothing in this section shall be construed so as to relieve the safety inspector of any liability that may be imposed pursuant to Article 21 (§ 46.2-1157 et seq.) of Chapter 10 or under any regulation promulgated pursuant to § 46.2-1165, relating to the safety inspection of the converted electric vehicle.

3. The submission of a certification pursuant to this section shall be sufficient documentation to exempt the converted electric vehicle for which it is submitted from the emissions inspection program required by Article 22 (§ 46.2-1176 et seq.) of Chapter 10.

4. When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the converted electric vehicle to and from an official Virginia safety inspection station.

C. The provisions of this section need only be satisfied once for each converted electric vehicle.

2012, c. 177; 2013, c. 216.

§ 46.2-602.4. Titling and registration of off-road motorcycle converted to on-road use.

A. For the purpose of this section:

"Converter" means a person who, through the act of conversion, alters an off-road motorcycle for on-road use on the highways by the addition, substitution, or removal of motor vehicle equipment, creating a motor vehicle to which Federal Motor Vehicle Safety Standards for new motorcycles will become applicable at the time of the conversion. A converter shall be considered a manufacturer responsible under 49 U.S.C. § 30112 for compliance of the motorcycle with Federal Motor Vehicle Safety Standards and the certification of compliance required by those standards.

"Federal Motor Vehicle Safety Standards" means the standards prescribed by 49 C.F.R. Part 571.

"Manufacturer" means a person manufacturing or assembling motor vehicles or motor vehicle equipment.

"Motor vehicle equipment" means (i) any system, part, or component of a motor vehicle as originally manufactured or (ii) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle.

"Off-road motorcycle converted to on-road use" means every off-road motorcycle that has been converted for use on the public highways with the addition of such necessary equipment to meet all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted.

B. Each converter shall certify in accordance with the requirements of subsection E that the off-road motorcycle converted to on-road use meets all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted. If the converter is unavailable or unknown, the owner shall certify that the converter is unavailable or unknown and that he assumes responsibility for all duties and corresponding liabilities under the Federal Motor Vehicle Safety Act. If a converter or owner fails or refuses to provide the required certification, the vehicle shall remain an off-road motorcycle.

C. Each converter, or owner if the converter is unavailable or unknown, shall permanently affix to each vehicle a label containing the following: (i) the name of manufacturer, (ii) the month and year of manufacture, (iii) the gross vehicle weight rating, (iv) the gross axle weight rating, (v) certification that the vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture in the year in which it is converted, (vi) the vehicle identification number, and (vii) the motorcycle vehicle classification. Such label shall meet the requirements set forth in 49 C.F.R. § 567.4.

D. Upon receipt of an application and such evidence of ownership as required by the Commissioner pursuant to § 46.2-625, the Department shall issue a certificate of title for an off-road motorcycle converted to on-road use. The first certificate of title issued for an off-road motorcycle converted to on-road use shall be an original certificate of title, regardless of the submission of a Virginia certificate of title issued for the off-road motorcycle prior to conversion.

E. No off-road motorcycle converted to on-road use shall be registered or operated on the highways of the Commonwealth until the owner submits to the Department, upon a form approved and furnished by the Department, (i) certification that the motor vehicle has passed the motor vehicle safety inspection subsequent to the conversion; (ii) certification from the converter, or owner if the converter is unavailable or unknown, that the motor vehicle meets all applicable Federal Motor Vehicle Safety Standards; and (iii) certification that the motor vehicle has been labeled in accordance with subsection C.

F. When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the off-road motorcycle converted to on-road use to and from an official motor vehicle safety inspection station.

G. Notwithstanding §§ 46.2-105 and 46.2-605, any certification required by this section found to be knowingly given falsely is punishable as a Class 1 misdemeanor.

2015, c. 259.

§ 46.2-603. Issuance of certificate of title and registration card.

A. The Department, on receiving an application for a certificate of title for a motor vehicle, trailer, or semitrailer, shall issue to the owner a certificate of title and a registration card as separate documents.

B. Subject to all applicable federal laws, the Department may refrain from issuing a certificate of title in paper form and, instead, shall create only the electronic record of such title to be retained by the Department in its existing electronic title record system with a notation that no certificate of title has been printed on paper. The owner of a vehicle will be deemed to have obtained and the Department will be deemed to have issued a certificate of title when such title record has been created electronically as provided in this subsection. An owner or lienholder listed on a title record so created may at any time request and the Department shall provide a paper certificate of title for the vehicle. Except as provided in § 46.2-603.1, all transfers of vehicle ownership shall require a paper certificate of title in accordance with, and subject to, all applicable federal laws.

Code 1950, § 46-68; 1958, c. 541, § 46.1-68; 1989, c. 727; 2005, c. 305; 2012, c. 650.

§ 46.2-603.1. Electronic titling program.

The Department may establish an electronic titling program for any "new motor vehicle" as that term is defined in § 46.2-1500. Participants in the electronic titling program shall submit electronic applications for original motor vehicle titles in a form and format prescribed by the Department. Participants must provide all documentation or information required by the Department to process the electronic title application, including an electronic manufacturer's certificate of origin and any information required by the Department in accordance with § 46.2-623. The records of a nationally recognized motor vehicle title database shall be searched prior to transfer of vehicle ownership. Participants shall collect from the purchaser of the new motor vehicle any fee charged for the search of the nationally recognized motor vehicle title database. Upon receipt of a completed electronic application, the Department shall refrain from issuing a certificate of title in paper form and, instead, shall create only

the electronic record of such title to be retained by the Department in its existing electronic title record system with a notation that no certificate of title has been printed on paper. The owner of a motor vehicle will be deemed to have obtained and the Department will be deemed to have issued a certificate of title when such title record has been created electronically as provided in this section. An owner listed on a title record so created may at any time request and the Department shall provide a paper certificate of title for the vehicle.

2012, c. 650.

§ 46.2-604. Contents of registration card and certificate; vehicle color data; notation of certain disabled owners.

The registration card and the certificate of title shall each contain the date issued, the registration number assigned to the motor vehicle, trailer, or semitrailer, the name and address of the owner, a description of the registered motor vehicle, trailer, or semitrailer, and other statement of facts as may be determined by the Department. Every applicant for registration or renewal of registration shall indicate on his application the color that best describes the predominant color of the vehicle. In so doing, the applicant shall select a color from a list of standard, primary colors, developed by the Commissioner. Such color information shall be maintained in the Department's records and made available to law-enforcement agencies for their official use and may, in the discretion of the Commissioner, be indicated on the registration card and the certificate of title.

Whenever disabled parking license plates are issued under § 46.2-731 to the parent or legal guardian of a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking, the registration card for such vehicle shall so note.

Whenever (i) disabled parking license plates are issued under § 46.2-731 or DV disabled parking license plates are issued under subsection B of § 46.2-739 and (ii) the vehicle for which such license plates are issued is registered in the name of more than one owner, the registration card for such vehicle shall include a notation indicating which owner or owners of the vehicle is a "person with a disability that limits or impairs his ability to walk" as defined in § 46.2-1240. However, no vehicle owned and used by an organization for the transportation of disabled persons shall be subject to the notation requirement imposed by this paragraph.

The registration card shall contain forms for providing notice to the Department of a transfer of the ownership of the motor vehicle, trailer, or semitrailer. Whenever a Virginia-registered motor vehicle is sold or its ownership otherwise transferred, the seller or transferor shall notify the Department of the sale or transfer by completing the appropriate portion of the registration card. Section 46.2-113 shall not apply to failures to provide such notification.

The certificate of title shall contain a statement of the owner's title and of all liens or encumbrances on the motor vehicle, trailer, or semitrailer described in the certificate and whether possession is held by the owner under a lease, contract, or conditional sale or other like agreement. The certificate of title

shall also contain forms of assignment of title or interest and warranty of title with space for notation of liens and encumbrances on the motor vehicle, trailer, or semitrailer at the time of a transfer.

Code 1950, § 46-79; 1958, c. 541, § 46.1-79; 1988, c. 363; 1989, c. 727; 1990, c. 79; 1998, cc. 285, 302; 2000, c. 667; 2004, c. 692.

§ 46.2-605. Altering or forging certificate of title, salvage/nonrepairable certificate, or registration card; penalty.

Any person who (i) with fraudulent intent alters any certificate of title, salvage/nonrepairable certificate, or registration card issued by the Department or by any other state, (ii) with fraudulent intent, makes a false statement on any application for a certificate of title, salvage/nonrepairable certificate, or registration card issued by the Department or any other state, (iii) forges or counterfeits any certificate of title, salvage/nonrepairable certificate, or registration card purporting to have been issued by the Department under the provisions of this title or by any other state under a similar law or laws or, with fraudulent intent, alters or falsifies, or forges any assignment of title, or salvage/nonrepairable certificate, (iv) holds or uses any certificate, registration card, or assignment, knowing the same to have been altered, forged, or falsified, shall be guilty of a Class 6 felony.

It shall be unlawful for any person to conspire with any other person to violate the provisions of this section.

Code 1950, § 46-12; 1958, c. 541, § 46.1-85; 1986, c. 490; 1989, c. 727; 1996, cc. 591, 917.

§ 46.2-606. Notice of change of address.

A. Whenever any person who has applied for or obtained the registration or title to a vehicle moves from the address shown in his application, registration card or certificate of title, he shall notify the Department of his change of address within 30 days.

B. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

C. Anyone failing to comply with this section may be charged a fee of $5, to be used to cover the Department's expenses. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any person whose address is obtained from the National Change of Address System.

1974, c. 347, § 46.1-52.1; 1989, c. 727; 1996, cc. 943, 994; 2010, cc. 25, 55.

§ 46.2-607. Duplicates for lost or mutilated indicia of titling and registration.

If any license plate, decal, registration card, or certificate of title is lost, mutilated, or has become illegible, the person who is entitled to the certificate shall immediately apply for and obtain a

replacement after furnishing information of the fact satisfactory to the Department and after payment of the required fees.

A person who has twice obtained a replacement set of license plates or decals shall not be entitled to obtain another set of license plates or decals during the license period for which the original set of plates was issued unless the Commissioner finds that the replacement license plates or decals have been lost or mutilated without the fault of the person entitled to them.

Code 1950, § 46-53; 1958, c. 541, § 46.1-55; 1968, c. 334; 1972, c. 609; 1982, c. 671; 1986, c. 165; 1989, c. 727.

§ 46.2-608. When application for registration or certificate of title rejected.

The Department may reject an application for the registration of a motor vehicle, trailer, or semitrailer or certificate of title when:

1. The applicant for registration is not entitled to it under the provisions of this title or Title 43;

2. The applicant has neglected or refused to furnish the Department with the information required on the appropriate official form or other information required by the Department;

3. The required fees have not been paid;

4. The vehicle is not equipped with equipment required by this title or the vehicle is equipped with equipment prohibited by this title;

5. The applicant, if not a resident of the Commonwealth, has not filed with the Commissioner a power of attorney appointing him the applicant's authorized agent or attorney-in-fact upon whom process or notice may be served as required in § 46.2-601;

6. There is reason to believe that the application or accompanying documents have been altered or contain any false statement;

7. The vehicle is a commercial motor vehicle and is being operated by a motor carrier that has been prohibited to operate by a federal agency;

8. The vehicle is a commercial motor vehicle and the vehicle has been assigned for safety to a motor carrier that has been prohibited from operating by a federal agency or a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner or a relative, family member, corporate officer, or shareholder; or

9. The vehicle is a commercial motor vehicle and the applicant has applied on behalf of or for the benefit of the real party in interest who has been issued a federal out of service order or if the applicant's business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the applicant or an entity, relative, family member, corporate officer, or shareholder.

For purposes of this section, the terms "commercial motor vehicle" and "motor carrier" shall be as defined in § 52-8.4.

Code 1950, § 46-54; 1958, c. 541, § 46.1-56; 1968, c. 605; 1986, c. 490; 1989, c. 727; 2011, c. 61.

§ 46.2-609. When registration may be suspended or revoked.

A. The Department may revoke the registration of a motor vehicle, trailer, or semitrailer and may revoke the registration card, license plates, or decals whenever the person to whom the registration card, license plates, or decals have been issued makes or permits to be made an unlawful use of any of them or permits their use by a person not entitled to them, or fails or refuses to pay, within the time prescribed by law, any fuel taxes or other taxes or fees required to be collected or authorized to be collected by the Department regardless of whether the fee applies to that particular vehicle.

B. The Department may suspend or revoke the registration card, license plates, or decals issued to a commercial motor vehicle if the motor carrier responsible for safety of the vehicle has been prohibited from operating by a federal agency. For purposes of this subsection, the terms "commercial motor vehicle" and "motor carrier" shall be as defined in § 52-8.4.

Code 1950, § 46-57; 1958, c. 541, § 46.1-59; 1962, c. 368; 1972, c. 609; 1974, c. 171; 1989, c. 727; 2011, c. 61.

§ 46.2-610. Suspension of registration on theft or embezzlement of vehicle; notices.

Whenever the owner of any motor vehicle, trailer, or semitrailer which is stolen or embezzled notifies the Department directly or through law-enforcement authorities of the theft or embezzlement, the Department shall immediately suspend the registration of that motor vehicle, trailer, or semitrailer until such time as it shall be notified that the owner has recovered his motor vehicle, trailer, or semitrailer. In the event of an embezzlement the owner shall obtain a warrant for the arrest of the person charged with the embezzlement before the Department shall suspend the registration. Any such suspension shall be effective only for the current registration period in which the notice was given. If during that period the motor vehicle, trailer, or semitrailer is not recovered, a new notice may be given with like effect during the ensuing period. Every owner who has given a notice of theft or embezzlement shall immediately notify the Department of the recovery of his motor vehicle, trailer, or semitrailer.

Code 1950, § 46-4; 1958, c. 541, § 46.1-60; 1989, c. 727.

§ 46.2-611. Appeal.

From any action by the Department under this title suspending or revoking, rescinding or cancelling the registration of any motor vehicle, trailer, or semitrailer or suspending, revoking, cancelling, or repossessing any registration card, license plates, or decals or denying an application for transfer of title, an appeal shall lie in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

Code 1950, § 46-60; 1958, c. 541, § 46.1-61; 1972, c. 609; 1979, c. 478; 1986, c. 615; 1989, c. 727.

§ 46.2-612. Failure to surrender revoked certificate of title, registration card, license plates or decals; other offenses relating to registration, licensing, and certificates of title; penalties.

A. It shall be unlawful for the owner of any motor vehicle, trailer, or semitrailer, for which license plates, decals, or registration cards have been revoked pursuant to this article, to fail or refuse to surrender to

the Department, on demand, a certificate of title if it is incorrect in any material particular. Violation of this subsection shall constitute a Class 2 misdemeanor.

B. No person shall:

1. Display or cause or permit to be displayed any registration card, certificate of title, or license plate or decal that he knows is fictitious or that he knows has been canceled, revoked, suspended, or altered; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for another vehicle. Violation of this subdivision shall constitute a Class 2 misdemeanor.

2. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any certificate of title, registration card, or license plate or decal that has been suspended, canceled, or revoked. Violation of this subdivision shall constitute a Class 2 misdemeanor.

3. Use a false name or address in any application for the registration of any motor vehicle, trailer, or semitrailer, for a certificate of title, or for any renewal or duplicate certificate or knowingly make a false statement of a material fact, knowingly conceal a material fact, or otherwise commit a fraud in any registration application. Violation of this subdivision shall constitute a Class 1 misdemeanor.

Code 1950, § 46-61; 1958, c. 541, § 46.1-62; 1962, c. 302; 1972, c. 609; 1989, c. 727; 2019, cc. 71, 79.

§ 46.2-613. Infractions relating to registration, licensing, and certificates of title; penalties.

A. No person shall:

1. Operate, park, or permit the operation or parking of a motor vehicle, trailer, or semitrailer owned, leased, or otherwise controlled by him on a highway unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals, if any, assigned to it by the Department for the current registration period, subject to the exemptions mentioned in Article 5 (§ 46.2-655 et seq.) and Article 6 (§ 46.2-662 et seq.). The provisions of this subdivision shall apply to the registration, licensing, and titling of mopeds on or after July 1, 2014.

2. Possess or use any registration card, license plate, or decal to which he is not entitled or knowingly permit the use of any registration card, license plate, or decal by anyone not entitled to it.

3. Willfully and intentionally violate the limitations imposed under §§ 46.2-665, 46.2-666, and 46.2-670 while operating an unregistered vehicle pursuant to the agricultural and horticultural exemptions allowed under those sections. A first violation of this subdivision shall constitute a traffic infraction punishable by a fine of not more than $250, and a second or subsequent violation of this subdivision shall constitute a traffic infraction punishable by a fine of $250.

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

Code 1950, § 46-63; 1950, p. 251; 1958, c. 541, § 46.1-64; 1960, c. 79; 1972, c. 609; 1974, c. 400; 1975, c. 124; 1979, c. 620; 1989, c. 727; 1997, c. 283; 1999, c. 212; 2002, c. 93; 2006, cc. 444, 472; 2013, c. 783; 2017, cc. 204, 670; 2018, c. 425; 2019, cc. 71, 79.

§ 46.2-613.1. Civil penalty for violation of license, registration, and tax requirements and vehicle size limitations.

A. A civil penalty of $250 and a processing fee of $20 shall be levied against any person who while at a permanent weighing station:

1. Operates or permits the operation of a truck or tractor truck with a gross weight greater than 7,500 pounds, a trailer, or a semitrailer owned, leased, or otherwise controlled by him on any highway in the Commonwealth unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals required by this title.

2. Operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder.

3. Operates or permits the operation of any truck or tractor truck for which the fee for registration is prescribed by § 46.2-697 on any highway in the Commonwealth (i) without first having paid the registration fee hereinabove prescribed or (ii) if at the time of operation the gross weight of the vehicle or of the combination of vehicles of which it is a part is in excess of the gross weight on the basis of which it is registered. In any case where a pickup truck is used in combination with another vehicle, the civil penalty and processing fee shall be assessed only if the combined gross weight exceeds the combined gross weight on the basis of which each vehicle is registered.

4. (i) Fails to declare a motor vehicle to be operated for hire when required by § 46.2-2121.1 or obtain a proper registration card or other evidence of registration as required by this chapter; (ii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification required by this title, display an identification marker issued for the vehicle by the Department in the manner prescribed by the Department, or display any other identifying information required by this title; or (iii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration cards or identification markers from the Department after such registration cards or identification markers have been revoked, canceled, or suspended.

5. (i) Fails to obtain a proper registration card, identification marker, or other evidence of registration required by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc.; (ii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification marker required by Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the

International Fuel Tax Association, Inc., or any motor vehicle that does not display an identification marker or other identifying information as prescribed by the Department or required by Title 58.1 or the terms of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc.; or (iii) operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration cards or identification markers from the Department after such registration cards or identification markers have been revoked, canceled, or suspended.

6. Operates or causes to be operated on any highway in the Commonwealth any truck or tractor truck or combination of vehicles exceeding the size limitations of Articles 14 (§ 46.2-1101 et seq.), 15 (§ 46.2-1105 et seq.), 16 (§ 46.2-1112 et seq.), and 18 (§ 46.2-1139 et seq.) of Chapter 10.

B. Upon collection by the Department, civil penalties levied pursuant to subdivisions A 1 and A 3 through 5 shall be paid into the Commonwealth Transportation Fund, but civil penalties levied pursuant to subdivisions A 2 and 6 and all processing fees levied pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to meet the expenses of the Department of Motor Vehicles.

C. The penalties and fees specified in this section shall be in addition to any other penalty, fee, tax, or liability that may be imposed by law.

2011, cc. 62, 73; 2012, cc. 22, 111; 2017, cc. 790, 815.

§ 46.2-613.2. Service of process in civil penalty cases for violation of license, registration, and tax requirements and vehicle size limitations.

Any person, whether resident or nonresident, who permits the operation of a motor vehicle in the Commonwealth by his agent or employee shall be deemed to have appointed the operator of such motor vehicle his statutory agent for the purpose of service of process in any proceeding against such person growing out of any violation under § 46.2-613.1. Acceptance by a nonresident of the rights and privileges conferred by Article 5 (§ 46.2-655 et seq.) of Chapter 6 shall have the same effect under this section as operation of such motor vehicle by such nonresident, his agent, or his employee.

2011, cc. 62, 73.

§ 46.2-613.3. Special processing provisions for civil penalties levied for violation of license, registration, and tax requirements and vehicle size limitations.

Notwithstanding any other provision of law, all civil penalties levied pursuant to § 46.2-613.1 shall be processed in the following manner:

1. The size and weight compliance agent charging the violation shall serve a citation on the operator of the vehicle. The citation shall be directed to the owner, operator, or other person responsible for the violation as determined by the size and weight compliance agent. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation as provided in § 46.2-613.5.

2. The size and weight compliance agent charging the violation shall cause the citation to be delivered or sent by first-class mail to the Department within 24 hours after it is served.

3. The owner, operator, or other person charged with the violation shall, within 21 days after the citation is served upon the vehicle operator, either make full payment to the Department of the civil penalty and processing fee as stated on the citation or deliver to the Department a written notice of his election to contest the charges in court.

4. Failure of the owner, operator, or other person charged with the violation to timely deliver to the Department either payment in full of the uncontested civil penalty and processing fee or a notice of contest of the violation shall cause the Department to issue an administrative order of assessment against such person. A copy of the order shall be sent by first-class mail to the person charged with the violation. Any such administrative order shall have the same effect as a judgment entered by a general district court.

5. Upon timely receipt of a notice of contest of a violation under § 46.2-613.1, the Department shall:

a. Forward the citation to the general district court named in the citation; and

b. Send by first-class mail to the person charged with the violation and to the size and weight compliance agent who issued the citation confirmation that the citation has been forwarded to the court for trial.

6. Notices and pleadings may be served by first-class mail to the address shown on the citation as the address of the person charged with the weight violation or, if none is shown, to the address of record for the person to whom the vehicle is registered.

7. An alleged violation that is contested shall be tried as a civil case. The attorney for the Commonwealth shall represent the interests of the Commonwealth. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the Department in lieu of any record that may be otherwise required by § 46.2-383. If judgment is for the Commonwealth, payment shall be made to the Department.

8. Notwithstanding any other provisions of this section, any and all citations and notices required by this section to be provided to the person charged with a violation or received from the person charged with a violation, with the exclusion of the citation as set out in subdivision 1, may be served or provided in an electronic manner if the Department and the person charged with the violation have agreed to utilize electronic notification.

2011, cc. 62, 73.

§ 46.2-613.4. Special seizure provisions for unpaid fees and penalties.

Any size and weight compliance agent authorized to serve process under the provisions of this chapter may hold a vehicle without an attachment summons or court order, but only for such time as is reasonably necessary to promptly petition for an attachment summons to attach the vehicle.

After finding reasonable cause for the issuance of an attachment summons, the judicial officer conducting the hearing shall inform the operator of the vehicle of his option to either pay the previously assessed fees and penalties due the Commonwealth or contest the charge through the attachment proceeding. If the operator chooses to make payment, he shall do so to the judicial officer, who shall transmit the citation along with the fees and penalties to the Department for distribution in accordance with subsection B of § 46.2-613.1.

The Commonwealth shall not be required to post bond in order to attach a vehicle pursuant to this section. The size and weight compliance agent authorized to hold the vehicle pending a hearing on the attachment petition shall also be empowered to execute the attachment summons if issued. Any bond for the retention of the vehicle or for release of the attachment shall be given in accordance with § 8.01-553 except that the bond shall be taken by a judicial officer. The judicial officer shall return the bond to the clerk of the appropriate court in place of the officer serving the attachment as otherwise provided in § 8.01-554.

In the event the fees and penalties are not paid in full, or no bond is given by, or for the person responsible for paying the fees and penalties, the vehicle shall be stored in a secure place, as may be designated by the owner or operator of the vehicle. If no place is designated, the officer or size and weight compliance agent executing the attachment summons shall designate the place of storage. The owner or operator shall be afforded the right of unloading and removing the cargo from the vehicle. The risk and cost of the storage shall be borne by the owner or operator of the vehicle.

Whenever an attachment summons is issued for unpaid fees and penalties the court shall forward to the Department both a copy of the order disposing of the case and the citation prepared by the size and weight compliance agent but not served.

Upon notification of the judgment or administrative order entered for such unpaid fees and penalties and notification of the failure of such person to satisfy the judgment or order, the Department, the Department of State Police, or any law-enforcement officer or size and weight compliance agent shall thereafter deny the offending person the right to operate a motor vehicle or vehicles on any highway of the Commonwealth until the judgment or order has been satisfied and a reinstatement fee of $50 has been paid to the Department. Reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

When informed that the right to operate the motor vehicle has been denied, the driver shall drive the motor vehicle to a nearby location off the public highways and not move it or permit it to be moved until such judgment or order has been satisfied. Failure by the driver to comply with this provision shall constitute a Class 4 misdemeanor.

All costs incurred by the Commonwealth and all judgments, if any, against the Commonwealth due to action taken pursuant to this section shall be paid from the fund into which the civil penalties levied pursuant to § 46.2-613.1 are paid.

Officers of the Department of State Police and all other law-enforcement officers are vested with the same powers with respect to the enforcement of this chapter as they have with respect to the enforcement of the criminal laws of the Commonwealth.

2011, cc. 62, 73; 2012, cc. 22, 111.

§ 46.2-613.5. Procedures for issuing and serving process in civil penalty cases.

Any size and weight compliance agent authorized to enforce the provisions of § 46.2-613.1 may issue a citation for a violation of such provisions. Such size and weight compliance agent may also serve an attachment summons issued by a judge or magistrate in connection with a violation of § 46.2-613.1.

Service of any such citation shall be made upon the driver of the motor vehicle involved in the violation. Such service on the driver shall have the same legal force and validity as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

2011, cc. 62, 73.

§ 46.2-614. Right to recover damages not affected.

Nothing contained in this chapter shall affect the right of any person injured in his person or property by the negligent operation of any motor vehicle, trailer, semitrailer, or locomotive to sue and recover damages.

Code 1950, § 46-67; 1958, c. 541, § 46.1-67; 1989, c. 727.

§ 46.2-615. Registration effective after death of owner.

Upon the death of an owner of a registered motor vehicle, trailer, or semitrailer, its registration shall continue in force as a valid registration until (i) the end of the registration period for which the license plates or decals are issued or (ii) the ownership of the motor vehicle, trailer, or semitrailer is transferred before the end of the registration period by the executor or administrator of the estate of the deceased owner or by a legatee or distributee of the estate, as provided in § 46.2-632 or 46.2-633, (iii) its ownership is transferred to a new owner before the end of the registration period by the survivor of its two joint owners, or (iv) its ownership is transferred pursuant to § 46.2-633.2.

Code 1950, § 46-92; 1958, c. 541, § 46.1-96; 1968, c. 187; 1972, c. 609; 1989, c. 727; 2013, c. 318.

Article 2 - TITLING VEHICLES

§ 46.2-616. Acquiring vehicle from vendor who does not have certificate of title.

Except as otherwise provided in this title, no person shall purchase, trade, exchange, or barter for a motor vehicle, trailer, or semitrailer in the Commonwealth, knowing or having reason to believe that its seller has not secured a certificate of title, or knowing or having reason to believe that its seller does not legally have in his possession a certificate of title to the vehicle issued to its owner. Except as otherwise provided in this title, for the purposes of this article, off-road motorcycles and all-terrain vehicles shall be deemed motor vehicles.

Code 1950, § 46-7; 1958, c. 541, § 46.1-5; 1978, c. 605; 1989, c. 727; 2006, c. 896.

§ 46.2-617. Sale of vehicle without certificate of title.

Except as provided in §§ 46.2-644.03 and 58.1-3942, any person who sells, trades, exchanges, or barters a motor vehicle, trailer, or semitrailer in the Commonwealth without first having secured a certificate of title for it or without legally having in his possession a certificate of title for the vehicle issued to its owner, except as otherwise provided in this title, shall be guilty of a Class 3 misdemeanor.

Code 1950, § 46-7; 1958, c. 541, § 46.1-88; 1968, c. 605; 1978, c. 605; 1988, c. 363; 1989, c. 727; 2009, c. 664; 2012, c. 623.

§ 46.2-618. When unlawful to have in possession certificate of title issued to another; remedy of purchaser against persons in possession of title of vehicle purchased from dealer.

A. It shall constitute a Class 1 misdemeanor for any person in the Commonwealth to possess a certificate of title issued by the Commissioner to a person other than the holder thereof, unless the certificate of title has been assigned to the holder as provided in this title. This section, however, shall apply neither to secured parties who legally hold certificates of title as provided in this title nor to the spouse of the person to whom the certificate of title was issued.

B. When a purchaser of a motor vehicle is unable to obtain the title for such vehicle because the motor vehicle dealer who sold the vehicle to the purchaser is no longer engaged in business in the Commonwealth as a dealer as defined in § 46.2-1500 and the purchaser must petition a court of competent jurisdiction to direct that a person other than the dealer holding the title to release the title to the purchaser, the Court may order the title be released to the buyer if the court finds that the purchaser has a right to the title superior to that of the person holding the title under the laws of the Commonwealth. The court may also, upon finding that the person holding the title must release it, award reasonable attorney fees, expenses, and costs incurred by the purchaser in making the petition to the court.

Code 1950, § 46-81; 1958, c. 541, § 46.1-80; 1966, c. 558; 1972, c. 208; 1982, c. 205; 1989, c. 727; 2012, c. 119; 2015, c. 615.

§ 46.2-619. New indicia of title; procedure as to leased vehicles.

When the Department receives a certificate of title properly assigned and acknowledged, accompanied by an application for registration, it shall register the motor vehicle, trailer, or semitrailer described in the application and shall issue to the person entitled to it by reason of the transfer a new registration card, license plate, or plates and certificate of title in the manner and form and for the fees provided in this chapter for original registration. For leased vehicles, such application shall include (i) if the lessee is an individual, the name and residence street address of the lessee and the name of the locality in which the leased vehicle will be principally garaged or parked and (ii) if the lessee is a business, the name of the business, its street address, and the name of the locality in which the leased vehicle will be principally garaged or parked. The Department shall also make this information available to the commissioner of the revenue or other assessing officer of the locality in which the leased vehicle is to be principally garaged or parked. Nothing in this section shall permit the registration of all-terrain vehicles or off-road motorcycles titled pursuant to this title.

Code 1950, § 46-87; 1958, c. 541, § 46.1-91; 1989, c. 727; 1996, c. 761; 2006, c. 896; 2012, c. 135.

§ 46.2-620. Period of validity of certificate of title.

Every certificate of title issued under this chapter shall be valid for the life of the motor vehicle, trailer, or semitrailer so long as the owner to whom it is issued shall retain legal title or right of possession of or to the vehicle. Such certificates need not be renewed except on a transfer of title or interest of the owner.

Code 1950, § 46-83; 1958, c. 541, § 46.1-86; 1989, c. 727; 2002, c. 93.

§ 46.2-621. Application for certificate of title.

The owner of a vehicle, or his duly authorized attorney-in-fact, shall apply for a certificate of title in the name of the owner on appropriate forms prescribed and furnished by the Commissioner. Officers and employees of the Department are vested with the authority to administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this section and all other laws relating to the operation of motor vehicles, the collection and refunding of taxes levied on motor fuels and sales and use tax, for which services they shall receive no compensation.

Code 1950, § 46-49; 1958, c. 541, § 46.1-51; 1972, cc. 301, 378; 1989, c. 727.

§ 46.2-621.1. Correcting errors in titling.

If the owner of a vehicle or his duly authorized attorney-in-fact make a sufficient showing by providing an affidavit stating that the vehicle identification information provided on the application for certificate of title, the certificate of origin, manufacturer's statement of origin, or title, as the case may be, forwarded to the Commissioner by any means generally allowed, was incorrect, the Commissioner may take all actions necessary to correct the error.

2005, c. 283.

§ 46.2-622. Issuance of certificate of title in names of joint owners.

When the Department receives an application for a certificate of title for a motor vehicle, trailer, or semitrailer, to be issued in the names of two natural persons, jointly with right of survivorship, the Department shall issue to its owners a certificate of title accordingly. Any certificate issued in the name of two persons may contain an expression such as "or the survivor of them," which shall be deemed sufficient to create joint ownership during the lives of the two owners, and individual ownership in the survivor. A certificate issued in the names of two persons, with their names separated only by "or," shall create joint ownership during the lives of the owners, and individual ownership in the survivor of them.

Nothing herein shall (i) prohibit the issuance of a certificate of title in the names of two or more persons as owners in common which shall be sufficient evidence of ownership of undivided interests in the vehicle; (ii) grant immunity from enforcement of any liability of any person owning the vehicle, as one of two joint owners, to the extent of his interest in the vehicle, during the lives of its owners; (iii) permit the issuance of a certificate of title in the names of two persons as tenants by the entireties; or (iv) be used by one of the joint owners as a defense to the secured party's enforcement of a security

interest in the vehicle that was granted by one or both of the joint owners of the vehicle on the same date or prior to the issuance of the certificate of title.

1968, c. 188, § 46.1-68.1; 1983, c. 586; 1989, c. 727; 2002, c. 432.

§ 46.2-623. Statements in application.

A. Every application for a certificate of title shall contain (i) a statement of the applicant's title and of all liens or encumbrances on the vehicle and the names and addresses of all persons having any interest in the vehicle and the nature of every interest in the vehicle; (ii) the Social Security number, if any, of the owner and, if the application is in the name of an employer for a business vehicle, the employer's identification number assigned by the United States Internal Revenue Service; and (iii) a brief description of the vehicle to be titled or registered, including the name of the maker, the vehicle identification or serial number and, when titling or registering a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle.

B. The lessor of a qualifying vehicle, as defined in § 58.1-3523, shall send a report to the Department for each such qualifying vehicle containing (i) the name and address of the lessee as it appears in the lease contract; (ii) the social security number of the lessee; and (iii) the registration number of the vehicle as described under Article 1 (§ 46.2-600 et seq.) of Chapter 6.

C. Such lessor shall send a monthly report to the Department, by the fifteenth day of the month or such later day as may be prescribed in the guidelines promulgated under § 58.1-3532, listing any changes, additions or deletions to the information provided under subsection B as of the last day of the preceding month.

D. The application for title or registration shall contain such additional information as may be required by the Department.

E. The Department may require that an applicant present proof reasonably acceptable to the Department of the accuracy of information provided on the application, including proof of identity, and may refuse to issue a certificate of title until such proof has been provided.

Code 1950, § 46-50; 1958, c. 541, § 46.1-52; 1972, c. 230; 1989, c. 727; 1998, Sp. Sess. I, c. 2; 2005, c. 305; 2006, c. 896; 2008, c. 171; 2012, c. 650.

§ 46.2-624. Information required on vehicles damaged by water.

A. When a vehicle has been damaged by water to such an extent that the insurance company insuring it has paid a claim of $3,500 or more because of this water damage, the insurance company shall report the payment of such claim to the Department.

B. Upon receipt of information from an insurance company pursuant to subsection A, the Commissioner shall issue a new certificate of title and place an appropriate indicator upon such certificate in order to convey that information to the new owner of the motor vehicle.

1966, c. 550, § 46.1-64.1; 1989, c. 727; 2011, cc. 652, 678; 2019, c. 72.

§ 46.2-625. Specially constructed, reconstructed, replica, converted electric, or foreign vehicles.

If a vehicle for which the registration or a certificate of title is applied is (i) a specially constructed, reconstructed, replica, converted electric, or foreign vehicle or (ii) off-road motorcycle converted to on-road use, the fact shall be stated in the application and, in the case of any foreign vehicle registered outside the Commonwealth, the owner shall present to the Department the certificate of title and registration card or other evidence of registration as he may have. The Commissioner may require such other evidence of ownership as he may deem advisable and promulgate regulations establishing what additional evidence of ownership, if any, shall be required for titling and registration of (i) specially constructed, reconstructed, replica, converted electric, or foreign vehicles or (ii) off-road motorcycles converted to on-road use. All titles and registrations for specially constructed, reconstructed, replica, and converted electric vehicles and off-road motorcycles converted to on-road use shall be branded with the words "specially constructed," "reconstructed," "replica," "converted electric," or "off-road motorcycle converted to on-road use," as appropriate. Titles for vehicles that are both converted electric vehicles and reconstructed vehicles shall be branded with the words "reconstructed" and "converted electric."

Code 1950, § 46-51; 1958, c. 541, § 46.1-53; 1970, c. 632; 1989, c. 727; 2007, cc. 325, 393; 2012, c. 177; 2015, c. 259.

§ 46.2-626. Repealed.

Repealed by Acts 1996, cc. 591 and 917.

§ 46.2-626.1. Motorcycle purchased by manufacturer for parts; documentation required for sale of parts.

For the purposes of this section, "certificate of origin," "line-make," "manufacturer," and "new motorcycle" have the meanings ascribed to them in § 46.2-1500.

A licensed motorcycle manufacturer shall not be required to obtain a certificate of title for a new motorcycle of a different line-make purchased by the manufacturer for the purpose of obtaining parts used in the production of another new motorcycle or an autocycle, provided such manufacturer obtains a salvage dealer license in accordance with § 46.2-1601. The manufacturer shall not be required to obtain a nonrepairable certificate for the purchased motorcycle, as required by § 46.2-1603.1, but shall stamp the words "Va. Code § 46.2-626.1: DISASSEMBLED FOR PARTS" in a minimum font size of 14 point across the face of the original manufacturer's certificate of origin. The certificate of origin shall be forwarded to the Department, which shall make a record of the disassembly of the motorcycle. The manufacturer shall retain a photocopy of the stamped certificate of origin for its records.

Any parts remaining from the purchased motorcycle and sold as parts by the manufacturer shall be accompanied by documentation of how such parts were obtained. Documentation accompanying the frame of the purchased motorcycle shall include a photocopy of the stamped manufacturer's certificate of origin and certification from the manufacturer that the original certificate of origin has been forwarded to the Department.

2013, cc. 244, 367; 2014, cc. 53, 256; 2015, c. 615.

§ 46.2-627. Fee for certificate of title; use in special fund.

The fee to be paid to the Department for the issuance of each original certificate of title shall be ten dollars. The fee to record a supplemental lien and issue a new title shall be six dollars. All fees collected under the provisions of this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-78; 1958, c. 541, § 46.1-78; 1962, c. 368; 1964, c. 218; 1974, c. 454; 1982, c. 671; 1986, c. 553; 1987, c. 696; 1989, c. 727.

§ 46.2-628. How certificate of title transferred.

The owner of a motor vehicle, trailer, or semitrailer registered under this chapter, when transferring or assigning his title or interest thereto, shall fully and correctly endorse the assignment and warranty of title on the certificate of title of the motor vehicle, trailer, or semitrailer to its purchaser, with a statement of all security interests on it, and shall deliver the certificate to the purchaser or transferee at the time of delivering the motor vehicle, trailer, or semitrailer. Any owner who willfully fails fully and correctly to endorse the assignment and warranty of title shall be guilty of a Class 3 misdemeanor.

Code 1950, § 46-84; 1958, c. 541, § 46.1-87; 1966, c. 558; 1972, c. 378; 1988, c. 363; 1989, c. 727.

§ 46.2-629. Odometer reading to be reported on certificate of title, application, or power of attorney.

A. Every owner or transferor of any motor vehicle, including a dealer, shall, at the time of transfer of ownership of any motor vehicle by him, record on the certificate of title, if one is currently issued on the vehicle in the Commonwealth, and on any application for certificate of title the reading on the odometer or similar device plus any known additional distance traveled not shown by the odometer or similar device of the motor vehicle at the time of transfer. If, however, a transferor gives his power of attorney to a dealer or other person for the purpose of assigning the transferor's interest in a motor vehicle, the transferor shall conspicuously record on the power of attorney the reading on the odometer or similar device at the time of the assignment. The owner or transferor of a motor vehicle may electronically provide, in a form and format prescribed by the Commissioner, the reading on the odometer or similar device at the time of transfer if a paper certificate of title was not issued by the Department in accordance with § 46.2-603.1 and electronic provision of odometer readings is permitted under the Federal Odometer Act (49 U.S.C. § 32701 et seq.) or any federal regulations promulgated thereunder.

B. The Department shall not issue to any transferee any new certificate of title to a motor vehicle unless subsection A has been complied with.

C. It shall be unlawful for any person knowingly to record an incorrect odometer or similar device reading plus any known additional distance not shown by the odometer or similar device on any certificate of title or application for a title, or on any power of attorney as described in subsection A.

D. Notwithstanding other provisions of this section, an owner or transferor, including a dealer, of any of the following types of motor vehicles need not disclose the vehicle's odometer reading:

1. Vehicles having gross vehicle weight ratings of more than 16,000 pounds; and

2. Vehicles that were manufactured for a model year at least 10 years earlier than the calendar year in which the sale or transfer occurs and were previously exempt from recording an odometer reading on the certificate of title in another state, provided that the Department shall brand the titles of all such vehicles to indicate this exemption.

E. Violation of this section shall constitute a Class 1 misdemeanor.

F. The provisions of subsections A and B shall not apply to transfers under § 46.2-633.

G. This section shall not apply to transfers or application for certificates of title of all-terrain vehicles, mopeds, or off-road motorcycles as defined in § 46.2-100.

1972, c. 851, § 46.1-89.1; 1978, c. 294; 1986, c. 490; 1989, c. 727; 2004, c. 724; 2006, c. 896; 2007, c. 225; 2012, c. 650; 2013, c. 783.

§ 46.2-630. Transfer and application for certificate of title forwarded to Department.

The transferee shall write his name and address in ink on the certificate of title and, except as provided in §§ 46.2-619 and 46.2-631, shall within thirty days forward the certificate to the Department with an application for the registration of the motor vehicle, trailer, or semitrailer and for a certificate of title.

Code 1950, § 46-85; 1958, c. 541, § 46.1-89; 1988, c. 363; 1989, c. 727.

§ 46.2-631. When transferred certificate of title need not be forwarded.

When the transferee of a motor vehicle, trailer, or semitrailer is a dealer who holds it for resale and operates it only for sales purposes under a dealer's license plate, the transferee shall not be required to register it nor forward the certificate of title to the Department, as provided in § 46.2-630, but the transferee, on transferring his title or interest to another person, shall notify the Department of the transfer and shall endorse and acknowledge an assignment and warranty of title on the certificate and deliver it to the person to whom the transfer is made.

Code 1950, § 46-86; 1958, c. 541, § 46.1-90; 1988, c. 363; 1989, c. 727.

§ 46.2-632. Transfer when certificate of title lost.

A. Whenever the applicant for the registration of a motor vehicle, manufactured home, trailer, or semitrailer or a new certificate of title is unable to present a certificate of title because the certificate has been lost or unlawfully detained by one in possession of it or whenever the certificate of title is otherwise not available, the Department may receive the application and investigate the circumstances of the case and may require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to the title, it may register the motor vehicle, manufactured home, trailer, or semitrailer and issue a new registration card, license plate, or plates and certificate of title to the person entitled to it.

B. Whenever the insurance company or its agent makes application for a certificate of title to a vehicle that is not a salvage vehicle as defined in § 46.2-1600 and is unable to present a certificate of title, the

Department may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the title, it may issue a certificate of title to the person entitled to it. The Commissioner may charge a fee of $25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees and taxes required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

Code 1950, § 46-88; 1958, c. 541, § 46.1-92; 1989, c. 727; 2009, c. 171; 2014, c. 624.

§ 46.2-633. Transfer of title by operation of law.

A. Except as otherwise provided in § 46.2-615 in the event of the transfer by operation of law of the title or interest of an owner in and to a motor vehicle, trailer, or semitrailer registered under the provisions of this chapter to anyone as legatee or distributee or as surviving joint owner or by an order in bankruptcy or insolvency, execution sale, sales as provided for in § 46.2-644.03, repossession on default in the performing of the terms of a lease or executory sales contract or of any written agreement ratified or incorporated in a decree or order of a court of record, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the transferee or his legal representative shall apply to the Department for a certificate of title, giving the name and address of the person entitled to it, and accompany his application with the registration card and certificate of title previously issued for the motor vehicle, trailer, or semitrailer, if available, together with whatever instruments or documents of authority, or certified copies of them, are required by law to evidence or effect a transfer of title or interest in or to chattels in the case. The Department shall cancel the registration of the motor vehicle, trailer, or semitrailer and issue a new certificate of title to the person entitled to it.

B. Notwithstanding the provisions of subsection A, if a title is presented from a state other than the Commonwealth, the Department shall, upon presentation of the title and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth, issue a new certificate of title to the person entitled to it and request the state in which the vehicle is titled to cancel the title. Nothing in this subsection, however, shall be construed to require the presentation of a title from a state other than the Commonwealth if the vehicle is not required to be titled by the laws of that other state.

Code 1950, § 46-89; 1958, c. 541, § 46.1-93; 1964, c. 142; 1968, cc. 187, 605; 1970, c. 287; 1989, c. 727; 2005, cc. 766, 849; 2008, Sp. Sess. II, c. 7; 2009, c. 664.

§ 46.2-633.1. Sale in Virginia of vehicle repossessed in another state.

Any motor vehicle dealer who purchases a vehicle titled in another state and that was repossessed may sell that vehicle in Virginia without obtaining a Virginia title for the vehicle from Virginia or the state in which the vehicle is titled, provided the motor vehicle dealer has an affidavit of repossession or similar document showing the lawful repossession, which affidavit or document would be sufficient

to allow the sale of the repossessed vehicle in the state where it is titled without titling the vehicle in the name of the seller.

2009, cc. 185, 691.

§ 46.2-633.2. Transfer of title on death.

A. A motor vehicle, trailer, or semitrailer may include in the certificate of title a designation of a beneficiary to whom the motor vehicle, trailer, or semitrailer shall be transferred after the death of the owner.

B. A motor vehicle, trailer, or semitrailer owned by one person may be titled with a designated beneficiary by applying to the Department for a certificate of title on which is stated the name of the sole owner followed by "transfer on death" or "TOD" and the name of the beneficiary.

C. A motor vehicle, trailer, or semitrailer owned by more than one person may be titled with a designated beneficiary by applying to the Department for a certificate of title on which is stated the names of the owners followed by "transfer on death" or "TOD" and the name of the beneficiary. Such application shall be signed by all owners of the motor vehicle, trailer, or semitrailer. Such transfer to the designated beneficiary shall occur upon the death of the last surviving owner. Nothing herein shall limit the rights of any surviving owner as provided in this section.

D. A certificate of title with a designated beneficiary shall not be issued if (i) any owner is not a natural person or (ii) the motor vehicle, trailer, or semitrailer is encumbered by a lien or security interest.

E. During the lifetime of the owner:

1. The beneficiary shall have no interest in the motor vehicle, trailer, or semitrailer and the signature or consent of the beneficiary shall not be required for any transaction; and

2. The certificate of title with the designated beneficiary shall not be issued by the Department or shall be canceled if:

a. The owner files an application for a certificate of title under subsection B or C to remove or change the beneficiary;

b. The owner sells the motor vehicle, trailer, or semitrailer and delivers the certificate of title to another person; or

c. An application for the recording of a lien or security interest has been filed with the Department for the motor vehicle, trailer, or semitrailer prior to the death of the owner or filed within the time limits in § 46.2-639.

F. Except as provided in this section, the designated beneficiary shall not be changed or revoked by will or any other instrument, by a change in circumstances, or in any other manner.

G. A certificate of title with a designated beneficiary shall not be required to be supported by consideration and need not be delivered to the beneficiary to be effective.

H. Upon the death of the owner and application by the beneficiary, the Department shall issue a new certificate of title in accordance with § 46.2-600 for the motor vehicle, trailer, or semitrailer to the beneficiary. The beneficiary must apply for a certificate of title upon submitting proof of the death of the owner and such other documents and information as the Department may reasonably require. If the beneficiary does not survive the owner or does not apply for a certificate of title within 120 days of the death of the owner, the beneficiary or his estate shall have no right to obtain title to the motor vehicle, trailer, or semitrailer under this section. Upon transfer of title to the beneficiary, the Department shall cancel the registration of the deceased owner.

I. Any transfer pursuant to this section shall be subject to any lien or security interest authorized under § 46.2-644, 46.2-644.01, or 46.2-644.02.

J. Any transfer pursuant to this section is not testamentary and shall not be subject to the provisions of Title 64.2.

2013, c. 318; 2020, c. 974.

§ 46.2-634. Transfer of title when no qualification on estate.

If the holder of a certificate of title is dead and there has been no qualification on his estate, a transfer may be made by a legatee or distributee if there is presented to the Department a statement made by a legatee or distributee to the effect that there has not been and there is not expected to be a qualification on the estate and that the decedent's debts have been paid or that the proceeds from the sale of the motor vehicle will be applied against his debts. The statement shall contain the name, residence at the time of death, date of death, and the names of any other persons having an interest in the motor vehicle which is sought to be transferred and, if these persons are of legal age, they shall signify in writing their consent to the transfer of the title.

Code 1950, § 46-90; 1958, c. 541, § 46.1-94; 1964, c. 574; 1972, c. 211; 1989, c. 727.

§ 46.2-635. Surrender of certificates for vehicles to be demolished; securing new title certificates.

Every person disposing of a motor vehicle, trailer, or semitrailer which is to be demolished shall make an assignment of title to the transferee as provided in § 46.2-628. The assigned certificate of title, when available, however, shall be delivered to the Department, accompanied by a form provided by the Commissioner, stating that the vehicle is to be demolished. On receipt of this form and the assigned title, the Commissioner shall forward to the transferee a receipt for them.

If the person, in lieu of demolishing the vehicle, sells, transfers, or operates the motor vehicle, trailer, or semitrailer, he shall first secure a certificate of title from the Department. Before issuing the new certificate of title, the Department shall inspect, or have inspected, the reconstructed vehicle.

If a motor vehicle, trailer, or semitrailer obtained for use or resale, is subsequently demolished, the owner shall immediately surrender its certificate of title to the Department.

1968, c. 156, § 46.1-98.1; 1978, c. 605; 1989, c. 727.

§ 46.2-636. Certificate to show security interests.

When the Department receives an application for a certificate of title to a motor vehicle, trailer, or semitrailer showing security interests on the motor vehicle, trailer, or semitrailer, the certificate of title issued by the Department to the owner of the vehicle shall show all security interests disclosed by the application. All security interests shown on the certificate of title shall be shown in the order of their priority according to the information contained in the application.

Code 1950, § 46-69; 1958, c. 541, § 46.1-69; 1966, c. 558; 1989, c. 727.

§ 46.2-636.1. Security interests in farm tractors and special construction and forestry equipment.
A financing statement, as defined in § 8.9A-102, must be filed to perfect all security interests in farm tractors and special construction and forestry equipment, as defined in § 46.2-100. No other provisions of this chapter pertaining to security interests shall apply to these motor vehicles.

2010, c. 135.

§ 46.2-637. Security interests subsequently created.
Security interests, other than those in inventory held for sale, in motor vehicles, trailers, or semitrailers created by the voluntary act of the owner after the original issue of a certificate of title to the owner must be shown on the certificate of title. In such cases, the owner shall file an application with the Department on a form furnished for that purpose, setting forth the security interests and whatever additional information the Department may deem necessary. If satisfied that it is proper for the security interest to be recorded, when the certificate of title covering the motor vehicle, trailer, or semitrailer, is surrendered, the Department shall issue a new certificate of title, showing security interests in the order of their priority according to the date of the filing of the application. For the purpose of recording a subsequent security interest, the Commissioner may require any secured party to deliver to him the certificate of title. The new certificate shall be sent or delivered to the secured party from whom the prior certificate was obtained. Notwithstanding any other provision of law, a security interest in a motor vehicle, trailer, or semitrailer which is inventory held for sale shall be perfected only as provided in §§ 8.9A-301 through 8.9A-527.

Code 1950, § 46-70; 1958, c. 541, § 46.1-70; 1966, c. 558; 1989, c. 727; 2006, c. 896.

§ 46.2-638. Certificate as notice of security interest.
A certificate of title, when issued by the Department showing a security interest, shall be adequate notice to the Commonwealth, creditors, and purchasers that a security interest in the motor vehicle exists and the recording or filing of such creation or reservation of a security interest in the county or city wherein the purchaser or debtor resides or elsewhere is not necessary and shall not be required. Motor vehicles, trailers or semitrailers, other than those which are inventory held for sale, registered or for which a certificate of title shall have been issued under this title shall not be subjected to, but shall be exempt from the provisions of §§ 8.9A-301 through 8.9A-527 and § 55.1-407, nor shall recordation or filing of such security interest, except a security interest in inventory held for sale, in any other place for any other purpose, be required or have any effect.

Code 1950, § 46-71; 1958, c. 541, § 46.1-71; 1966, c. 558; 1989, c. 727; 2006, c. 896; 2010, c. 135.

§ 46.2-639. Security interest may be filed within thirty days after purchase.

If application for the registration or recordation of a security interest to be placed on a motor vehicle, trailer, or semitrailer is filed with the Department, it shall be deemed perfected as of the date of filing, and, if the date of filing is within thirty days from the date of an applicant's purchase of the motor vehicle, trailer, or semitrailer, it shall be as valid as to all persons, including the Commonwealth, as if that registration had been accomplished on the day the security interest was acquired.

Code 1950, § 46-72; 1958, c. 541, § 46.1-72; 1966, c. 558; 1972, cc. 300, 408; 1989, c. 727; 2000, c. 71.

§ 46.2-640. Priority of security interests shown on certificates of title.

The security interests, except security interests in motor vehicles, trailers and semitrailers which are inventory held for sale and are perfected under §§ 8.9A-401 through 8.9A-527, shown upon such certificates of title issued by the Department pursuant to applications for same shall have priority over any other liens or security interests against such motor vehicle, trailer, or semitrailer, however created and recorded. The foregoing provisions of this section shall not apply to liens for taxes as provided in § 58.1-3942, liens of keepers of garages to the extent given by § 46.2-644.01 and liens of mechanics for repairs to the extent given by § 46.2-644.02 if the requirements therefor exist, provided the garage keeper or mechanic furnishes the holder of any recorded lien who may request it with an itemized sworn statement of the storage charges, work done, and materials supplied for which the lien is claimed.

Code 1950, § 46-73; 1958, c. 541, § 46.1-73; 1966, c. 558; 1977, c. 382; 1983, c. 397; 1984, c. 396; 1989, c. 727; 1999, c. 299; 2009, c. 664.

§ 46.2-640.1. Vehicle leases that are not sales or security interests.

Notwithstanding any other provision of law, in the case of motor vehicles, trailers or semi-trailers, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

1991, c. 536.

§ 46.2-641. Who to hold certificate of title subject to security interest.

The certificate of title of a motor vehicle, trailer, or semitrailer shall be delivered to the person holding the security interest having first priority on the motor vehicle, trailer, or semitrailer and retained by him until the entire amount of his security interest is fully paid by the owner. When the security interest is fully paid, the certificate of title shall be delivered to the secured party next in order of priority or, if none, then to the owner.

Code 1950, § 46-74; 1958, c. 541, § 46.1-74; 1966, c. 558; 1989, c. 727.

§ 46.2-642. Release of security interest shown on certificate of title.

When an owner secures the release of any security interest on a motor vehicle, trailer, or semitrailer shown on its certificate of title, he may exhibit the documents evidencing the release, signed by the

person or persons making the release, and the certificate of title to the Department. However, when it is impossible to secure the release from the secured party, the owner may exhibit to the Department whatever evidence may be available showing that the debt secured has been satisfied, together with a statement by the owner under oath that the debt has been paid. The Department, when satisfied as to the genuineness and regularity of the release, shall issue to the owner either a new certificate of title or an endorsement or rider showing the release of the security interest, which the Department shall attach to the outstanding certificate of title.

Code 1950, § 46-75; 1958, c. 541, § 46.1-75; 1966, c. 558; 1972, c. 249; 1989, c. 727.

§ 46.2-643. Surrender of certificate of title required when security interest paid.

It shall constitute a Class 3 misdemeanor for a secured party who holds a certificate of title as provided in this title to refuse or fail to mark satisfied and surrender it to the person legally entitled thereto within ten days after his security interest is satisfied.

Code 1950, § 46-76; 1958, c. 541, § 46.1-76; 1966, c. 558; 1978, c. 605; 1989, c. 727.

§ 46.2-644. Levy of execution.

A levy made by virtue of an execution, fieri facias, or other court order, on a motor vehicle, trailer, or semitrailer for which a certificate of title has been issued by the Department, shall constitute a lien, subsequent to security interests previously recorded by the Department and subsequent to security interests in inventory held for sale and perfected as otherwise permitted by law, when the officer making the levy reports to the Department on forms provided by the Department, that the levy has been made and that the motor vehicle, trailer, or semitrailer levied on has been seized by him. If the lien is thereafter satisfied or should the motor vehicle, trailer, or semitrailer thus levied on and seized thereafter be released by the officer, he shall immediately report that fact to the Department. Any owner who, after the levy and seizure by an officer and before the officer reports the levy and seizure to the Department, shall fraudulently assign or transfer his title to or interest in a motor vehicle, trailer, or semitrailer or cause its certificate of title to be assigned or transferred or cause a security interest to be shown on its certificate of title shall be guilty of a Class 1 misdemeanor.

Code 1950, § 46-77; 1958, c. 541, § 46.1-77; 1966, c. 558; 1972, c. 408; 1989, c. 727.

§ 46.2-644.01. Lien of keeper of garage.

A. Every keeper of a garage and every person keeping any vehicles shall have a lien upon such vehicles for the amount that may be due him for the towing, storage, recovery, and care thereof, until such amount is paid.

B. In the case of any vehicle subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the garage shall have a lien thereon for his reasonable charges for storage under this section not to exceed $500 and for alteration and repair under § 46.2-644.02 not to exceed $1,000. However, in the case of a storage lien, to obtain the priority for an amount in excess of $300, the person asserting the lien shall make a reasonable attempt to notify any secured party of record at the Department of Motor Vehicles by telephonic means and shall give

written notice by certified mail, return receipt requested, to any secured party of record at the Department of Motor Vehicles within seven business days of taking possession of the vehicle. If the secured party does not, within seven business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled to priority for the full amount of storage charges, not to exceed $500. Notwithstanding a redelivery, the vehicle shall be subject to subsection D.

In the case of any vehicle not subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the garage shall have a lien thereon for his reasonable charges for storage under this section and for alteration and repair under § 46.2-644.02 not to exceed the value of the vehicle as determined by the provisions of § 8.01-419.1.

C. In addition, any person furnishing services involving the towing and recovery of a vehicle shall have a lien for all normal costs incident thereto, if the person asserting the lien gives written notice within seven days of receipt of the vehicle by certified mail, return receipt requested, to all secured parties of record at the Department of Motor Vehicles.

D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the satisfaction of all prior security interests or liens and may retain possession of such property until such charges are paid.

E. Any lien created under this section shall not extend to any personal property that is not attached to or considered to be necessary for the proper operation of any motor vehicle, and it shall be the duty of any keeper of such personal property to return it to the owner if the owner claims the items prior to auction.

F. For the purposes of this section, in the case of a truck or combination of vehicles, the owner, or in the case of a rented or leased vehicle, the lessee of the truck or tractor truck, shall be liable for the costs of the towing, recovery, and storage of the cargo and of any trailer or semitrailer in the combination. Nothing in this subsection, however, shall bar the owner of the truck or tractor truck from subsequently seeking to recover from the owner of any trailer, semitrailer, or cargo all or any portion of these towing, recovery, and storage costs.

2009, c. 664; 2016, c. 397; 2019, c. 561.

§ 46.2-644.02. Lien of mechanic for repairs.

Every mechanic who shall alter or repair any article of personal property at the request of the owner of such property shall have a lien thereon for his just and reasonable charges therefor and may retain possession of such property until such charges are paid.

Every mechanic who shall make necessary alterations or repairs on any article of personal property which from its character requires the making of ordinary repairs thereto as a reasonable incident to its reasonable and customary use, at the request of any person legally in possession thereof under a reservation of title contract, chattel mortgage, deed of trust, or other instrument securing money, the person so in possession having authority to use such property, shall have a lien thereon for his just

and reasonable charges therefor to the extent of $1,000 or, if the property is a motor vehicle and is not subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, an amount not to exceed the value of the vehicle as determined by the provisions of § 8.01-419.1. In addition, such mechanic shall be entitled to a lien against the proceeds, if any, remaining after the satisfaction of all prior security interests or liens and may retain possession of such property until such charges are paid. In any action to enforce the lien hereby given all persons having an interest in the property sought to be subjected shall be made parties defendant.

If the owner of the property held by the mechanic shall desire to obtain possession thereof, he shall make the mechanic defendant in proceeding in the county or municipal court to recover the property.

The owner may give a bond payable to the court, in a penalty of the amount equal to the lien claimed by the mechanic and court costs, with security to be approved by the clerk, and conditioned for the performance of the final judgment of the court on the trial of the proceeding, and with a further condition to the effect that, if upon the hearing, the judgment of the court be that the lien of the mechanic on such property, or any part thereof, be enforced, judgment may thereupon be entered against the obligors on such bond for the amount due the mechanic and court costs, if assessed against the owner, without further or other proceedings against them thereon. Upon giving of the bond, the property shall be delivered to the owner.

2009, c. 664; 2016, c. 397; 2019, c. 561.

§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02 and of liens of bailees.

For the purposes of this section, "public place" means a premises owned by the Commonwealth or a political subdivision thereof, or an agency of either, that is open to the general public.

Any person having a lien under §§ 46.2-644.01 and 46.2-644.02 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession that he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed $12,500, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to $50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in any of the following places: (i) a public place in the county or city where the property is located; (ii) a website operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) a newspaper of general circulation in the county or city where the property is located, either in print or on its website. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of $600, 10 days' prior notice shall be given to any

secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided. If the property is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the person having the lien shall ascertain from the Commissioner of the Department of Motor Vehicles whether the certificate of title of the motor vehicle shows a lien thereon. At that time, the Commissioner shall also determine the value of the property and shall communicate it to the bailee. If the certificate of title shows a lien, the bailee proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto. If the name of the owner cannot be ascertained, the name of "John Doe" shall be substituted in any proceedings hereunder and no written notice as to him shall be required to be mailed. Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person who has indicated that he is on active military duty or service, the Department shall include such information in response to requests for vehicle information pursuant to the requirements of this chapter.

If the value of the property is more than $12,500 but does not exceed $25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds $25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

In determining the value of the property as required by this section, the Commissioner shall use a recognized pricing guide and, in using such guide, shall use the trade-in value specified in such guide.

If the owner of the property is a resident of the Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. If the owner of the property is a nonresident or if his address is unknown, any notice required by this section may be served by posting a copy thereof in three of any of the following places in any combination: (i) one or more public places in the county or city where the property is located; (ii) one or more websites operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) one or more newspapers of general circulation in the county or city where the property is located, either in print or on their websites.

If the property is a motor vehicle (i) for which neither the owner nor any other lienholder or secured party can be determined by the Department of Motor Vehicles through a diligent search of its records, (ii) manufactured for a model year at least six years prior to the current model year, and (iii) having a

value of no more than $3,000 as determined by the provisions of § 8.01-419.1, a person having a lien on such vehicle may, after showing proof that the vehicle has been in his continuous custody for at least 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise dispose of the vehicle.

Whenever a motor vehicle is sold hereunder, the Department of Motor Vehicles shall issue a certificate of title and registration or a nonrepairable certificate to the purchaser thereof upon his application containing the serial or motor number of the vehicle purchased together with an affidavit of the lienholder that he has complied with the provisions hereof, or by the sheriff conducting a sale that he has complied with said order.

Any garage keeper to whom a motor vehicle has been delivered pursuant to § 46.2-1209, 46.2-1213, or 46.2-1215 may after 30 days from the date of delivery proceed under this section, provided that action has not been taken pursuant to such sections for the sale of such motor vehicle.

Notwithstanding any provisions to the contrary, any person having a lien under § 46.2-644.01 or 46.2-644.02 shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.) when disposing of a vehicle owned by a member of the military duty or service.

2009, c. 664; 2011, cc. 14, 702; 2014, c. 339; 2015, c. 640; 2016, c. 397; 2019, c. 560.

Article 2.1 - ALL-TERRAIN VEHICLE AND OFF-ROAD MOTORCYCLE CERTIFICATES OF TITLE

§ 46.2-644.1. Titling of all-terrain vehicles and off-road motorcycles.

A. Every owner, except a dealer licensed under § 46.2-1508, of any all-terrain vehicle or off-road motorcycle powered by a gasoline or diesel engine displacing more than 50 cubic centimeters and purchased as new on or after July 1, 2006, shall apply to the Department for a certificate of title in the name of the owner before the all-terrain vehicle or off-road motorcycle is operated anywhere in the Commonwealth.

B. Any owner of an all-terrain vehicle or off-road motorcycle not required to be titled under this section and not titled elsewhere may apply to the Department for a certificate of title. The Department shall issue the certificate upon reasonable evidence of ownership, such as a buyer's order or other document satisfactory to the Department.

C. Except as otherwise provided in this title, all-terrain vehicles and off-road motorcycles shall comply with the titling requirements of motor vehicles pursuant to Article 2 (§ 46.2-616 et seq.).

2006, c. 896; 2015, c. 615.

§ 46.2-644.2. Department's records; fees; exemption.

The Department shall maintain a record of any certificate of title it issued under this article. Fees to be paid to the Department for issuance of such certificates of title shall be the same as those imposed for the titling of motor vehicles pursuant to § 46.2-627.

Any all-terrain vehicle or off-road motorcycle purchased and used by a nonprofit volunteer emergency medical services agency shall be exempt from fees imposed under this section.

2006, c. 896; 2015, cc. 502, 503.

§ 46.2-644.3. Acquisition of all-terrain vehicle or off-road motorcycle by dealer.

Any dealer licensed under § 46.2-1508 who acquires an all-terrain vehicle or off-road motorcycle for resale shall be exempt from the titling requirements of this title.

Any dealer transferring an all-terrain vehicle or off-road motorcycle titled under this title shall assign the title to the new owner or, in the case of a new all-terrain vehicle or off-road motorcycle, assign the certificate of origin.

2006, c. 896; 2015, c. 615.

Article 3 - REGISTRATION OF VEHICLES

§ 46.2-645. Registration of vehicles.

The Department shall file each motor vehicle registration application received and, when satisfied that the applicant is entitled to register the vehicle, shall register the vehicle.

Code 1950, § 46-52; 1952, c. 536; 1958, c. 541, § 46.1-54; 1989, c. 727.

§ 46.2-646. Expiration and renewal of registration.

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

B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year. All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles,

trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

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

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

Code 1950, § 46-62; 1958, c. 541, § 46.1-63; 1972, c. 609; 1974, c. 170; 1988, cc. 701, 704; 1989, c. 727; 2013, c. 337; 2019, cc. 14, 57.

§ 46.2-646.1. Deactivation and reactivation of registration; fees.

A. The owner of a motor vehicle that has been registered in the Commonwealth may apply to the Commissioner to deactivate the registration of such vehicle. The owner of a motor vehicle who has voluntarily deactivated the vehicle's registration pursuant to this section shall not be required, with respect to such vehicle, to carry bodily injury liability insurance or property damage insurance, or to pay the uninsured motor vehicle fee as provided under § 46.2-706.

It shall be unlawful to operate any motor vehicle whose registration has been deactivated on any highway in the Commonwealth.

B. Any person having a motor vehicle for which registration has been deactivated under subsection A may apply to the Commissioner to reactivate the registration of such vehicle. Every applicant for reactivation of registration shall furnish the Commissioner with such evidence as is required under § 46.2-649 and shall either (i) execute and furnish to the Commissioner his certificate that the motor vehicle for which registration is to be reactivated is an insured motor vehicle as defined in § 46.2-705, or that the Commissioner has issued to its owner, in accordance with § 46.2-368, a certificate of self-insurance applicable to the vehicle or (ii) pay the uninsured motor vehicle fee required by § 46.2-706, which shall be disposed of as provided by § 46.2-710. The fee to be paid to the Department for the reactivation of a motor vehicle's registration shall be $10 unless the vehicle's registration has expired or the vehicle is registered under the International Registration Plan.

2013, cc. 673, 789.

§ 46.2-646.2. Registration extension for satisfaction of certain requirements.

A. Upon request by an applicant, the Commissioner may grant a one-month extension of the registration period of a vehicle if the vehicle registration has been withheld pursuant to § 33.2-503, 46.2-

752, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, or 46.2-1183 and the current registration period will expire within the calendar month. No extension may be granted for an expired vehicle registration, and only one extension may be granted for any one vehicle registration period.

B. For each extension granted, the Commissioner shall collect (i) a $10 administrative fee and (ii) a fee sufficient for a one-month registration period for the vehicle, as calculated under subsection B of § 46.2-694. On receipt of such fees, the Commissioner shall issue a registration card and, if applicable, decals indicating the month of expiration of the vehicle registration. Upon satisfying the requirements for which the vehicle registration has been withheld, the applicant may elect to renew the vehicle registration. For such renewal, the Commissioner shall collect the appropriate registration renewal fee and issue a registration card and, if applicable, decals. The renewal shall take effect on the first day succeeding the month in which the registration extension expires. When offered by the Commissioner, the applicant may elect to renew the vehicle registration for multiple years, pursuant to § 46.2-646.

C. All administrative fees imposed and collected by the Commissioner under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

2018, cc. 286, 288.

§ 46.2-647. Grace period for replacement of license plates or decals and renewal of registrations.
The Commissioner may, on finding either that the Department is unable to efficiently handle the replacement of license plates or decals or the renewal of registrations scheduled to expire during a specific month, or that persons seeking to secure license plates, decals, or registration renewals are, as a group, unable to do so without being substantially inconvenienced, declare a grace period for the replacement of license plates or decals and the renewal of registrations. The declaration of a grace period shall have the effect of postponing the expiration of those license plates, decals, and registrations scheduled to expire on the last day of that month to the fifteenth day of the succeeding month.

1975, c. 17, § 46.1-63.1; 1989, c. 727.

§ 46.2-648. Registration of logging vehicles.
On receipt of an application on a form prescribed by him, the Commissioner shall register in a separate category trucks, tractor trucks, trailers, and semitrailers used exclusively in connection with logging operations. For the purposes of this section, the term "logging" shall mean the harvesting of timber and transportation from forested sites to places of sale.

Fees for the registration of vehicles under this section shall be the same as those ordinarily charged for the type of vehicle being registered.

1985, c. 185, § 46.1-105.12; 1989, c. 727.

§ 46.2-648.1. Optional registration of tow dolly and converter gear.
The Department may, upon request, register any tow dolly or converter gear as defined in § 46.2-1119. For the purpose of determining the applicable fee for any such registration, the tow dolly or

converter gear shall be considered a trailer and the registration fee determined in accordance with § 46.2-694.1. The fee for reserved numbers or letters on license plates for any tow dolly or converter gear shall be determined in accordance with § 46.2-726.

1999, c. 593.

§ 46.2-649. Certain vehicles required to show evidence of payment of taxes and of registration or exemption from registration with Department of Motor Vehicles.

A. Before the Commissioner registers or reregisters any motor vehicle, trailer, or semitrailer under § 46.2-697, 46.2-698, 46.2-700, or 46.2-703, the applicant shall furnish evidence satisfactory to the Commissioner that all state, local, and federal taxes levied on that motor vehicle, trailer, or semitrailer have been paid and that the motor vehicle, trailer, or semitrailer either (i) is registered with the Department as required by law, or (ii) is not required so to register.

B. The Commissioner, in consultation with local commissioners of the revenue and directors of finance, and with appropriate federal officials, shall provide for the kinds of evidence required to satisfy the provisions of subsection A.

C. The provisions of this section shall not apply to (i) pickup trucks, (ii) panel trucks, or (iii) trucks having a registered gross weight less than 33,000 pounds.

D. The State Corporation Commission may notify the Department that a motor carrier (i) has not filed an annual report as required by § 58.1-2654 or (ii) has not paid taxes due as required by the State Corporation Commission. Upon receiving the notice, the Department shall not register or reregister motor vehicles, trailers, or semitrailers owned by the motor carrier until such requirements have been met.

1983, c. 515, § 46.1-153.1; 1989, c. 727; 1997, c. 283; 2002, c. 47; 2013, c. 226.

§ 46.2-649.1. Registration of tow trucks; fees.

A. No tow truck registered under this section shall be subject to registration under the international registration plan or subject to any other state registration requirements under this chapter. Registration under this section shall not prohibit the use of "rollbacks" to transport storage sheds, similar structures, or other cargoes.

B. Vehicles registered under this section shall be subject to the following annual fees, based upon their manufacturer's gross vehicle weight ratings:

less than 15,000 pounds	$100
15,000 to 22,999 pounds	$200
23,000 to 29,499 pounds	$300
more than 29,499 pounds	$400

C. No vehicle shall be registered under this section unless there is in force as to such vehicle at the time of its registration commercial liability insurance coverage for those classes of insurance defined in §§ 38.2-117 and 38.2-118 in the amount of at least $750,000.

1993, c. 120; 2006, cc. 874, 891.

§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer, commercial, or private emergency medical services agencies.

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department; (ii) emergency medical services vehicle or other vehicle owned or used exclusively by a volunteer fire department or volunteer emergency medical services agency if any such vehicle is used exclusively as an emergency medical services vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle; or (iii) emergency medical services vehicle owned or under exclusive control of a commercial or privately owned emergency medical services agency, as defined in § 32.1-111.1, if any such vehicle is not rented, leased, or lent to any private individual, firm, or corporation that is not another emergency medical services agency. The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the emergency medical services agency, volunteer fire department, or volunteer emergency medical services agency having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under clause (i) or (ii). The fees charged for vehicle registration under clause (iii) shall be as provided in § 46.2-694.

1999, c. 329; 2015, cc. 502, 503; 2016, cc. 125, 133.

§ 46.2-649.2. Certain vehicles to comply with clean alternative fuel fleet standards prior to registration; penalty.

The Commissioner shall not register a motor vehicle subject to § 46.2-1179.1 which does not comply with the requirements of that section. Upon a determination that a motor vehicle is exempt from the requirements of § 46.2-1179.1, it shall forever be exempt, and the exemption shall be noted on its title. Whoever, through fraud or misrepresentation, procures or attempts to procure the registration of a motor vehicle in violation of the provisions of this section shall be guilty of a Class 1 misdemeanor.

1993, cc. 234, 571.

§ 46.2-649.3. Registration of covered farm vehicles.

A. For the purposes of this section, a covered farm vehicle shall be registered pursuant to the provisions of § 46.2-698.

B. As defined in regulations promulgated by the Federal Motor Carrier Safety Administration (49 C.F.R. Part 390.5), a "covered farm vehicle" means a straight truck or articulated vehicle that is:

1. a. Registered in Virginia pursuant to the provisions of § 46.2-698; or

b. Registered in another state with a license plate or other designation issued by the state of registration that allows law enforcement to identify it as a farm vehicle;

2. Operated by the owner or operator of a farm or ranch or by an employee or family member of an owner or operator of a farm or ranch;

3. Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch;

4. Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of subdivisions 1, 2, and 3 by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement; and

5. Not used in transporting material found by the U.S. Secretary of Transportation to be hazardous under 49 U.S.C. § 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 C.F.R., subtitle B, chapter I, subchapter C.

C. A straight truck or articulated vehicle meeting the requirements of subsection B and having (i) a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions provided in § 46.2-649.4 without mileage limitations or (ii) a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions defined in § 46.2-649.4 anywhere in the Commonwealth or across state lines within 150 air miles (176.2 miles) of the farm or ranch with respect to which the vehicle is being operated.

D. For the purposes of this section, "agricultural commodities" means any horticultural plants and crops, cultivated plants and crops, poultry, dairy, and farm products, livestock and livestock products, and products derived from bees and beekeeping, primarily for sale, consumption, propagation, or other use by man or animals.

2015, c. 258.

§ 46.2-649.4. Covered farm vehicles; exemptions.

A covered farm vehicle as defined in § 46.2-649.3, including the operator of that vehicle, is exempt from the following:

1. Any requirement relating to commercial driver's licenses in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 383;

2. Any requirement relating to controlled substances and alcohol use and testing in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 382;

3. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 391, Subpart E, Physical Qualifications and Examinations;

4. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 395, Hours of Service of Drivers; and

5. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 396, Inspection, Repair, and Maintenance.

2015, c. 258.

Article 4 - TEMPORARY REGISTRATION

§ 46.2-650. Temporary permits or duplicate applications.

The Department may promulgate regulations providing that on application for a certificate of title and registration of a vehicle, either new or after a transfer, the vehicle may be operated on the highway under (i) a temporary permit issued by the Department or (ii) a duplicate application carried in the vehicle.

Code 1950, § 46-43; 1958, c. 541, § 46.1-42; 1989, c. 727.

§ 46.2-651. Trip permits; regulations; fees.

A. The Department may, on application on forms provided by the Department, issue a trip permit to any owner of a motor vehicle, trailer, or semitrailer which would otherwise be subject to registration plates but is not currently registered. If the vehicle operating under the permit is a vehicle designed as a property-carrying vehicle, it shall be unladen at the time of operation under the permit. The permit shall be valid for three days and shall show the registration or permit number, the date of issue, the date of expiration, the make of vehicle, the vehicle identification number, the beginning point and the point of destination. The fee for the permit shall be five dollars.

B. For vehicles to be purchased by a Virginia resident and registered in Virginia, the Department shall issue to the prospective purchaser, upon his application therefor, trip permits as provided in subsection A of this section, except that permits issued under this subsection shall not be valid unless and until the prospective purchaser receives an original bill of sale pertaining to the vehicle purchased. Permits issued under this subsection shall be valid for three days, beginning on the date of the original bill of sale, and shall be kept with the original bill of sale in the purchased vehicle at all times during the trip until the vehicle is properly registered with the Department. The Commissioner may charge a reasonable fee, adequate to recover the Department's costs, for the issuance of permits under this subsection, and may promulgate such regulations as he deems necessary or convenient in carrying out the provisions of this subsection.

1974, c. 215, § 46.1-42.1; 1976, c. 59; 1989, c. 727; 2000, c. 144; 2001, c. 192.

§ 46.2-652. Temporary registration or permit for oversize vehicles; fees.

The Commissioner may grant a temporary registration or permit for the operation of a vehicle or equipment that cannot be licensed because the vehicle, excluding any load thereon, exceeds statutory size limits on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Any temporary registration or permit issued under this section shall show the registration or permit number, the date of issue, the date of expiration, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be carried in the vehicle.

For a single-trip temporary registration or permit issued under this section, the applicant shall pay a fee of 10 cents ($0.10) per mile for every mile to be traveled, in addition to any administrative fee required by the Department. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of $40, in addition to any administrative fee required by the Department.

For any vehicle that is both overweight and oversize, the permit fees under § 46.2-652.1 shall apply.

Code 1950, § 46-44; 1958, c. 541, § 46.1-43; 1962, c. 535; 1989, c. 727; 1997, c. 283; 2003, c. 314; 2012, c. 443.

§ 46.2-652.1. Temporary registration or permit for overweight vehicles; fees.

A. The Commissioner may grant a temporary registration or permit for the operation of (i) a vehicle or equipment that cannot be licensed because the vehicle, excluding any load thereon, is overweight or (ii) a licensed vehicle that exceeds statutory weight limits on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Any temporary registration or permit issued under this section shall show the registration or permit number, the date of issue, the date of expiration, the vehicle to which it refers, and the route to be traveled or other restrictions and shall be carried in the vehicle.

B. For a single-trip temporary registration or permit issued under this section, the applicant shall pay (i) a fee of 30 cents ($0.30) per mile for every mile to be traveled, to be allocated as follows: (a) 20 cents ($0.20) per mile deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (b) 10 cents ($0.10) per mile to the Department and (ii) one of the following fees, depending on gross weight:

1. For a single-trip overweight permit issued for gross weights of 115,000 pounds or less, a $20 administrative fee to the Department, plus, if needed, an additional $10 to cover extra research and analysis;

2. For a single-trip overweight permit issued for gross weights of 115,001 to 150,000 pounds, a fee of $80, to be allocated as follows: (i) $50 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $30 administrative fee to the Department;

3. For a single-trip overweight permit issued for gross weights of 150,001 to 200,000 pounds, a fee of $190, to be allocated as follows: (i) $160 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $30 administrative fee to the Department;

4. For a single-trip overweight permit issued for gross weights of 200,001 to 500,000 pounds, a fee of $280, to be allocated as follows: (i) $250 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $30 administrative fee to the Department; or

5. For a single-trip overweight permit issued for gross weights in excess of 500,000 pounds, a fee of $1,450, to be allocated as follows: (i) $1,420 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $30 administrative fee to the Department.

C. In lieu of a single-trip permit, an annual multi-trip overweight permit may be issued for the following fee:

1. For an annual multi-trip overweight permit issued for gross weights of 115,000 pounds and below, a fee of $500, to be allocated as follows: (i) $360 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) $140 to the Department; or

2. For an annual multi-trip overweight permit issued for gross weights in excess of 115,000 pounds, a fee of $560, to be allocated as follows: (i) $420 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) $140 to the Department.

D. In lieu of an annual permit, a three-month overweight permit may be issued for a fee of $220, to be allocated as follows: (i) $110 deposited into the Highway Maintenance and Operating Fund to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) $110 to the Department.

E. For any vehicle that is both overweight and oversize, the permit fees under this section shall apply.

2012, c. 443.

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

The Commissioner may grant a temporary registration or permit for the transportation of manufactured homes, which exceed the size permitted by law, on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the 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 manufactured home 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 30 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.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these manufactured homes may be transported, and no manufactured home 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 $1, in addition to any administrative fee required by the Department. In lieu of a single-trip permit, an annual multi-trip permit may be issued for a fee of $40, in addition to any administrative fee required by the Department.

No permit, as provided in this section, shall be issued covering any manufactured home that is subject to a license plate.

Code 1950, § 46-44.1; 1956, c. 85; 1958, c. 541, § 46.1-44; 1973, c. 207; 1977, c. 587; 1989, c. 727; 1997, c. 283; 1999, c. 77; 2003, c. 314; 2006, c. 202; 2008, c. 178; 2014, c. 624.

§ 46.2-653.1. Conversion of manufactured home to real property.

A. After a 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 real property owned by the manufactured home owner, the owner may convert the home to real property in accordance with the provisions of subsection B. Except as provided in §§ 58.1-3219.5 and 58.1-3219.9, and for the purposes stated in §§ 58.1-3219.5 and 58.1-3219.9, the provisions of this section constitute the only manner by which a manufactured home owner may convert a manufactured home to real property.

B. A manufactured home owner who wishes to convert the home to real property shall submit a sworn affidavit to the Department that the wheels and other equipment previously used for mobility have been removed from the manufactured home and the unit has been attached to real property owned by the manufactured home owner.

The affidavit must be in a form approved by the Commissioner. Upon compliance by the owner with the procedure for surrender of title, the Department shall rescind and cancel the Virginia title. The Department shall not cancel the title if a security interest has been recorded on the title and not released by the secured party. After canceling the title, the Department shall provide written confirmation to the owner that the title has been surrendered and has been canceled by the Department.

Upon receipt of confirmation that the title has been surrendered and has been canceled by the Department, the owner shall file a sworn affidavit of affixation with the circuit court of the locality where the real property is located. The affidavit shall include all of the following information:

1. The manufacturer and, if applicable, the model name of the manufactured home.

2. The vehicle identification number and serial number of the manufactured home.

3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property.

4. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

5. The homeowner's statement that the title has been surrendered and has been canceled by the Department and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property.

In addition, a copy of the confirmation provided by the Department that the title has been surrendered and canceled by the Department shall be attached to and filed with the affidavit.

Upon filing the affidavit of affixation, the manufactured home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued in accordance with subsection C.

A security interest in a manufactured home is perfected against the rights of judicial lien creditors, execution creditors, and purchasers for value on and after the date such security interest attaches. The Commissioner shall have prepared a list of all titles canceled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost.

C. If the owner of a manufactured home whose certificate of title has been canceled under this section subsequently seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title in accordance with the provisions of this section.

1. The owner shall file with the circuit court where the real property is located an affidavit that includes or provides for all of the following information:

a. The manufacturer and, if applicable, the model name of the manufactured home.

b. The vehicle identification number and serial number of the manufactured home.

c. The legal description of the real property on which the manufactured home is or was placed, stating that the owner of the manufactured home also owns the real property.

d. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

e. The homeowner's statement that the home has been or will be physically severed from the real property.

2. The owner must submit the following to the Department:

a. A copy of the affidavit filed in accordance with subdivision C 1.

b. Verification that the manufactured home has been severed from the real property. Confirmation of severance by the commissioner of the revenue where the real property is located shall constitute acceptable evidence that the unit has been severed from the real property.

Upon receipt of the information required in subdivision C 2, together with a title application and required fee, the Department is authorized to issue a new title for the manufactured home. The initial

title issued under the provisions of this subsection shall contain no security interests, provided however, that nothing contained herein shall be construed to prevent a subsequent security interest from being recorded on the title.

2014, c. 624; 2016, cc. 349, 393.

§ 46.2-654. Issuance of temporary registration certificates by motor vehicle auctions.
In addition to the provisions of § 46.2-1542, businesses licensed by the Department to conduct sales of motor vehicles by auction may issue to persons who purchase motor vehicles through auctions conducted by these businesses temporary certificates of registration.

Issuance of certificates under this section shall be subject to regulations promulgated by the Commissioner.

1988, c. 739, § 46.1-90.2; 1989, c. 727.

§ 46.2-654.1. Temporary registration issued for purchasers of motor vehicles from motor vehicle dealers who are no longer engaged in business and title is held by person other than dealer.
The Department may issue a temporary registration to any purchaser of a motor vehicle who is unable to obtain the title for such vehicle because the motor vehicle dealer who sold the vehicle to the purchaser is no longer engaged in business in the Commonwealth as a dealer as defined in § 46.2-1500 and the title is held by a person other than such dealer.

2012, c. 119; 2015, c. 615.

§ 46.2-654.2. Temporary registration of fleet vehicles; penalty.
A. For purposes of this section, "fleet logistics provider" means an entity that transports, services, titles, and registers non-owned fleet vehicles in the normal course of business.

B. The Department may issue a temporary registration to a fleet logistics provider if:

1. Application for temporary registration is made by the fleet logistics provider acting as duly authorized attorney-in-fact for the title owner;

2. The fleet logistics provider is registered to conduct business in Virginia;

3. The fleet logistics provider has or will have custody and control of the vehicle at the time the temporary registration becomes effective;

4. The fleet logistics provider or title owner has submitted to the appropriate authority the information necessary to title or register the vehicle in the Commonwealth or another state prior to the expiration of the temporary registration and the vehicle was not temporarily registered during the period immediately preceding the application for temporary registration;

5. The title owner prior to the temporary registration will remain the title owner when the vehicle is titled and registered in the Commonwealth or another state;

6. The vehicle is an insured motor vehicle as defined in § 46.2-705;

7. The fleet logistics provider has entered into an agreement with the Department to use the print-on-demand program described in this section; and

8. The fleet logistics provider has paid applicable fees for the temporary registration authorized by this section.

C. The Department shall develop and implement procedures and requirements necessary for delivery of temporary license plates to a fleet logistics provider using print-on-demand technology.

D. The following provisions apply to the use of print-on-demand technology by a fleet logistics provider:

1. A fleet logistics provider obtaining temporary registration pursuant to this section shall be required to purchase only print-on-demand temporary license plates.

2. Every fleet logistics provider that has applied for temporary license plates shall maintain a permanent record of all temporary license plates applied for and any other information pertaining to the receipt of temporary license plates that may be required by the Department.

3. No fleet logistics provider shall request a temporary license plate except on written application through the print-on-demand program.

4. No fleet logistics provider shall permit temporary license plates to be used on any vehicle other than that identified in the application for temporary registration.

5. It shall be unlawful for any fleet logistics provider to make a deliberate misrepresentation on a request for temporary license plates or to knowingly submit a request with false information.

6. Each temporary license plate issued pursuant to this section shall display on its face the name of the party using the print-on-demand system, the date of issuance and expiration, and the make and identification number of the vehicle for which it is issued.

7. The Commissioner may suspend the right of a fleet logistics provider to request temporary license plates if the Commissioner determines that the provisions of this chapter or the directions of the Department are not being complied with by such fleet logistics provider.

8. Every fleet logistics provider to whom temporary license plates have been issued shall destroy such plates on the thirtieth day after request or immediately on receipt of the permanent license plates from the Department or another jurisdiction, whichever occurs first.

9. Temporary license plates shall expire on receipt of the permanent license plates from the Department or another jurisdiction, or 30 days after issuance, whichever occurs first. No refund or credit of fees paid by a fleet logistics provider to the Department for temporary license plates shall be issued.

E. The Department is authorized to charge a reasonable fee for the temporary registration applied for under this section, and any fees collected by the Department pursuant to this section shall be transferred to a special fund in the state treasury used to meet the expenses of the Department.

F. Any person violating any of the provisions of subsection D of this section is guilty of a Class 1 misdemeanor. Any summons issued for any violation of this section relating to use or misuse of temporary license plates shall be served (i) upon the fleet logistics provider to whom the plates were issued or to the person expressly permitting the unlawful use or (ii) upon the operator of the motor vehicle if the plates are used contrary to the use authorized pursuant to this section.

2018, c. 355.

Article 5 - RECIPROCITY FOR NONRESIDENTS

§ 46.2-655. Reciprocity required.

The privileges extended under this article to nonresident owners of foreign motor vehicles, trailers, and semitrailers operated in the Commonwealth are extended only on condition that the same privileges are granted by the state of the United States or foreign country wherein such nonresident owners are residents to residents of the Commonwealth operating motor vehicles, trailers, or semitrailers in such state of the United States or foreign country.

Code 1950, § 46-110; 1958, c. 541, § 46.1-131; 1989, c. 727.

§ 46.2-656. Nonresident may operate temporarily without registration.

Except as otherwise provided in this article, a nonresident owner of a passenger car which has been registered for the current calendar year in the state or country of which the owner is a resident and which at all times when operated in the Commonwealth displays the license plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such passenger car within or partly within this Commonwealth for a period of six months without registering the passenger car or paying any fees to the Commonwealth. If, however, at the expiration of such six months the passenger car is still in the Commonwealth, its owner shall apply for registration of the vehicle and shall pay a fee for such registration based on the time operation of the vehicle in the Commonwealth commenced.

Code 1950, § 46-111; 1958, c. 541, § 46.1-132; 1989, c. 727.

§ 46.2-657. When registration by nonresident not required.

Notwithstanding other provisions of this article, any nonresident from a state that does not require the registration of a vehicle like that owned by such nonresident when such vehicle is owned and operated by a resident of Virginia in the state in which the foreign vehicle owned or operated by such nonresident is registered, shall not be required to register such vehicle in the Commonwealth. This section, however, shall not permit the operation of any truck, trailer, or semitrailer the weight, length, width, or height of which vehicle or combination of vehicles is in violation of the provisions of this title or at a speed in violation of this title; nor shall the privileges provided in this section apply to common carriers or passenger cars.

Code 1950, § 46-116; 1958, c. 541, § 46.1-133; 1989, c. 727.

§ 46.2-658. Regular operation other than for pleasure.

Except as provided in § 46.2-657, a nonresident owner of a foreign motor vehicle, trailer, or semitrailer which is regularly operated in the Commonwealth, or from a point or points outside the Commonwealth to a point or points within the Commonwealth, or from a point or points within the Commonwealth to a point or points outside the Commonwealth, or through the Commonwealth, for purposes other than purposes of pleasure, shall, unless otherwise provided in this chapter, register such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of the Commonwealth. Any owner who operates or permits to be operated one or more of these vehicles either simultaneously or alternately as often as four times in any one month shall be considered to be regularly operating them in the Commonwealth.

Code 1950, § 46-117; 1958, c. 541, § 46.1-134; 1989, c. 727.

§ 46.2-659. Repealed.

Repealed by Acts 1997, c. 283.

§ 46.2-660. Operating vehicles in business in Commonwealth.

Every nonresident, including any foreign corporation, conducting business in the Commonwealth and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer in the Commonwealth shall be required to register the vehicle and pay the same fees required for registration of similar vehicles owned by residents of the Commonwealth.

Code 1950, § 46-121; 1958, c. 541, § 46.1-136; 1989, c. 727.

§ 46.2-661. Extension of reciprocal privileges.

Notwithstanding the other provisions of this chapter, the Commissioner, with the consent of the Governor, may extend to the owners of foreign vehicles operated in the Commonwealth the same privileges which are granted by the state of the United States or foreign country wherein the owners of the foreign vehicles are residents to residents of this Commonwealth operating vehicles in such state of the United States or foreign country.

Code 1950, § 46-122; 1958, c. 541, § 46.1-137; 1989, c. 727.

Article 6 - EXEMPTIONS FROM REGISTRATION

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A. A resident owner of any passenger car, pickup or panel truck, moped, autocycle, or motorcycle, other than those provided for in § 46.2-652, that has been duly registered for the current calendar year in another state or country and that at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation of the passenger car, pickup or panel truck, moped, autocycle, or motorcycle within or partly within the Commonwealth for the first 30 days of his residency in the Commonwealth without registering the passenger car, pickup or panel truck, moped, autocycle, or motorcycle or paying any fees to the Commonwealth.

B. In addition to any penalty authorized under this title, any locality may adopt an ordinance imposing a penalty of up to $250 upon the resident owner of any motor vehicle that, following the end of the 30-day period provided in subsection A, is required to be registered in Virginia but has not been so registered. The locality may impose the penalty upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia. The ordinance shall set forth a reasonable method for assessing and collecting the penalty, whether by civil, criminal, or administrative process, and shall identify the employees or agents of the locality who are to execute such assessment and collection.

1976, c. 17, § 46.1-41.1; 1980, c. 53; 1989, c. 727; 2013, cc. 347, 783; 2014, cc. 53, 256; 2016, c. 131.

§ 46.2-663. Backhoes.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any backhoe operated on any highway for a distance of no more than twenty miles from its operating base.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-664. Vehicles used for spraying fruit trees and other plants.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any vehicle on which is securely attached a machine for spraying fruit trees and other plants of the owner or lessee of the truck.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;

2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;

3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;

4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;

5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm;

6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; or

7. Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.

C. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes and the address of the residence address of the vehicle's owner. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 1994, c. 253; 2000, c. 318; 2001, c. 327; 2010, c. 293; 2012, c. 174; 2013, c. 776; 2016, c. 142; 2017, c. 538; 2020, c. 781.

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 75 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned or leased by the vehicle's owner. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 1995, c. 126; 1998, c. 323; 2010, c. 293; 2012, c. 174; 2013, c. 776; 2016, c. 142; 2017, c. 538.

§ 46.2-667. Farm machinery and tractors.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay the prescribed fee for any farm machinery or tractor when operated on a highway (i) between one tract of

land and another regardless of whether the land is owned by the same person or (ii) to and from a repair shop for repairs.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 1996, c. 55; 2000, c. 318; 2016, c. 142.

§ 46.2-668. Vehicles validly registered in other states and used in conjunction with harvesting operations.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer which is validly registered in another state and bears valid license plates issued by that state when the use of the vehicle has been contracted for by the owner or lessee of a farm as an incidental part of the harvesting of a crop from his farm. This exemption shall only be valid while the vehicle is engaged principally in transporting farm produce from the farm:

1. As an incidental part of harvesting operations;

2. Along a public highway for a distance of not more than 20 miles to a storage house, packing plant, market, or transportation terminal;

3. When the use is a seasonal operation; and

4. When the owner of the vehicle has secured from the Commissioner an exemption permit for each vehicle.

B. The Commissioner, upon receipt of an application certifying that a vehicle is entitled to the exemption set forth in this subsection and, if the vehicle is a qualified highway vehicle under § 58.1-2700, payment of $150, shall issue an exemption permit on a form prescribed by him. The exemption permit shall be carried at all times by the operator of the vehicle for which it is issued or displayed in a conspicuous place on the vehicle. The exemption permit shall be valid for a period of 90 days from date of issue and shall be renewable by the procedure set forth in the foregoing provisions of this section.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2003, c. 896; 2011, cc. 881, 889; 2016, c. 142.

§ 46.2-669. Tractors and similar vehicles owned by sawmill operators.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any tractor, trailer, log cart, or similar vehicle owned by a sawmill operator when the vehicle is operated or moved:

1. Along a highway from one sawmill or sawmill site to another;

2. To or from a repair shop for repairs; or

3. Across a highway from one contiguous tract of land to another.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than 75 miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned by the vehicle's owner. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2010, c. 293; 2012, c. 174; 2013, c. 776; 2016, c. 142; 2017, c. 538.

§ 46.2-670.1. Vehicles owned by maritime cargo terminal operators.

No person shall be required to obtain the registration certificate, certificate of title, license plates, or decals for or to pay a registration fee for any motor vehicle owned or leased by a maritime cargo terminal owner or operator and used to transport a seagoing container and operated along a highway on a route of no more than one mile approved by the Department.

2016, c. 379.

§ 46.2-671. Vehicles used at mines.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used at mines when operated on the highway for no more than twenty miles between mines or to or from a repair shop for repairs.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginned cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or

fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor.

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-673. Return trips of exempted farm vehicles.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;

2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or

3. Transporting supplies to the farm.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 2016, c. 142.

§ 46.2-674. Vehicles used by commercial fishermen.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, boat trailer, or semitrailer, or any combination thereof not having a gross vehicle weight exceeding 12,000 pounds used by commercial fishermen, their agents, or employees for the purpose of:

1. Transporting boats or other equipment used in commercial fishing no more than 50 miles between his place of residence or business and the waters within the territorial limits of the Commonwealth or the adjacent marginal seas;

2. Any return trip to his place of residence or business; or

3. Transporting harvested seafood no more than 50 miles between the place where the seafood is first brought ashore and the transporter's place of business or the location of the seafood's first point of sale.

Code 1950, § 46-45; 1950, p. 693; 1952, c. 498; 1956, cc. 292, 568; 1958, c. 541, § 46.1-45; 1962, cc. 214, 535; 1964, c. 611; 1966, c. 654; 1968, c. 46; 1970, c. 192; 1972, c. 609; 1973, c. 495; 1978, c. 307; 1988, cc. 76, 568; 1989, c. 727; 1997, c. 500; 2013, c. 777; 2016, c. 142.

§ 46.2-675. Certain vehicles engaged in mining or quarrying operations; permit when such vehicle required to cross public highways.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee prescribed for any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, if the sole function of the motor vehicle is to haul coal from mine to tipple or to haul other mined or quarried products from mine or quarry to a processing plant. The owner of the vehicle, however, shall first obtain, without charge, a permit from the Commissioner of Highways in any case in which the motor vehicle is required to cross the public highways. The Commissioner of Highways shall not issue the permit unless he is satisfied that the owner of the motor vehicle has, at his own expense, strengthened the highway crossing so that it will adequately bear the load and has provided adequate signs, lights, or flagmen as may be required for the protection of the public. Any damage done to the highways as a result of this operation shall be repaired in a manner satisfactory to the Commissioner of Highways at the expense of the vehicle's owner.

1970, c. 604, § 46.1-45.1; 1972, c. 609; 1989, c. 727; 2016, c. 142.

§ 46.2-676. Registration certificate, license plates, or decals for any golf carts and utility vehicles; fees.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay any registration fee for any golf cart or utility vehicle that either (i) is not operated on or over any public highway in the Commonwealth or (ii) is operated on or over a public highway as authorized by Article 13.1 (§ 46.2-916.1 et seq.) of Chapter 8.

1973, c. 194, § 46.1-45.2; 1980, c. 37; 1986, c. 220; 1987, cc. 151, 342, 388; 1989, c. 727; 1995, c. 670; 1996, c. 920; 1997, cc. 485, 783, 904; 1999, c. 211; 2002, cc. 44, 98; 2003, c. 105; 2004, c. 746; 2016, c. 142.

§ 46.2-677. Self-propelled wheelchairs.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay any registration fee for any self-propelled wheelchair or self-propelled wheelchair conveyance provided it is:

1. Operated by a person who is capable of operating it properly and safely but who, by reason of physical disability, is otherwise unable to move about as a pedestrian; and

2. Not operated on a public highway in this Commonwealth except to the extent necessary to cross the highway.

1973, c. 194, § 46.1-45.2; 1980, c. 37; 1986, c. 220; 1987, cc. 151, 342, 388; 1989, c. 727; 2016, c. 142.

§ 46.2-678. Forklift trucks.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any forklift truck provided it is:

1. Operated by a person holding a valid Virginia driver's license;

2. Operated along or across highways only in traveling from one plant, factory, or job site to another by the most direct route;

3. Not carrying or transporting any object or person, other than the driver;

4. Displaying a slow-moving vehicle emblem in conformity with § 46.2-1081;

5. In compliance with requirements of the federal Occupational Safety and Health Administration;

6. Not operated on or along any limited access highway; and

7. Not operated for a distance of more than ten miles.

B. For the purposes of this section, "forklift truck" means a self-propelled machine used for hoisting and transporting heavy objects by means of steel fingers inserted under the load.

1973, c. 194, § 46.1-45.2; 1980, c. 37; 1986, c. 220; 1987, cc. 151, 342, 388; 1989, c. 727; 2016, c. 142.

§ 46.2-679. Snowmobiles.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any snowmobile.

1973, c. 194, § 46.1-45.2; 1980, c. 37; 1986, c. 220; 1987, cc. 151, 342, 388; 1989, c. 727; 2016, c. 142.

§ 46.2-679.1. All-terrain vehicles.

No person shall be required to obtain the registration certificate, license plate, or decals for or pay a registration fee for any all-terrain vehicle.

2006, c. 896; 2016, c. 142.

§ 46.2-679.2. Off-road motorcycles.

No person shall be required to obtain the registration certificate, license plate, or decals for or pay a registration fee for any off-road motorcycle.

2006, c. 896; 2016, c. 142.

§ 46.2-680. Vehicles transporting oyster shells.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle properly registered in Maryland and used for the purpose of hauling oyster shells for a distance of less than three miles on a public highway of this Commonwealth to navigable waters to be further transported by water to Maryland.

1974, c. 359, § 46.1-45.3; 1989, c. 727; 2016, c. 142.

§ 46.2-681. Repealed.

Repealed by Acts 1999, c. 329.

§ 46.2-682. Tractors, rollers, and other machinery used for highway purposes.

Tractors, rollers, and other machinery used for highway purposes need not be registered under this chapter.

Code 1950, § 46-46; 1958, c. 541, § 46.1-47; 1989, c. 727.

§ 46.2-683. Traction engines; vehicles operating on rails.

Nothing in this chapter shall apply to machines known as traction engines or to any locomotives or electric cars operating on rails.

Code 1950, § 46-47; 1958, c. 541, § 46.1-48; 1989, c. 727.

§ 46.2-684. Nocturnal use of highways by exempted vehicles.

It shall be unlawful for any vehicle exempted under this article from registration under this chapter to use the highways between sunset and sunrise unless it is equipped with lights as required by law.

1989, c. 727.

§ 46.2-684.1. Insurance coverage for exempted motor vehicles.

If a motor vehicle, trailer, or semi-trailer that is exempt from motor vehicle registration requirements pursuant to this article is insured under a policy other than a policy of motor vehicle insurance as defined in § 38.2-124, such insurance policy shall not be required to comply with the provisions of Chapter 22 (§ 38.2-2200 et seq.) of Title 38.2 of the Code of Virginia that relate to the ownership, maintenance, or use of the exempt motor vehicle, trailer, or semi-trailer.

2005, c. 445.

Article 7 - FEES FOR REGISTRATION

§ 46.2-685. Payment of fees into special fund.

Except as otherwise provided, all fees collected by the Commissioner under §§ 46.2-651 through 46.2-653 shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

1987, c. 696, § 46.1-44.2; 1989, c. 727; 2012, c. 443.

§ 46.2-686. Portion of certain fees to be paid into special fund.

Except as provided in subdivision A 13 of § 46.2-694 and § 46.2-703, an amount equal to 19.6 percent of the fees collected, after refunds, from the registration of motor vehicles, trailers, and semitrailers pursuant to this chapter shall be transferred from the special fund established by the provisions of § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

1987, c. 696, § 46.1-157.2; 1989, c. 727; 2020, cc. 1230, 1275.

§ 46.2-687. Failure to pay certain fees; penalty.

Any person who operates or permits the operation over any highway in the Commonwealth of any motor vehicle, trailer, or semitrailer for the transportation of passengers without first having paid to the Commissioner the fee prescribed by § 46.2-694 shall be guilty of a Class 2 misdemeanor.

Code 1950, § 46-161; 1958, c. 541, § 46.1-152; 1989, c. 727; 1990, c. 418.

§ 46.2-688. Refund of fees paid.

Any person holding a registration card and license plate or license plates with decal who disposes of, elects not to use the vehicle for which it was issued on the highways in the Commonwealth, or transfers another valid license plate to the vehicle, may surrender, prior to the beginning of the registration period, the license plates or license plates with decals and registration card or provide other evidence of registration of the vehicle to the Commissioner with a statement that the vehicle for which the license plate or license plate with decal was issued has been disposed of, election has been made not to use the vehicle on the highways in the Commonwealth, or another valid license plate has been transferred to the vehicle and request a refund of the fee paid. The Commissioner shall retain five dollars of the fee to cover the costs incurred in issuing the plates and processing the refund.

The Commissioner shall refund to the applicant a proration, in six-month increments, of the total cost of the registration and license plates or license plates with decals if application for the refund is made when there are six or more months remaining in the registration period. The Commissioner shall not provide a refund when otherwise eligible if the applicant chooses not to return the license plates to the Department. No charge or deduction shall be assessed for any refund made under this subsection.

Code 1950, § 46-94; 1958, c. 541, § 46.1-97; 1972, c. 609; 1976, c. 339; 1977, c. 236; 1988, c. 704; 1989, c. 727; 2019, cc. 149, 193.

§ 46.2-689. Refund of certain registration fees.

Upon application on a form prescribed by the Commissioner, any person registering any vehicle whose fees are set under § 46.2-697 shall be refunded that portion of the registration fee for a gross weight in excess of that set forth § 46.2-1126.

1984, c. 342, § 46.1-154.01; 1989, c. 727.

§ 46.2-690. Refund for certain for-hire vehicles.

Notwithstanding any other provision of law, the owner of any motor vehicle which is required to be licensed under § 46.2-697 as a for-hire vehicle, may apply for a refund of that portion of the license fee paid in excess of the fee required if it were licensed not for-hire, subject to the conditions and limitations set forth in this section.

If the motor vehicle, while licensed as a for-hire vehicle, is used exclusively in seasonal operation for the transportation of agricultural, horticultural, or forest products and seed and fertilizer therefor to and from the land of the producer, for compensation, the owner may surrender the for-hire license plates issued at any times prior to the expiration of an accumulated total of not more than ninety days. A refund may be obtained for seventy-five percent of that portion of the fee paid in excess of the license fee required for private carrier license plates. The Commissioner shall refund this surcharge on application on forms prescribed by him and submitted to the Department within thirty days of the registration expiration date of the license plates.

1958, c. 541, § 46.1-154.1; 1974, c. 170; 1989, c. 727.

§ 46.2-691. Credit to truck owner inducted into armed forces.

The owner of any truck who secured and paid for a license therefor but was prevented from operating the truck for the full license year by induction into the armed forces of the United States and who, after his discharge from the service, resumes his trucking operations, shall be entitled to a pro rata credit on any new license purchased by him, in the proportion that the part of the year for which he had paid the license and during which part the truck was not in operation bears to the full license year.

The application for a credit shall be made during the license year for which credit is sought and each application shall be accompanied by the registration card and license plate issued the owner for the year for which credit is sought and an affidavit that the owner has been or will be inducted into the armed forces.

All such affidavits shall set forth that the vehicle cannot be operated due to the owner's service in the armed forces.

The Commissioner, when the owner is entitled to a refund, shall issue to him a credit to be applied on the purchase of a new license, in the proportion that the part of the year for which the license fee was paid and during which the truck will not be operated bears to the full license year.

Code 1950, § 46-178; 1958, c. 541, § 46.1-166; 1989, c. 727.

§ 46.2-692. Fee for replacement of lost, mutilated, or illegible indicia of titling and registration.
The fee for the replacement of license plates, decals, registration cards, or certificates of title which are lost, mutilated or illegible shall be as follows:

1. For any type of replacement or duplication of vehicle registration cards, International Registration Plan cab cards, registration cards for overload permits, or dealer registration cards, $2, except that no fee shall be charged for the replacement or duplication of a vehicle registration card or registration card for overload permit that is conducted using the Internet;

2. For a certificate of title, $5;

3. For license plates or license plates with decals, $10;

4. For a license plate with decals issued for trailers, $5; and

5. For one or two decals, $1.

Code 1950, § 46-53; 1958, c. 541, § 46.1-55; 1968, c. 334; 1972, c. 609; 1982, c. 671; 1986, c. 165; 1989, c. 727; 1992, c. 631; 1997, c. 486; 2000, c. 579; 2012, cc. 215, 222.

§ 46.2-692.1. Sample license plates; fee; use.
Upon application therefor, the Commissioner may issue samples of authorized license plates currently issued by the Department. Sample license plates may display, as requested by the applicant and approved by the Commissioner, a combination of up to seven numbers or letters, when feasible. Notwithstanding the provisions of this section, every such license plate shall display the word "SAMPLE" on its face, in a manner prescribed by the Commissioner.

The fee for sample license plates not displaying numbers or letters requested by the applicant shall be ten dollars for each license plate. The fee for sample license plates displaying numbers or letters requested by the applicant shall be twenty dollars for each license plate. Sample license plates shall not be valid for registration purposes and shall not be mounted or displayed on any motor vehicle.

1996, c. 1026; 1997, cc. 774, 816.

§ 46.2-692.2. Fee for exchange of license plates.

The fee for the exchange of license plates shall be the greater of the total of any statutory fees required for the requested license plates, as calculated under the provisions of subsection B of § 46.2-694, or $10.

As used in this section, an "exchange of license plates" means a transaction that occurs within the registration period of a vehicle in which the vehicle owner voluntarily returns the license plates assigned to the vehicle and requests for the same vehicle new license plates with a different design or alphanumeric combination or both.

A request for new license plates made as part of the vehicle registration renewal process shall not be considered an exchange of license plates for purposes of this section.

The provisions of this section shall apply to a replacement request made under the provisions of § 46.2-607 for license plates that are not duplicates or otherwise equivalent to the lost, mutilated, or illegible plates required to be replaced under that section. Such a request shall be considered both a replacement for purposes of §§ 46.2-607 and 46.2-692 and an exchange for purposes of this section.

2011, cc. 57, 70.

§ 46.2-693. Use of old plates and registration number on another vehicle.

Upon receipt of a proper application, an owner who sells or transfers a registered vehicle may have the license plates and registration number assigned to another vehicle titled in the name of the owner. If the vehicle requires identical registration fees, the transfer fee shall be two dollars. If the license fee required for the second vehicle requires a greater registration fee, the fee shall be two dollars plus the difference in registration fees between the two vehicles. All fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to meet the expenses of the Department.

1989, c. 727.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. a. Twenty-three dollars for each private passenger car if the passenger car weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee

provided under this subdivision shall apply to a private passenger car that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. Thirty-three dollars for each motor home if the motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. a. Twenty-eight dollars for each private passenger car that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. Thirty-eight dollars for each motor home if the motor home weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than $23 if the vehicle weighs 4,000 pounds or less or $28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than $23 if the vehicle weighs 4,000 pounds or less or $28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus $0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional $5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus $0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional $5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of $0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal

Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than $33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus $0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of $5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of $5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

10. Fourteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of $3 which shall be distributed as provided in § 46.2-1191.

10a. Twelve dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Fourteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be $28.

12. Thirteen dollars plus $0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of $4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds

collected from $4 of the $4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining $0.25 of the $4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the nonprofit emergency medical services agency that holds a valid license issued by the Commissioner of Health, the

local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

Code 1950, §§ 46-154 through 46-156, 46-158.1, 46-159, 46-163.1, 46-166.1; 1950, p. 621; 1952, cc. 224, 418; 1956, cc. 132, 597, 705; 1958, c. 541, § 46.1-149; 1960, c. 243; 1964, c. 218; 1972, c. 609; 1974, c. 170; 1978, c. 708; 1980, c. 25; 1982, c. 671; 1983, c. 566; 1984, cc. 476, 545; 1985, c. 333; 1986, Sp. Sess., c. 11; 1988, cc. 701, 704; 1989, c. 727; 1990, c. 508; 1991, c. 472; 1994, c. 279; 1997, c. 283; 2002, c. 794; 2004, c. 194; 2005, c. 928; 2007, c. 896; 2008, c. 182; 2013, c. 783; 2014, cc. 53, 256; 2015, cc. 2, 3, 502, 503; 2020, cc. 1230, 1275.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

2. Twenty-eight dollars for each private passenger car or motor home that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor

vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than $23 if the vehicle weighs 4,000 pounds or less or $28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than $23 if the vehicle weighs 4,000 pounds or less or $28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus $0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional $5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus $0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional $5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of $0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than $33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus $0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the

transportation of passengers. An additional fee of $5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of $5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of $3, which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be $28.

12. Thirteen dollars plus $0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of $4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from $4 of the $4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for

distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining $0.25 of the $4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the emergency medical services agency that holds a valid license issued by the Commissioner of Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

Code 1950, §§ 46-154 through 46-156, 46-158.1, 46-159, 46-163.1, 46-166.1; 1950, p. 621; 1952, cc. 224, 418; 1956, cc. 132, 597, 705; 1958, c. 541, § 46.1-149; 1960, c. 243; 1964, c. 218; 1972, c. 609; 1974, c. 170; 1978, c. 708; 1980, c. 25; 1982, c. 671; 1983, c. 566; 1984, cc. 476, 545; 1985, c. 333; 1986, Sp. Sess., c. 11; 1988, cc. 701, 704; 1989, c. 727; 1990, c. 508; 1991, c. 472; 1994, c. 279; 1997, c. 283; 2002, c. 794; 2004, c. 194; 2005, c. 928; 2008, c. 182; 2013, c. 783; 2014, cc. 53, 256; 2015, cc. 2, 3, 502, 503.

§ 46.2-694.1. (Contingent expiration date -- see note*) Fees for trailers and semitrailers not designed and used for transportation of passengers.

Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

a	Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
b	0-1,500 lbs	$18.00	$36.00	$70.00
c	1,501-4,000 lbs	$28.50	$57.00	$75.00
d	4,001 lbs & above	$40.00	$80.00	$100.00

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1997, c. 283; 2007, c. 896.

§ 46.2-694.1. (Contingent effective date -- see note*) Fees for trailers and semitrailers not designed and used for transportation of passengers.

Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

a	Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
b	0-1,500 lbs	$8.00	$16.00	$50.00
c	1,501-4,000 lbs	$18.50	$37.00	$50.00
d	4,001 lbs & above	$23.50	$47.00	$50.00

From the foregoing registration fees, the following amounts, regardless of weight category, shall be paid by the Department into the state treasury and set aside for the payment of the administrative costs of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1997, c. 283.

*This section is set out twice because the 22nd enactment of Chapter 896 of the Acts of Assembly

of 2007 states: "That the provisions of this act which generate additional revenue for the Transportation Trust Fund, established under § 33.1-23.03:1 of the Code of Virginia, or the Highway Maintenance and Operating Fund shall expire on December 31 of any year in which the General Assembly appropriates any of the revenues designated under general law to the Highway Maintenance and Operating Fund or the Transportation Trust Fund for any non-transportation related purpose."

§ 46.2-695. Small rented ridesharing vehicles.

The fees required by subdivisions A 8 and A 9 of § 46.2-694 to be paid for registration of motor vehicles used for rent or hire shall not be required for the operation of any motor vehicle with a normal seating capacity of not more than fifteen adults including the driver while used (i) not for profit in transporting persons in a ridesharing arrangement, as defined in § 46.2-1400, or (ii) by a lessee renting or hiring such vehicle for such purpose for a period of twelve months or longer under a written lease or agreement. For the purposes of § 46.2-694, the fee for the annual registration card and license plates for such vehicle shall be the same as for a private passenger car of the same weight.

Code 1950, § 46-158; 1952, c. 415; 1958, c. 541, § 46.1-150; 1964, c. 218; 1966, c. 608; 1976, c. 60; 1989, c. 727; 2002, c. 337.

§ 46.2-696. Repealed.

Repealed by Acts 2011, cc. 881 and 889, cl. 2.

§ 46.2-697. (Contingent expiration date) Fees for vehicles not designed or used for transportation of passengers.

A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not designed and used for the transportation of passengers shall be $23 plus an amount determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite the weight group and under the classification established by the provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be $23 if its gross weight is 4,000 pounds or less and $28 if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be $32 for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of $5 shall be imposed.

B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be 25 percent of the annual fee plus $5 for each quarter that the vehicle is registered.

C. When an owner elects to register and license a motor vehicle under subsection B, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.

Code 1950, § 46-162; 1956, c. 477; 1958, c. 541, § 46.1-154; 1962, c. 86; 1964, c. 218; 1964, Ex. Sess., c. 22; 1973, c. 517; 1974, c. 150; 1979, c. 244; 1982, c. 671; 1984, c. 144; 1986 Sp. Sess., c. 11; 1989, c. 727; 1997, c. 283; 2007, c. 896; 2020, cc. 1230, 1275.

§ 46.2-697. (Contingent effective date – see Editor's note) Fees for vehicles not designed or used for transportation of passengers.

A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not designed and used for the transportation of passengers shall be thirteen dollars plus an amount determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite the weight group and under the classification established by the provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be twenty-three dollars if its gross weight is 4,000 pounds or less, and twenty-eight dollars if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be twenty-nine dollars for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five dollars shall be imposed.

B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the vehicle is registered.

C. When an owner elects to register and license a motor vehicle under subsection B of this section, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.

Code 1950, § 46-162; 1956, c. 477; 1958, c. 541, § 46.1-154; 1962, c. 86; 1964, c. 218; 1964, Ex. Sess., c. 22; 1973, c. 517; 1974, c. 150; 1979, c. 244; 1982, c. 671; 1984, c. 144; 1986 Sp. Sess., c. 11; 1989, c. 727; 1997, c. 283.

§ 46.2-697.1. Repealed.

Repealed by Acts 2003, c. 1042, cl. 12, effective May 1, 2003.

§ 46.2-697.2. (Contingent expiration date – see Editor's note) Additional fees for vehicles not designed or used for transportation of passengers.

A. In addition to the fees imposed pursuant to § 46.2-697, there is hereby imposed an additional fee for the registration of all motor vehicles not designed and used for the transportation of passengers. The additional fee shall be determined per thousand pounds by the gross weight of the vehicle or combination of vehicles in the same manner as the fees imposed pursuant to § 46.2-697, as follows:

1. For vehicles with a gross weight of 10,001 through 15,000 pounds, $6.00 per 1,000 pounds;

2. For vehicles with a gross weight of 15,001 through 25,000 pounds, $7.00 per 1,000 pounds;

3. For vehicles with a gross weight of 25,001 through 29,000 pounds, $9.00 per 1,000 pounds;

4. For vehicles with a gross weight of 29,001 through 40,000 pounds, $10.00 per 1,000 pounds; and

5. For vehicles with a gross weight of 40,001 pounds or more, an amount equal to the per 1,000 pound rate for for-rent or for-hire vehicles for such vehicle pursuant to § 46.2-697, provided that the total rate, including any base fees charged pursuant to § 46.2-697, shall not exceed $23.25 per 1,000 pounds.

B. The fee imposed by this section shall not be applicable to farm motor vehicles used exclusively for farm use, as defined in § 46.2-698.

C. Beginning July 1, 2019, the fee per thousand pounds of gross weight charged pursuant to § 46.2-697 for both private carriers and for-rent or for-hire carriers shall be based on the rate schedule for for-rent or for-hire carriers.

2019, cc. 837, 846.

§ 46.2-698. (Contingent expiration date – see Acts 2019, cc. 837 and 846) Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697, as in effect on January 1, 2019 and notwithstanding the provisions of subsection C of § 46.2-697.2, and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than $15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, securing other household or family necessities, or traveling between the operator's residence and the farm.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on

its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer emergency medical services personnel and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending emergency medical services agency or fire company meetings and drills.

1976, c. 323, § 46.1-154.3; 1978, c. 29; 1985, c. 424; 1989, cc. 402, 727; 1996, cc. 943, 994; 1997, cc. 774, 816; 2004, c. 663; 2015, cc. 502, 503; 2019, cc. 837, 846; 2020, c. 781.

§ 46.2-698. (Contingent effective date – see Acts 2019, cc. 837 and 846) Fees for farm vehicles.
A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than $15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, securing other household or family necessities, or traveling between the operator's residence and the farm.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer emergency medical services personnel and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending emergency medical services agency or fire company meetings and drills.

1976, c. 323, § 46.1-154.3; 1978, c. 29; 1985, c. 424; 1989, cc. 402, 727; 1996, cc. 943, 994; 1997, cc. 774, 816; 2004, c. 663; 2015, cc. 502, 503; 2020, c. 781.

§ 46.2-699. Repealed.

Repealed by Acts 1997, c. 283.

§ 46.2-700. Fees for vehicles for transporting well-drilling machinery and specialized mobile equipment.

A. The fee for registration of any motor vehicle, trailer, or semitrailer on which well-drilling machinery is attached and which is permanently used solely for transporting the machinery shall be $15.

B. The fee for the registration of specialized mobile equipment shall be $15. "Specialized mobile equipment" shall mean any self-propelled motor vehicle manufactured for a specific purpose, other than for the transportation of passengers or property, which is used on a job site and whose movement on any highway is incidental to the purpose for which it was designed and manufactured. The vehicle must be constructed to fall within all size and weight requirements as contained in §§ 46.2-1105, 46.2-1110, 46.2-1113 and Article 17 (§ 46.2-1122 et seq.) of Chapter 10 and must be capable of maintaining sustained highway speeds of 40 miles per hour or more. Nothing in this subsection shall be construed as prohibiting the transportation on specialized mobile equipment of safety equipment, including but not limited to highway traffic safety cones, to be used on a job site.

C. Specialized mobile equipment which cannot maintain a sustained highway speed in excess of 40 miles per hour, and trailers or semitrailers which are designed and manufactured for a specific purpose and whose movement on the highway is incidental to the purpose for which it was manufactured and which are not designed or used to transport persons or property, shall not be required to be registered under this chapter.

Code 1950, § 46-164; 1958, c. 541, § 46.1-156; 1964, c. 218; 1979, c. 244; 1989, c. 727; 2004, c. 478; 2011, c. 283.

§ 46.2-701. Combinations of tractor trucks and semitrailers; five-year registration of certain trailer fleets.

A. Each vehicle of a combination of a truck or tractor truck and a trailer or semitrailer shall be registered as a separate vehicle, and separate vehicle license plates shall be issued for each vehicle, but, for the purpose of determining the gross weight group into which any vehicle falls pursuant to § 46.2-697, the combination of vehicles of which such vehicle constitutes a part shall be considered a unit, and the aggregate gross weight of the entire combination shall determine the gross weight group. The fee for the registration card and license plates for a trailer or semitrailer constituting a part of the combination shall be as provided in § 46.2-694.1.

B. In determining the fee to be paid for the registration of a truck or tractor truck constituting a part of such combination the fee shall be assessed on the total gross weight and the fee per 1,000 pounds applicable to the gross weight of the combination when loaded to the maximum capacity for which it is registered and licensed.

C. Existing five-year registrations for fleets of fifty or more trailers previously issued under this section shall remain valid through the five-year period, but shall not be renewable.

Code 1950, § 46-165; 1950, p. 249; 1956, c. 477; 1958, c. 541, § 46.1-157; 1964, c. 218; 1979, cc. 61, 244; 1982, c. 157; 1989, c. 727; 1997, c. 283.

§ 46.2-702. Fees for service or wrecking vehicles.

For the purpose of determining the registration and license fees paid by the owners of motor vehicles used as service or wrecking cranes, these motor vehicles, when used in connection with the business of any person engaged in selling motor vehicles or repairing the same, shall be treated as private motor vehicles and not as motor vehicles operated for compensation or for hire.

Code 1950, § 46-174; 1958, c. 541, § 46.1-163; 1960, c. 123; 1989, c. 727.

§§ 46.2-702.1. Repealed.

Repealed by Acts 2020, cc. 1230 and 1275, cl. 4.

§ 46.2-702.1:1. Repealed.

Repealed by Acts 2020, cc. 1230 and 1275, cl. 4.

§ 46.2-702.2. Fees for registration of vehicles specially equipped to accommodate persons with disabilities.

In determining the fee to be charged for registration of any vehicle specially equipped to be driven by or to transport persons with disabilities, the weight of the vehicle upon which such fee is based shall be the weight of the vehicle prior to the installation of such special equipment for the accommodation of persons with disabilities.

2008, c. 130.

§ 46.2-703. Reciprocal agreement with other states; assessment and collection of fees on an apportionment or allocation basis; registration of vehicles and reporting of road tax; violations; vehicle seizures; penalties.

A. Notwithstanding any other provision of this title, the Governor may, on the advice of the Department, enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States or a state or province of a country providing for the assessing and collecting of license fees for motor vehicles, tractor trucks, trucks, trailers, and semitrailers on an apportionment or allocation basis, as outlined in the International Registration Plan developed by the International Registration Plan, Inc.

The Commissioner is authorized to audit the records of any owner, lessor, or lessee to verify the accuracy of any information required by any jurisdiction to determine the registration fees due. Based on this audit, the Commissioner may assess any owner, lessor, or lessee for any license fees due this Commonwealth, including interest and penalties as provided in this section. In addition to any other penalties prescribed by law, the Commissioner or the Reciprocity Board may deny the owner, lessor, or lessee the right to operate any motor vehicle on the highways in the Commonwealth until the assessment has been paid.

Trip permit registration may be issued for any vehicle or combination of vehicles that could be lawfully operated in the jurisdiction if full registration or proportional registration were obtained. The fee for this permit shall be $15 and the permit shall be valid for 10 days.

Any person who operates or permits the operation of any motor vehicle, trailer, or semitrailer over any highway in the Commonwealth without first having paid to the Commissioner the fees prescribed and payable under this section shall be guilty of a Class 2 misdemeanor. Failure to display a license plate indicating that the vehicle is registered on an apportionment or allocation basis or carry a trip permit, as outlined in the International Registration Plan, shall constitute prima facie evidence the apportioned or allocated fee has not been paid.

If the Commissioner ascertains that any fees that he is authorized to assess any owner, lessor, or lessee for any license year have not been assessed or have been assessed for less than the law required for the year because of failure or refusal of any owner, lessor, or lessee to make his records available for audit as provided herein, or if any owner, lessor, or lessee misrepresents, falsifies, or conceals any of these records, the Commissioner shall determine from any information obtainable the lawful fees at the rate prescribed for that year, plus a penalty of five percent and interest at the rate of six percent per year, which shall be computed on the fees and penalty from the date the fees became due to the date of assessment, and is authorized to make an assessment therefor against the owner, lessor, or lessee. If the assessment is not paid within 30 days after its date, interest at the rate of six percent per year shall accrue thereon from the date of such assessment until the fees and penalty are paid. The notice of the assessment shall be forthwith sent to the owner, lessor, or lessee by registered or certified mail to the address of the owner, lessor, or lessee as it appears on the records in the office of the Department. The notice, when sent in accordance with these requirements, shall be sufficient regardless of whether it was received.

If any owner, lessor, or lessee fails to pay the fees, penalty, and interest, or any portion thereof, assessed pursuant to this section, in addition to any other provision of law, the Attorney General or the Commissioner shall bring an appropriate action before the Circuit Court of the City of Richmond for the recovery of the fees, penalty, and interest, and judgment shall be rendered for the amount found to be due together with costs. If it is found that the failure to pay was willful on the part of the owner, lessor or lessee, judgment shall be rendered for double the amount of the fees found to be due, plus costs.

B. Notwithstanding any other provision of this title or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, the Governor, on the advice of the Department, may enter into reciprocal agreements on behalf of the Commonwealth with the duly authorized representatives of other jurisdictions providing for the road tax registration of vehicles, establishing periodic road tax reporting and road tax payment requirements from owners of such vehicles, and disbursement of funds collected due to other jurisdictions based on mileage traveled and fuel used in those jurisdictions as outlined in the International Fuels Tax Agreement.

Notwithstanding any statute contrary to the provisions of any reciprocal agreement entered into by the Governor or his duly authorized representative as authorized by this title, the provisions of the reciprocal agreement shall govern and apply to all matters relating to administration and enforcement of the road tax. In the event the language of any reciprocal agreement entered into by the Governor as

authorized by this title is later amended so that it conflicts with or is contrary to any statute, the Department shall consider the amended language of the reciprocal agreement controlling and shall administer and enforce the road tax in accordance with the amended language of the reciprocal agreement.

An agreement may provide for determining the base state for motor carriers, records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods, including defining uniform penalties and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

The Governor may, as required by the terms of the agreement, forward to officers of another member jurisdiction any information in the Department's possession relative to the use of motor fuels by any motor carrier. The Department may disclose to officers of another state the location of offices, motor vehicles, and other real and personal property of motor carriers.

An agreement may provide for each state to audit the records of motor carriers based in the state to determine if the road taxes due each member jurisdiction are properly reported and paid. Each member jurisdiction shall forward the findings of the audits performed on motor carriers based in the member jurisdiction to each jurisdiction in which the carrier has taxable use of motor fuels. For motor carriers not based in the Commonwealth and which have taxable use of motor fuel in the Commonwealth, the Department may serve the audit findings received from another jurisdiction, in the form of an assessment, on the carrier as though an audit had been conducted by the Department.

Any agreement entered into pursuant to this chapter does not preclude the Department from auditing the records of any motor carrier covered by the provisions of this chapter.

The Department shall not enter into any agreement that would affect the motor fuel road tax rate.

The Department may adopt and promulgate such rules, regulations, and procedures as may be necessary to effectuate and administer this title. Nothing in this title shall be construed to affect the tax rate provisions found in Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

C. Notwithstanding any other provision in this title or Title 56, the Governor, on the advice of the Department, may participate in the single state registration system as authorized under 49 U.S.C. § 14504 and 49 C.F.R. Part 367, and the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder.

D. Notwithstanding any other provision of this title or Title 58.1, the following violations of laws shall be punished as follows:

1. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with the Unified Carrier Registration System authorized under

49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc., shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any registration, license, identification marker or other identification or credential authorized to be issued pursuant to this title, Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the reciprocal agreements entered into pursuant to this chapter that has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

E. An officer charging a violation under subsection D shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

F. Any police officer or size and weight compliance agent of the Commonwealth authorized to serve process may hold a motor vehicle owned or operated by a person against whom an order or penalty has been entered pursuant to this section, §§ 46.2-613.3 and 46.2-1133, the International Registration Plan, the International Fuel Tax Agreement, or the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section. Upon notification of the order, judgment, or penalty entered against the offending person and notice to such person of the failure to satisfy the order, judgment or penalty, any investigator, special agent, officer, or size and weight compliance agent of the Commonwealth shall thereafter deny the offending person the right to operate a motor vehicle or vehicles on the highways of the Commonwealth until the order, judgment, or penalty has been satisfied and a reinstatement fee of $50 has been paid to the Department. Reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 326, § 46.1-157.1; 1978, c. 294; 1989, c. 727; 1995, cc. 744, 803; 2002, c. 239; 2004, c. 376; 2006, c. 208; 2009, c. 563; 2011, cc. 62, 73; 2012, cc. 22, 111.

§ 46.2-703.1. Additional fee for fleets of vehicles registered under § 46.2-703.

In addition to any other fees required to be paid for vehicles registered under the provisions of § 46.2-703, the Department shall charge an administrative fee of one dollar per year per fleet for each application processed. All fees collected under this section shall be used exclusively for the administration and support of reciprocity activities described in § 46.2-703.

1993, c. 83.

§ 46.2-704. Prohibited operations; checking on weights; penalties.

A. No person shall operate or permit the operation of any motor vehicle, trailer, or semitrailer for which the fee for registration is prescribed by § 46.2-697 on any highway in the Commonwealth, under any of the following circumstances:

1. Without first having paid the registration fee hereinabove prescribed.

2. If, at the time of the operation, the gross weight of the vehicle or of the combination of vehicles of which it is a part, is in excess of the gross weight on the basis of which it is registered. In any case where a pickup truck is used in combination with another vehicle, operation shall be unlawful only if the combined gross weight exceeds the combined gross weight on the basis of which each vehicle is registered.

B. Any officer authorized to enforce the motor vehicle laws, having reason to believe that the gross weight of any motor vehicle, trailer, or semitrailer being operated on any highway in the Commonwealth exceeds that on the basis of which the vehicle is registered, may weigh the vehicle by whatever means the Superintendent may prescribe and the operator, or other person in possession of the vehicle, shall permit this weighing whenever requested by the officer.

C. Any person who violates any provision of this section or who operates or permits the operation of a trailer or semitrailer designed for the use of human beings as living quarters, on the highways in the Commonwealth without having first paid to the Commissioner the fee prescribed in subdivision 5 of subsection A of § 46.2-694 is guilty of a Class 2 misdemeanor.

Code 1950, § 46-167; 1958, c. 541, § 46.1-159; 1962, c. 92; 1975, c. 18; 1982, c. 681; 1989, c. 727.

Article 8 - REGISTRATION OF UNINSURED MOTOR VEHICLES

§ 46.2-705. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

"Motor vehicle" means a vehicle capable of self-propulsion which is either (i) required to be titled and licensed and for which a license fee is required to be paid by its owner, or (ii) owned by or assigned to a motor vehicle manufacturer, distributor, or dealer licensed in the Commonwealth. For the purposes of this article, "motor vehicle" does not include "moped" as defined in § 46.2-100.

"Insured motor vehicle" means a motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, both in the amounts specified in § 46.2-472, issued by an

insurance carrier authorized to do business in the Commonwealth, or as to which a bond has been given or cash or securities delivered in lieu of the insurance; or as to which the owner has qualified as a self-insurer in accordance with the provisions of § 46.2-368.

"Uninsured motor vehicle" means a motor vehicle as to which there is no such bodily injury liability insurance and property damage liability insurance, or no such bond has been given or cash or securities delivered in lieu thereof, or the owner of which has not so qualified as a self-insurer.

1958, c. 407, § 46.1-167.2; 1960, c. 188; 1982, c. 638; 1988, c. 865; 1989, c. 727; 2013, c. 783.

§ 46.2-706. Additional fee; proof of insurance required of applicants for registration of insured motor vehicles; verification of insurance; suspension of driver's license, registration certificates, and license plates for certain violations.

A. In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in § 46.2-705, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of $500; however, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee shall be prorated for the unexpired portion of the registration period. If the vehicle is a motor vehicle being registered as provided in subsection B of § 46.2-697, the fee shall be one-fourth of the annual uninsured motor vehicle fee for each quarter for which the vehicle is registered.

B. If the owner of a motor vehicle registered under this article as an uninsured motor vehicle, during the period for which such vehicle is registered, obtains insurance coverage adequate to permit such vehicle's registration as an insured motor vehicle and presents evidence satisfactory to the Commissioner of the existence of such insurance coverage, the Commissioner shall amend the Department's records to show such vehicle to be registered as an insured motor vehicle and shall refund to the owner a prorated portion of the additional fee required by this section for registration of an uninsured motor vehicle. Such proration shall be on a monthly basis, except that no such refund shall be made (i) as to any registration during the last three months of its validity or (ii) on any portion of any such fee required to be paid resulting from a determination by the Department or any court that a vehicle was uninsured and no fee had been paid.

C. Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle shall, under the penalties set forth in § 46.2-707, execute and furnish to the Commissioner his certificate that the motor vehicle is an insured motor vehicle as defined in § 46.2-705, or that the Commissioner has issued to its owner, in accordance with § 46.2-368, a certificate of self-insurance applicable to the vehicle sought to be registered. The Commissioner, or his duly authorized agent, may verify that the motor vehicle is properly insured by comparing owner and vehicle identification information on file at the Department of Motor Vehicles with liability information on the owner and vehicle transmitted to the Department by any insurance company licensed to do business in the Commonwealth as provided in § 46.2-706.1. If no record of liability insurance is found, the Department may require the motor vehicle owner to verify insurance in a method prescribed by the Commissioner.

D. The refusal or neglect of any owner within 30 days to submit the liability insurance information when required by the Commissioner or his duly authorized agent, or the electronic notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, shall require the Commissioner to suspend any driver's license and all registration certificates and license plates issued to the owner of the motor vehicle until the person (i) has paid to the Commissioner a noncompliance fee of $600 to be disposed of as provided for in § 46.2-710 and (ii) furnishes proof of financial responsibility for the future in the manner prescribed in Article 15 (§ 46.2-435 et seq.) of Chapter 3. No order of suspension required by this section shall become effective until the Commissioner has offered the person an opportunity for an administrative hearing to show cause why the order should not be enforced. Notice of the opportunity for an administrative hearing may be included in the order of suspension. Any request for an administrative hearing made by such person must be received by the Department within 180 days of the issuance date of the order of suspension unless the person presents to the Department evidence of military service as defined by the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.), incarceration, commitment, hospitalization, or physical presence outside the United States at the time the order of suspension was issued. When three years have elapsed from the effective date of the suspension required in this section, the Commissioner may relieve the person of the requirement of furnishing proof of future financial responsibility.

E. The Commissioner shall suspend the driver's license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of § 46.2-707, but the Commissioner shall dispense with the suspension when the person is convicted for a violation of § 46.2-707 and the Department's records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner prior to the date and time of the alleged offense.

F. The Commissioner may dispense with a suspension for a violation of this section or § 46.2-708 if the person determined to have committed the violation provides to the Commissioner proof that conclusively shows that the motor vehicle in question was insured at the time the Department initiated insurance monitoring under § 46.2-706 or at the time of a violation of § 46.2-708.

1958, c. 407, § 46.1-167.1; 1960, c. 188; 1966, c. 181; 1972, cc. 552, 609, 638; 1973, c. 25; 1974, c. 170; 1975, c. 16; 1976, c. 27; 1978, c. 563; 1981, c. 193; 1984, c. 399; 1986, c. 527; 1988, c. 470; 1989, c. 727; 1993, c. 127; 1996, cc. 474, 489; 1998, c. 404; 2012, cc. 151, 471; 2019, cc. 149, 193.

§ 46.2-706.1. Insurance and surety companies to furnish certain insurance information.

A. Any liability insurance information relating to individually identified vehicles or persons, received from such companies under this section, shall be considered privileged information and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Such information shall be used in conjunction with information supplied under § 46.2-706 to verify insurance for motor vehicles certified by their owners to be insured.

C. Insurance companies licensed to do business in Virginia shall provide to the Department, electronically in a manner prescribed by the Commissioner, updates within 30 days of a policy change to liability insurance for a vehicle registered in Virginia, including liability insurance that satisfies financial responsibility requirements. A policy change occurs when an insurance company (i) issues liability insurance, (ii) cancels liability insurance, (iii) becomes aware of a lapse in liability insurance, (iv) reissues or reinstates liability insurance, or (v) adds a vehicle to an existing liability insurance policy.

D. Insurance companies licensed to do business in Virginia shall respond electronically in a manner prescribed by the Commissioner to a Department request for acknowledgment of liability insurance within 15 days of receiving the request. Insurance companies shall respond to the request by confirming or denying the existence of a policy with the company.

E. Every update of a policy change concerning a liability insurance policy shall include the following information: vehicle identification number, full name of first named insured, vehicle make, and vehicle model year. If available, the following information shall also be included: date of birth for first named insured, full names and dates of birth for all vehicle operators, and Virginia drivers' license numbers or social security numbers for the first named insured and all vehicle operators.

1993, c. 949; 1996, cc. 474, 489; 2009, c. 419; 2019, cc. 149, 193.

§ 46.2-707. Operating uninsured motor vehicle without payment of fee; verification of insurance; false evidence of insurance.

Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558 who operates or permits the operation of that motor vehicle without first having paid to the Commissioner the uninsured motor vehicle fee required by § 46.2-706, to be disposed of as provided by § 46.2-710, shall be guilty of a Class 3 misdemeanor.

Any person who is the operator of such an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the Commissioner, shall be guilty of a Class 3 misdemeanor.

The Commissioner or his duly authorized agent, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to verify insurance in a method prescribed by the Commissioner as provided for by § 46.2-706. The refusal or neglect of the owner who has not, prior to the date of operation, paid the uninsured motor vehicle fee required by § 46.2-706 as to such motor vehicle, to provide such verification shall be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation.

Any person who falsely verifies insurance to the Commissioner or gives false evidence that a motor vehicle sought to be registered is an insured motor vehicle, shall be guilty of a Class 3 misdemeanor.

However, the foregoing portions of this section shall not be applicable if it is established that the owner had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which event the provisions of § 46.2-609 shall be applicable.

Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558, and who has not paid the uninsured motor vehicle fee required by § 46.2-706, shall immediately surrender the vehicle's license plates to the Department, unless the vehicle's registration has been deactivated as provided by § 46.2-646.1. Any person who fails to immediately surrender his vehicle's license plates as required by this section is guilty of a Class 3 misdemeanor.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section shall be forwarded to the Commissioner as prescribed by § 46.2-383.

The Commissioner shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving a record of his conviction of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays a noncompliance fee of $600 to be disposed of as provided for in § 46.2-710 and furnishes proof of future financial responsibility as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3. However, when three years have elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of future financial responsibility. When such suspension results from a conviction for presenting or causing to be presented to the Commissioner false verification as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the Commissioner shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person so convicted for a period of 180 days from the date of such order of suspension, and only then when all other provisions of law have been complied with by such person.

The Commissioner shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving a record of his conviction of a violation of any provisions of this section and he shall not thereafter reissue the driver's license until 30 days from the date of such order of suspension.

1958, c. 407, § 46.1-167.3; 1960, c. 188; 1966, cc. 181, 568; 1972, c. 552; 1973, c. 25; 1977, c. 196; 1978, c. 605; 1984, cc. 399, 780; 1986, c. 527; 1989, c. 727; 1996, cc. 474, 489; 2013, cc. 673, 789; 2019, cc. 149, 193.

§ 46.2-707.1. Noncompliance fee payment plan.

A. The Department may establish a noncompliance fee payment plan to allow individuals to pay the fees for a motor vehicle determined to be uninsured as prescribed in § 46.2-706, 46.2-707, or 46.2-708. Notwithstanding §§ 46.2-706, 46.2-707, and 46.2-708, an individual 18 years of age or older whose driver's license and vehicle registration have been suspended pursuant to § 46.2-706, 46.2-

707, or 46.2-708 may apply to the Department to enter into a payment plan agreement with a duration of no more than three years from the agreement date, referred to in this section as the "payment plan period."

B. To be eligible to enter into the payment plan, the individual must (i) have one or more outstanding suspensions of driving privileges pursuant to the provisions of § 46.2-706, 46.2-707, or 46.2-708 and have no other outstanding suspensions or revocations; (ii) meet all other conditions for reinstatement of driving privileges; and (iii) have not defaulted twice on the same uninsured motor vehicle payment plan agreement.

C. An eligible individual who pays a $25 administrative fee when entering into a payment plan agreement or when reentering into a payment plan agreement with the Department, and pays the reinstatement fee pursuant to §§ 46.2-333.1 and 46.2-411, if required, shall be eligible to have his driving privileges reinstated by the Department.

D. The amount and frequency of each payment and the duration of the payment plan shall be described in the payment plan agreement signed by the Department and the individual. Payments may be made in person, online, by telephone, or by mail. The full fee must be paid in no more than three years from the agreement date; however, an individual may repay the balance of the fee at any time during the payment plan period with no penalty.

E. If an individual defaults on the payment plan agreement, the Commissioner shall suspend the driver's license and all registration certificates and license plates issued to the owner of the motor vehicle determined to be uninsured. Such driver's license, registration certificates, and license plates shall remain suspended until the individual pays the balance of the fee applicable to the registration of an uninsured motor vehicle as prescribed in § 46.2-706, 46.2-707, or 46.2-708 and furnishes proof of future financial responsibility as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3. An individual is in default if he (i) pays an installment payment late as defined in the payment plan agreement or (ii) fails to make an installment payment as agreed to in the payment plan agreement. If an individual is in default and is ineligible to reenter the payment plan, full payment of the balance of the fee shall be due as agreed to in the payment plan agreement. The Commissioner may extend the due date of any installment payment for not more than 30 days if the Department is unable to process an installment payment due to circumstances beyond its control.

F. When all fees are paid, the individual shall continue to furnish proof of financial responsibility pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 and § 46.2-709.

G. Installment payments of the fee with respect to the motor vehicle determined to be uninsured shall be disposed of pursuant to § 46.2-710. The administrative fee shall be paid to the Commissioner and deposited into the state treasury account set aside in a special fund to be used to meet the necessary expenses incurred by the Department.

2016, c. 590; 2019, cc. 149, 193.

§ 46.2-708. Suspension of driver's license and registration when uninsured motor vehicle is involved in reportable accident; hearing prior to suspension.

When it appears to the Commissioner from the records of his office or from a report submitted by an insurance company licensed to do business in the Commonwealth that an uninsured motor vehicle as defined in § 46.2-705, subject to registration in the Commonwealth, is involved in a reportable accident in the Commonwealth resulting in death, injury or property damage with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee as prescribed in § 46.2-706, the Commissioner shall, in addition to enforcing the applicable provisions of Article 13 (§ 46.2-417 et seq.) of Chapter 3, suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with Article 13 of Chapter 3 and has paid to the Commissioner a noncompliance fee of $600, to be disposed of as provided by § 46.2-710, with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility in the manner prescribed in Article 15 (§ 46.2-435 et seq.) of Chapter 3. However, no order of suspension required by this section shall become effective until the Commissioner has offered the person an opportunity for an administrative hearing to show cause why the order should not be enforced. Notice of the opportunity for an administrative hearing may be included in the order of suspension. Any request for an administrative hearing made by such person must be received by the Department within 180 days of the issuance date of the order of suspension unless the person presents to the Department evidence of military service as defined by the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.), incarceration, commitment, hospitalization, or physical presence outside the United States at the time the order of suspension was issued.

However, when three years have elapsed from the effective date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of future financial responsibility. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this Commonwealth, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined, or, presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the Department prior to the date and time of the accident, shall be sufficient bar to the suspension provided for in this section.

1958, c. 407, § 46.1-167.4; 1960, c. 188; 1966, cc. 181, 548; 1970, c. 68; 1972, cc. 552, 638, 729; 1973, c. 25; 1974, c. 604; 1978, c. 563; 1981, c. 193; 1984, cc. 399, 780; 1988, c. 470; 1989, c. 727; 1998, c. 404; 2012, cc. 151, 471; 2019, cc. 149, 193.

§ 46.2-709. Requiring other proof of financial responsibility; suspended driver's license, registration certificate and license plates to be returned to Commissioner; Commissioner may take possession thereof.

Whenever any proof of financial responsibility filed by any person as required by this article no longer fulfills the purpose for which required, the Commissioner shall require other proof of financial

responsibility as required by this article and shall suspend such person's driver's license, registration certificates, and license plates and decals pending the furnishing of proof as required.

Any person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this article and have not been reinstated shall immediately return every such license, registration certificate, and set of license plates and decals held by him to the Commissioner. Any person failing to comply with this requirement shall be guilty of a traffic infraction and upon conviction thereof shall be punished as provided in § 46.2-113.

The Commissioner is authorized to take possession of any license, registration certificate, or set of license plates and decals on their suspension under the provisions of this chapter or to direct any police officer to take possession of and return them to the office of the Commissioner.

1958, c. 407, § 46.1-167.5; 1960, c. 188; 1972, cc. 435, 609; 1976, c. 156; 1978, c. 605; 1984, c. 780; 1989, cc. 705, 727.

§ 46.2-710. Disposition of funds collected.

From every noncompliance fee collected by the Commissioner under the provisions of this article, the Commissioner shall retain $100 to be placed in a special fund in the state treasury to be used to meet the expenses of the Department. All other funds collected by the Commissioner under the provisions of this article shall be paid into the state treasury and held in a special fund to be known as the Uninsured Motorists Fund to be disbursed as provided by law. The Commissioner may expend moneys from such funds, for the administration of this article, in accordance with the general appropriation act.

1958, c. 407, § 46.1-167.6; 1989, c. 727; 2019, cc. 149, 193.

Article 9 - LICENSE PLATES, GENERALLY

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered moped, motorcycle, autocycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, other than TNC partner vehicles as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1;

2. Taxicabs;

3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;

4. Property-carrying motor vehicles registered pursuant to § 46.2-697 except pickup or panel trucks as defined in § 46.2-100;

5. Applicants, other than TNC partners as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1, who operate motor vehicles as passenger carriers for rent or hire;

6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and

7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. The Department shall issue appropriately designated license plates for military surplus motor vehicles registered pursuant to § 46.2-730.1.

F. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

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

Code 1950, §§ 46-96, 46-160; 1950, p. 625; 1954, c. 211; 1958, c. 541, § 46.1-99; 1974, cc. 150, 477; 1989, c. 727; 1993, c. 290; 1995, c. 46; 1997, cc. 774, 816; 2001, c. 596; 2005, c. 140; 2011, cc. 405, 639, 881, 889; 2013, c. 783; 2014, cc. 53, 256; 2015, cc. 2, 3; 2016, cc. 125, 133; 2017, cc. 670, 790, 815; 2018, c. 555.

§ 46.2-712. Requirements of license plates and decals.

A. Every license plate shall display the registration number assigned to the motor vehicle, trailer, or semitrailer and to the owner thereof, the name of the Commonwealth, which may be abbreviated, and the year or the month and year, which may be abbreviated and in the form of decals, for which it is issued. Subject to the need for legibility, the size of the plate, the letters, numerals, and decals thereon, and the color of the plate, letters, numerals, and decals shall be in the discretion of the Commissioner. Decals shall be placed on the license plates in the manner prescribed by the Commissioner, and shall indicate the month and year of expiration. On the issuance of the decals, a new registration card shall be issued with the same date of expiration as the decals.

B. Notwithstanding any other provision of this title, the Department may issue permanent license plates without decals and without a month and year of expiration for all trailers and semitrailers,

regardless of weight; trucks and tractor trucks with a gross vehicle weight rating or gross combination weight rating of more than 26,000 pounds; taxicabs or other motor vehicles performing a taxicab service; and common carrier vehicles operated for hire, both of the latter as defined in § 46.2-2000 that are in compliance with the requirements of Chapter 20 (§ 46.2-2000 et seq.) of this title. In addition, the Department may issue permanent license plates without decals and without a month and year of expiration for trucks and tractor trucks with gross vehicle weight ratings or gross combination weight ratings of at least 7,501 pounds but not more than 26,000 pounds, provided that such vehicles are for business use only, and for farm vehicles registered with the Department pursuant to § 46.2-698.

C. Notwithstanding any contrary provision of this section, any person who, pursuant to former § 56-304.3, repealed by Chapters 744 and 803 of the Acts of Assembly of 1995, obtained from the State Corporation Commission an exemption from the marker or decal requirements of former § 56-304, 56-304.1 or 56-304.2, and who has painted or, in the case of newly acquired vehicles, who paints an identifying number on the sides of any vehicle with respect to which such exemption applies and, in all other respects, continues to comply with the requirements of former § 56-304.3, shall be deemed to be in compliance with § 46.2-2011.23 and subdivision 18 of § 46.2-2011.24.

Code 1950, § 46-97; 1958, c. 541, § 46.1-101; 1972, c. 609; 1974, c. 170; 1988, c. 701; 1989, c. 727; 1997, c. 283; 1999, c. 593; 2000, c. 133; 2005, c. 301.

§ 46.2-713. License plates and decals remain property of Department.

Every license plate and decal issued by the Department shall remain the property of the Department and shall be subject to be revoked, cancelled, and repossessed by the Department at any time as provided in this title.

Code 1950, § 46-98; 1958, c. 541, § 46.1-102; 1972, c. 609; 1989, c. 727.

§ 46.2-714. Permanent license plates.

Notwithstanding the provisions of §§ 46.2-711 and 46.2-712 the Department may, in its discretion, issue a type of license plate suitable for permanent use on motor vehicles, trailers, semitrailers, and motorcycles, together with decals, unless decals are not required under § 46.2-712, to be attached to the license plates to indicate the registration period for which such vehicles have been properly licensed. The design of the license plates and decals, when required, shall be determined by the Commissioner.

Every permanent license plate and decal, when required, shall be returned to the Department whenever the owner of a vehicle disposes of it by sale or otherwise and when not actually in use on a motor vehicle, except dealer's plates temporarily not in use. The person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the license plate is intended to be used on a subsequently acquired motor vehicle.

Every permanent license plate and decal, when issued, shall be returned to the Department whenever the owner of a vehicle elects to garage the vehicle and discontinue the use of it on the highway. The

person in whose name the license plate is registered may apply, during the registration period for which it is issued, for the return thereof if the vehicle is to be returned to use on the highway.

For the purposes of this section, the term "motor vehicle" does not include a "moped" as defined in § 46.2-100.

Code 1950, § 46-99; 1958, c. 541, § 46.1-103; 1972, c. 609; 1989, c. 727; 1997, c. 283; 2013, c. 783.

§ 46.2-715. Display of license plates.

License plates assigned to a motor vehicle, other than a moped, motorcycle, autocycle, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a moped, motorcycle, autocycle, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

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

Code 1950, § 46-101; 1954, c. 210; 1958, c. 541, § 46.1-106; 1972, c. 609; 1974, c. 150; 1989, c. 727; 2013, c. 783; 2014, cc. 53, 256; 2017, c. 670.

§ 46.2-716. How license plates fastened to vehicle; altering appearance of license plates.

A. Every license plate shall be securely fastened to the motor vehicle, trailer, or semitrailer to which it is assigned:

1. So as to prevent the plate from swinging,

2. In a position to be clearly visible, and

3. In a condition to be clearly legible.

B. No colored glass, colored plastic, bracket, holder, mounting, frame, or any other type of covering shall be placed, mounted, or installed on, around, or over any license plate if such glass, plastic, bracket, holder, mounting, frame, or other type of covering in any way alters or obscures (i) the alphanumeric information, (ii) the color of the license plate, (iii) the name or abbreviated name of the state wherein the vehicle is registered, or (iv) any character or characters, decal, stamp, or other device indicating the month or year in which the vehicle's registration expires. No insignia, emblems, or trailer hitches or couplings shall be mounted in such a way as to hide or obscure any portion of the license plate or render any portion of the license plate illegible.

C. The Superintendent may make such regulations as he may deem advisable to enforce the proper mounting and securing of the license plate on the vehicle.

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

Code 1950, § 46-102; 1958, c. 541, § 46.1-107; 1960, c. 119; 1986, c. 186; 1989, c. 727; 2000, c. 258; 2001, c. 19; 2006, c. 549; 2017, c. 670.

§ 46.2-717. Repealed.

Repealed by Acts 1997, c. 486.

§ 46.2-718. Use of old license plates or decals after application for new.

An owner who has applied for renewal of registration of a motor vehicle, trailer, or semitrailer fifteen days prior to the day the registration period begins, but who has not received the license plates, decals, or registration card for the ensuing registration period shall be entitled to operate or permit the operation of the vehicle on the highways on displaying on the vehicle the license plates or decals issued for the preceding registration period for such time to be prescribed by the Department as it may find necessary to issue new license plates or decals.

Code 1950, § 46-104; 1958, c. 541, § 46.1-109; 1972, c. 609; 1989, c. 727.

§ 46.2-719. Permit for emergency use of license plates.

A. The Commissioner may, in his discretion, grant a special permit for the use of license plates on a vehicle other than the vehicle for which the license plates were issued, when the vehicle for which the license plates were issued is undergoing repairs in a licensed motor vehicle dealer's repair shop and when the license plates are being used on a vehicle owned by the dealer in whose repair shop the vehicle is being repaired.

B. Application for the permit shall be made jointly by the dealer and the person whose vehicle is being repaired, on forms provided by the Department and shall show, in addition to whatever other information may be required by the Commissioner, that an emergency exists which would warrant the issuance of the permit.

C. The permit shall be evidenced by a certificate, issued by the Commissioner, which shall show the date of issuance, the person to whom issued, the motor number, serial number or identification number of the vehicle on which the license plates are to be used, and shall be in the immediate possession of the person operating the vehicle at all times while operating it. The certificate shall be valid for a period of five days from its issuance. On its expiration, application may be made for a renewal permit in the manner provided for the original permit, but only one renewal permit shall be issued to cover any one emergency.

D. The Commissioner may, subject to the limitations and conditions set forth in this section, authorize a motor vehicle dealer licensed in the Commonwealth to issue such permit on behalf of the Commissioner in accordance with the provisions of subsections A, B, and C of this section provided such permits are issued only with regard to the transfer in an emergency situation of license plates from a vehicle undergoing repairs in that dealer's repair shop. Any dealer to whom the authority is delegated

by the Commissioner shall use the forms provided by the Commissioner and shall maintain in permanent form a record of all permits issued by him and any other relevant information that may be required by the Commissioner. Each record shall be kept by the dealer for not less than three years from the date of entry. The dealer shall allow full access to these records, during regular business hours, to duly authorized representatives of the Department and to law-enforcement officers. One copy of any permit of this kind issued by a dealer and the application form submitted for the permit shall be filed promptly by the dealer with the Department. The Commissioner, on determining that the provisions of this section or the directions of the Department are not being complied with by a dealer, may suspend the right of such dealer to issue license plate transfer permits.

Code 1950, § 46-104.1; 1952, c. 537; 1958, c. 541, § 46.1-110; 1978, c. 289; 1989, c. 727.

§ 46.2-720. Use of license plates from another vehicle in certain circumstances.
The owner of a motor vehicle to which license plates have been assigned by the Department may remove the license plates from the motor vehicle and use them on another motor vehicle owned by a person operating a garage or owned by a motor vehicle dealer provided such use does not extend for more than five days and provided the use is limited to the time during which the first motor vehicle is being repaired or while the second motor vehicle is loaned to him for demonstration, as provided by § 46.2-719.

For the purposes of this section, the term "motor vehicle" does not include a "moped" as defined in § 46.2-100.

1960, c. 457, § 46.1-110.1; 1989, c. 727; 2013, c. 783.

§ 46.2-721. Application of liability insurance policy to vehicle carrying plates from insured vehicle.
The policy of liability insurance issued to the owner of a motor vehicle and covering the operation thereof shall extend to and be the primary insurance applicable to his operation of a motor vehicle on which he has placed license tags from another motor vehicle as provided in § 46.2-720.

For the purposes of this section, the term "motor vehicle" does not include a "moped" as defined in § 46.2-100.

1960, c. 457, § 46.1-110.2; 1989, c. 727; 2013, c. 783.

§ 46.2-722. Altered or forged license plates or decals; use as evidence of knowledge.
Any person who, with fraudulent intent, alters any license plate or decal issued by the Department or by any other state, forges or counterfeits any license plate or decal purporting to have been issued by the Department under the provisions of this title or by any other state under a similar law or who, with fraudulent intent, alters, falsifies, or forges any assignment thereof, or who holds or uses any license plate or decal knowing it to have been altered, forged, or falsified, shall be guilty of a Class 1 misdemeanor.

The owner of a vehicle who operates it while it displays altered or forged license plates or decals shall be presumed to have knowledge of the alteration or forgery.

Code 1950, § 46-12; 1958, c. 541, § 46.1-112; 1972, c. 609; 1982, c. 247; 1989, c. 727.

§ 46.2-723. License plates for transporting mobile homes used as temporary offices at construction sites.

The Department shall issue to persons engaged in the business of transporting from one construction site to another mobile homes or house trailers used on those sites as temporary offices, license plates to be affixed to such mobile homes or house trailers while being transported. The plates shall not be issued or used to transport mobile homes or house trailers which exceed normally permissible load dimensions. The fee for each plate issued under this section shall be twenty-two dollars per year.

1986, c. 226, § 46.1-44.1; 1989, c. 727.

§ 46.2-724. Operation for hire of certain vehicles registered as not-for-hire; penalty.

If a motor vehicle of over 10,000 pounds registered gross weight that is registered to be operated exclusively not-for-hire is operated for-hire, the licensee shall be guilty of a traffic infraction. This penalty shall be in addition to the penalty prescribed by § 46.2-704.

Code 1950, § 46-168; 1950, p. 625; 1956, c. 477; 1958, c. 541, § 46.1-160; 1978, c. 605; 1982, c. 672; 1989, c. 727; 1995, c. 46; 1997, cc. 774, 816.

Article 10 - SPECIAL LICENSE PLATES

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized pursuant to this article. No special license plates in any series not provided for pursuant to this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue, when feasible, special license plates that are combinations of no more than two series of special license plates authorized pursuant to this article and currently issued by the Department; in addition to the state registration fee, the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable. The provisions of subdivisions 1 and 2 of subsection B of this section shall not apply to special license plates that are combinations of two series of special license plates authorized pursuant to this article and currently issued by the Department if one of the two combined designs, when feasible, incorporates or includes the international symbol of access.

B. Except as otherwise provided in this article:

1. No special license plates shall be considered for authorization by the General Assembly unless and until the individual, group, entity, organization, or other entity seeking the authorization of such special license plates shall have demonstrated to the satisfaction of the General Assembly that they meet the issuance requirements set forth in this subdivision. For the purposes of this article, each prepaid application shall be on a form prescribed by the Department and, excluding the vehicle registration fee, shall include the proposed or authorized fee for the issuance of the proposed or authorized

special license plates and, if applicable, the annual fee for reserved numbers or letters prescribed under § 46.2-726. Once authorized by the General Assembly, no license plates provided for in this article shall be developed and issued by the Department until the Commissioner receives at least 450 prepaid applications therefor within 30 days of the effective date of the authorization associated with the applications. If the end of the 30-day period falls on a Saturday, Sunday, or holiday, the 30-day period shall end on the following business day.

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. No such license plates shall be issued or reissued unless reauthorized by the General Assembly. Such reauthorized license plates shall remain subject to the provisions of this article.

3. The annual fee for the issuance of any license plates issued pursuant to this article shall be $10 plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

C. The provisions of this article relating to registration fees shall apply only to those vehicles registered as passenger cars, motor homes, and pick-up or panel trucks, as defined in § 46.2-100. All other vehicle types registered with special license plates shall be subject to the appropriate special license plate fees, registration fees and other fees prescribed by law for such vehicle types.

D. For special license plates that generate revenues that are shared with entities other than the Department, hereinafter referred to as "revenue sharing special license plates," the General Assembly shall review all proposed revenue sharing special license plate authorizations to determine whether the revenues are to be shared with entities or organizations that (i) provide to the Commonwealth or its citizens a broad public service that is to be funded, in whole or in part, by the proposed revenue sharing special license plate authorization and (ii) are at least one of the following:

1. A nonprofit corporation as defined in § 501(c)(3) of the United States Internal Revenue Code;

2. An agency, board, commission, or other entity established or operated by the Commonwealth;

3. A political subdivision of the Commonwealth; or

4. An institution of higher education whose main campus is located in Virginia.

No revenue sharing special license plate authorization shall be approved if, as determined by the General Assembly, it does not meet the criteria set forth in this subsection.

E. No special license plates authorized pursuant to this article shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the design of such special license plates, including any logo, emblem, seal, or symbol therein, references children or children's programs or if any revenue-sharing provision authorized for such special license plates contributes, directly or indirectly, to any fund or program established for the benefit of children.

1989, c. 727; 1995, c. 747; 1996, cc. 922, 1026; 1997, cc. 774, 816; 2003, c. 923; 2004, c. 747; 2005, c. 294; 2006, c. 550; 2011, c. 115; 2016, cc. 143, 430.

§ 46.2-725.1. Repealed.

Repealed by Acts 1995, c. 747.

§ 46.2-725.2. Special license plates for certain business entities with fleets of vehicles registered in the Commonwealth.

A. Notwithstanding the provisions of §§ 46.2-725 and 46.2-726, upon application by certain business entities with vehicle fleets registered in the Commonwealth, the Commissioner may develop and issue special license plates bearing the logos of such businesses in accordance with policies and procedures established by the Commissioner for the issuance of license plates and in accordance with the following provisions:

1. Any business wishing to obtain these special license plates must (i) have a fleet of at least 100 vehicles registered in the Commonwealth, (ii) utilize one of the Department's online electronic fleet titling and registration systems to obtain title and registration documents for its vehicles, and (iii) enter into an agreement with the Department for the use of the business's logo.

2. Any business that enters into an agreement with the Department for the issuance of license plates under this section thereby waives any royalty fees to which it might otherwise be entitled for use of its logo.

3. Any initial request for license plates under this section shall be accompanied by an administrative fee as follows: (i) for 100-199 vehicles in a fleet, a fee of $4,500; (ii) for 200-349 vehicles in a fleet, a fee of $4,200; or (iii) for more than 349 vehicles in a fleet, a fee of $4,000.

4. For each set of license plates issued under this section without reserved numbers or letters, the Commissioner shall charge, in addition to the prescribed fee for state license plates, a one-time fee of $5. The fee for a replacement set of license plates issued under this section without reserved numbers or letters shall be $5.

5. For each set of license plates issued under this section with reserved letters or numbers as provided for in § 46.2-726, in lieu of the fees prescribed by that section, the Commissioner shall charge, in addition to the prescribed fee for state license plates, a one-time fee of $15. The fee for a

replacement set of license plates issued under this section with reserved numbers or letters shall be $15.

B. License plates may be issued under this section to vehicles of any type registered by the Department, including those registered under the International Registration Plan.

C. 1. Subsequent to the development of license plates for a business pursuant to subsection A, a business may agree to permit the use of such plates on vehicles not in the company fleet. Written authorization from the business shall be required to obtain or retain any license plates issued pursuant to this subsection. The business may withdraw any such authorization at any time.

2. Upon receipt of written authorization and an application, the Commissioner shall issue to the applicant license plates bearing the logo of the business. The annual fee for each set of license plates issued under this subsection shall be $10 plus the prescribed fee for state license plates. For each set of license plates issued under this subsection bearing reserved numbers or letters, the annual fee shall be the same as for those issued under § 46.2-726.

3. The fee for a replacement set of license plates issued under this subsection shall be as required by § 46.2-692.

4. License plates issued under this subsection shall not be issued through one of the Department's online electronic fleet titling and registration systems.

5. The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this subsection.

2011, c. 56; 2012, cc. 22, 111.

§ 46.2-726. License plates with reserved numbers or letters; fees.

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered. However, no such reserved license plates shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the requested registration numbers or letters or combination thereof could be read, interpreted, or understood to be a reference to children.

License plates with reserved numbers or letters may be issued for and displayed on emergency medical services vehicles operated by emergency medical services agencies.

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be $10 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be $10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be $10 plus the prescribed fee for state license plates. If those license plates are special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be $10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

1972, c. 427, § 46.1-105.2; 1987, c. 696; 1989, c. 727; 1992, c. 141; 1995, c. 747; 1997, cc. 94, 283; 2000, c. 126; 2001, c. 20; 2015, cc. 502, 503; 2016, cc. 143, 430.

§ 46.2-727. Bicentennial license plates and decals; fees.

Bicentennial license plates and decals issued to any properly registered passenger motor vehicle from January 1, 1976, through December 31, 1981, may continue in use for a period determined by the Commissioner if the proper fee is paid as required in § 46.2-694.

1975, c. 206, § 46.1-105.5; 1980, c. 24; 1989, c. 727.

§ 46.2-728. Special license plates incorporating the Great Seal of Virginia; fees.

On receipt of an application, the Commissioner shall issue license plates incorporating the Great Seal of Virginia. These license plates shall be valid for whatever period the Commissioner determines.

For each set of license plates issued under this section the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of twenty-five dollars.

1985, c. 547, § 46.1-105.14; 1987, c. 696; 1989, c. 727.

§ 46.2-728.1. Special license plates incorporating the official bird and the floral emblem of the Commonwealth; fee.

On receipt of an application, the Commissioner shall issue license plates incorporating the official bird and the floral emblem of the Commonwealth. These license plates shall be valid for whatever period the Commissioner determines.

For each set of license plates issued under this section the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of ten dollars at the time the plates are issued.

1992, cc. 142, 631.

§ 46.2-728.2. Special license plates displaying a scenic design of Virginia; fees.

On receipt of an application, the Commissioner shall issue license plates displaying a scenic design of Virginia. These license plates shall be valid for whatever period the Commissioner determines.

For each set of license plates issued under this section the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of ten dollars at the time the plates are issued.

1992, cc. 142, 631.

§ 46.2-728.3. Special license plates displaying the official insect of the Commonwealth; fees.

On receipt of an application, the Commissioner shall issue license plates displaying the official insect of the Commonwealth as designated by § 1-510.

1994, c. 183; 1995, c. 747; 2005, c. 839.

§ 46.2-729. Repealed.

Repealed by Acts 1995, c. 747.

§ 46.2-729.1. Presidential inauguration license plates.

Notwithstanding any other provisions of law, presidential inauguration license plates duly issued by the District of Columbia may be displayed on any motor vehicle duly registered and licensed in Virginia in lieu of license plates assigned to that motor vehicle. Such presidential license plates shall not be displayed except for the period beginning January 1 through the last day of March in the year of such inauguration.

1997, cc. 774, 816.

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of $50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of $50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept only the first such application.

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;

2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and

3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;

2. The license plate or plates are registered to the specific vehicle by the Department;

3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;

4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10;

5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and

6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept only the first such application. Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time $50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another autocycle, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification required pursuant to subsection E.

Code 1950, § 46-99.1; 1954, c. 60; 1958, c. 541, § 46.1-104; 1980, c. 359; 1986, c. 8; 1989, cc. 338, 727; 1999, c. 292; 2000, c. 259; 2004, c. 796; 2007, c. 492; 2008, c. 159; 2014, cc. 53, 256.

§ 46.2-730.1. License plates for military surplus motor vehicles; fee; penalty.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue a registration card and appropriately designed license plates to owners of military surplus motor vehicles. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates for any of these vehicles shall be a one-time fee of $100.

B. Military surplus motor vehicles registered with license plates issued under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in off-road events, on-road club activities, exhibits, tours, parades, and similar events; and

2. On the highways of the Commonwealth for the purpose of selling the vehicle, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and occasional pleasure driving not exceeding 125 miles from the address at which the vehicle is stored for use.

The registration card issued to the owner of a military surplus motor vehicle registered pursuant to this section shall indicate that such vehicle is for limited use.

C. Any owner of a military surplus motor vehicle applying for registration pursuant to this section shall submit to the Department, in the manner prescribed by the Department, certification that such vehicle is capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or is otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card, and decals, if any, of any vehicle registered with license plates issued under this section when he observes any defect in such vehicle as set forth in § 46.2-1000.

D. Any law-enforcement officer may require any person operating a military surplus motor vehicle registered pursuant to this section to provide, upon request, the address at which the vehicle is stored for use and the destination of such operation. Any owner of a military surplus motor vehicle registered with license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued pursuant to this section for a period of five years from the date of conviction.

E. Military surplus motor vehicles registered with the Department under any other provision of this Code prior to January 1, 2019, may continue to be registered under such provision. Such vehicles shall be considered to be registered under this section for the purpose of § 46.2-1158.01. In the event that any such vehicle is transferred to a new owner, the vehicle must be registered pursuant to this section.

F. No military surplus motor vehicle shall be registered as an antique vehicle pursuant to § 46.2-730.

2018, c. 555.

§ 46.2-731. Disabled parking license plates; owners of vehicles specially equipped and used to transport persons with disabilities; fees.

On receipt of an application, the Commissioner shall issue appropriately designed disabled parking license plates to persons with physical disabilities that limit or impair their ability to walk or that create a concern for his safety while walking or to the parents or legal guardians of such persons. The Commissioner shall request that the application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician

assistant that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk" contained in § 46.2-1240. The issuance of a disabled parking license plate shall not preclude the issuance of a permanent removable windshield placard.

On application of an organization, the Commissioner shall issue disabled parking license plates for vehicles registered in the applicant's name if the vehicles are primarily used to transport persons with disabilities. The application shall include a certification by the applicant, under criteria determined by the Commissioner, that the vehicle is primarily used to transport persons with disabilities that limit or impair their ability to walk, as defined in § 46.2-1240.

The fee for the issuance of a disabled parking license plate under this section may not exceed the fee charged for a similar license plate for the same class vehicle.

1972, c. 473, § 46.1-104.1; 1973, c. 182; 1974, cc. 46, 410; 1976, cc. 410, 460; 1978, cc. 185, 605; 1982, c. 88; 1983, c. 38; 1986, c. 144; 1989, c. 727; 1993, c. 566; 1994, cc. 225, 866; 1995, cc. 776, 805; 1997, cc. 783, 904; 2004, c. 692; 2007, c. 715.

§ 46.2-732. Special license plates and decals for the deaf; fees.

On receipt of an application, the Commissioner shall issue appropriately designed license plates to deaf persons. For purposes of this section, a deaf person shall be defined as a person who cannot hear and understand normal speech. The fee for these license plates shall be as provided in § 46.2-694.

The Commissioner shall also issue to any deaf person a removable decal, to be used on any passenger car, pickup or panel truck operated by such person. The decals shall be of a design determined by the Commissioner and shall be displayed in a manner determined by the Superintendent of State Police. A reasonable fee to be determined by the Commissioner shall be charged each person issued a decal under this section, but no fee shall be charged any person exempted from fees by § 46.2-739.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special plates or decal.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1979, c. 74, § 46.1-104.2; 1989, c. 727; 1995, c. 747.

§ 46.2-733. License plates for persons delivering unladen vehicles; fees.

A. On receipt of an application, the Commissioner shall issue appropriately designed license plates to persons engaged in the business of delivering unladen motor vehicles under their own power from points of assembly or distribution.

B. Every applicant for license plates to be issued under this section shall, before he begins delivery of any of these vehicles, apply to the Commissioner for a registration card and license plates. On the payment of a fee of $75, a registration card and license plates shall be issued to the applicant in a form

prescribed by the Commissioner. The Commissioner shall issue to the applicant two license plates. For each additional license plate, a fee of $20 per plate shall be paid by the applicant.

C. It shall be unlawful for any person to use these license plates other than on unladen motor vehicles, trailers, and semitrailers which are being delivered from points of assembly or distribution in the usual course of his delivery business or which are used as provided in subsection D. The operators of such vehicles being delivered, bearing license plates issued under this section, shall at all times during their operation have in their possession a proper bill of lading showing the point of origin and destination of the vehicle being delivered and describing it. It shall be unlawful for any person to use these license plates unless either the origin or the destination of the vehicle being delivered is within the Commonwealth.

D. License plates issued under this section may be used by any financial institutions specifically excluded from the definition of "motor vehicle dealer" in subdivision 5 of § 46.2-1500 for the purpose of using them in the normal course of business in taking, repossessing, or otherwise transporting vehicles for the purpose of preservation, sale, allowing a prospective buyer to test-drive the vehicle if the prospective buyer is accompanied by an employee of the financial institution or has the written permission of the financial institution on a form provided by the Department, or otherwise in connection with repossession or foreclosure of the vehicle on which there is a security interest securing a loan to a financial institution.

E. License plates issued under this section may be issued to any business engaged in automobile auctions or the mounting, installing, servicing, or repairing of equipment on or in a vehicle. The use of license plates issued under this section shall be limited to (i) the pick up and delivery of a vehicle or (ii) driving on the highway in order to test the installation, service, or repairs at a distance of not more than 10 miles from the place of business and shall not be used on vehicles employed for general transportation.

Code 1950, § 46-170; 1958, c. 541, § 46.1-162; 1964, c. 218; 1977, c. 260; 1982, c. 161; 1984, c. 464; 1989, c. 727; 1998, c. 370; 2004, c. 788; 2011, c. 103; 2019, c. 69.

§ 46.2-734. Reconstructed and specially constructed vehicles; inspection requirements; storage of unlicensed vehicles; use.

A. On receipt of an application therefor and written evidence that the applicant is a hobbyist and is registering a reconstructed or specially constructed vehicle built, reconstructed, restored, preserved, and maintained for historic or hobby interest, the Commissioner shall issue to the applicant one special license plate, which shall be mounted on the rear of the vehicle.

For the purposes of this section, "hobbyist" means the owner of one or more reconstructed or specially constructed vehicles who collects, purchases, acquires, trades, or disposes of reconstructed or specially constructed vehicles or parts thereof for his own use in order to build, reconstruct, restore, preserve, and maintain a reconstructed or specially constructed vehicle for historic or hobby interest.

B. These vehicles shall be titled according to their chassis numbers or, if no chassis number exists, then by their motor serial numbers. The vehicles shall meet inspection requirements applicable to the model year shown on the registration certificate.

C. A hobbyist may store unlicensed, operable or inoperable, vehicles on his property provided the vehicles and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by a fence, rapidly growing trees, shrubbery, billboards or other appropriate means. The hobbyist shall, however, not be exempt from local zoning ordinances governing the storage of these vehicles.

D. Vehicles registered under this section shall not be used for general transportation purposes, including but not limited to daily travel to and from the owner's place of employment, but shall only be used (i) for participation in hobbyist vehicle exhibits and similar limited-use events and (ii) on the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, and transportation to and from events as described in this subsection.

1979, c. 159, § 46.1-53.1; 1989, c. 727; 2004, c. 678.

§ 46.2-734.1. Repealed.

Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-735. Special license plates for members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries; fees.

The Commissioner, on application, shall supply members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any combination thereof.

Only one application shall be required from each volunteer emergency medical services agency or volunteer emergency medical services agency auxiliary. The application shall contain the names and residence addresses of all members of the volunteer emergency medical services agency and members of the volunteer emergency medical services agency auxiliary who request license plates. Each volunteer emergency medical services agency or volunteer emergency medical services agency auxiliary shall notify the Commissioner within 30 days of separation of any member from such agency or agency auxiliary.

The Commissioner shall charge the prescribed cost of state license plates for each set of license plates issued under this section.

1972, c. 605, § 46.1-105.3; 1978, c. 201; 1987, c. 696; 1989, c. 727; 1996, c. 1026; 2015, cc. 502, 503; 2018, c. 635.

§ 46.2-736. Special license plates for professional or volunteer fire fighters and members of volunteer fire department auxiliaries; fees.

The Commissioner, on application, shall supply professional fire fighters, members of volunteer fire departments, members of volunteer fire department auxiliaries, and volunteer members of any fire

department license plates bearing the letters "F D" followed by numbers or letters or any combination thereof.

An application shall be required from each professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary. The application shall be approved by the chief or head of the fire department and shall contain the name and residence address of the applicant. Each fire department shall maintain a copy of such approved application and shall notify the Commissioner within 30 days of separation of any professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary from such fire department.

The Commissioner shall charge each professional fire fighter a fee of one dollar in addition to the prescribed cost of state license plates, for each set of license plates issued under this section. No additional fee shall be charged to members of volunteer fire departments, members of volunteer fire department auxiliaries, or volunteer members of any fire department.

1973, c. 190, § 46.1-105.4; 1975, c. 25; 1976, cc. 460, 500; 1978, c. 201; 1987, c. 696; 1989, c. 727; 1996, c. 1026; 2018, c. 635.

§§ 46.2-736.01, 46.2-736.02. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-736.1. Special license plates for certain officials; fees.
On request, the Commissioner shall issue special license plates to the following officials: the Speaker of the House of Delegates, members of the House of Delegates, members of the Virginia Senate, the Clerk of the House of Delegates, the Clerk of the Virginia Senate, the Governor of Virginia, the Lieutenant Governor of Virginia, the Attorney General of Virginia, United States Congressmen, and United States Senators.

The annual fee for license plates issued pursuant to this section shall be $25 plus the prescribed fees for (i) vehicle registration and (ii) license plates with reserved numbers or letters.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1995, c. 747; 2005, c. 300.

§ 46.2-736.2. Special license plates for certain elected or appointed officials.
The Commissioner, on application, shall issue to honorary consuls, upon receipt of written evidence from the United States Department of State that the applicant is an honorary consul on active status, and members of county boards of supervisors, city councils, town councils, state commissions and boards and to other state officials appointed by the Governor special license plates bearing decals or stickers bearing the legend "HONORARY CONSUL" or identifying the commission, board, or office to which the applicant has been elected or appointed.

For the purposes of subdivision B 2 of § 46.2-725, the total number of active plates issued under this section shall be used to determine whether the plates authorized under this section shall continue to be issued.

1995, c. 747; 1996, c. 1026; 2003, c. 921; 2004, c. 747.

§ 46.2-737. Special license plates for certain constitutional officers; fees.

The Commissioner, on application, shall issue to sheriffs, county and city treasurers and commissioners of the revenue, attorneys for the Commonwealth, circuit court clerks, and general registrars special license plates identifying the office held by the applicant.

The annual fee for license plates issued pursuant to this section shall be $25 plus the prescribed fees for (i) vehicle registration and (ii) license plates with reserved numbers or letters.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1976, c. 147, § 46.1-105.6; 1987, c. 696; 1989, c. 727; 1995, c. 747; 2004, c. 984; 2005, c. 300.

§ 46.2-738. Special license plates for amateur radio operators.

The Commissioner, on request, may supply any amateur radio operator licensed by the federal government or an agency thereof with license plates bearing his official call letters.

If more than one request is made for use, as provided in this section, of license plates having the same alpha-numeric, the Department shall accept the first such application. Persons receiving amateur radio operator special license plates shall affix such plates only to vehicles to which they are the titled owner.

The Commissioner shall charge a fee of one dollar in addition to the prescribed cost of state license plates for each set of license plates issued under the provisions of this section.

Code 1950, § 46-22.1; 1952, c. 675; 1954, c. 630; 1958, c. 541, § 46.1-105; 1987, c. 696; 1989, c. 727; 1996, cc. 943, 994; 2014, c. 331.

§ 46.2-738.1. Repealed.

Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are veterans who have been certified by the U.S. Department of Veterans Affairs to have a service-connected disability or unremarried surviving spouses of disabled veterans as defined in § 46.2-100. These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Department of Veterans Affairs that the veteran's disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician assistant to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

C. No annual registration fee, as prescribed in § 46.2-694, and no annual fee, as set forth in subdivision B 3 of § 46.2-725, shall be required for any one motor vehicle owned and used personally by any disabled veteran as defined in § 46.2-100 or the unremarried surviving spouse of such disabled veteran, provided that such vehicle displays license plates issued under this section.

D. The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

1972, c. 80, § 46.1-149.1; 1976, c. 410; 1977, c. 167; 1989, c. 727; 1994, c. 866; 1995, c. 747; 1997, cc. 774, 816; 2007, c. 715; 2015, c. 457.

§ 46.2-740. Special license plates for survivors of Battle of Chosin Reservoir.

On receipt of an application and written evidence that the applicant is a survivor of the Battle of Chosin Reservoir, the Commissioner shall issue special license plates to the applicant.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1987, c. 669, § 46.1-105.17; 1989, c. 727; 1995, c. 747.

§ 46.2-741. Special license plates for survivors of attack on Pearl Harbor; fees.

On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States and, while serving in the armed forces of the United States, was present during the attack on the island of Oahu, Territory of Hawaii, on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m., Hawaii time, the Commissioner shall issue to the applicant special license plates identifying the vehicle as registered to a Pearl Harbor survivor.

For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of ten dollars at the time the plates are issued.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1987, c. 467, § 46.1-105.16; 1989, c. 727; 1995, c. 747; 1997, cc. 774, 816.

§ 46.2-742. Special license plates for persons awarded Purple Heart; fee.

On receipt of an application and written evidence that the applicant has been awarded the Purple Heart, the Commissioner shall issue to the applicant special license plates.

No fee shall be charged for license plates issued under this section to any one motor vehicle owned and used personally by any applicant. For each additional set of license plates issued to an applicant under this section, the Commissioner shall charge the prescribed fee for state license plates.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

The design of license plates issued under this section to persons who have been awarded multiple decorations shall reflect the number of such decorations.

1987, cc. 466, 472, § 46.1-105.15; 1989, c. 727; 1994, c. 914; 1995, c. 747; 1996, cc. 922, 1026; 2004, c. 747; 2008, c. 614; 2011, c. 436.

§ 46.2-742.1. Special license plates for persons awarded the Bronze Star, Bronze Star with a "V" for valor, or the Silver Star; fee.

On receipt of an application and written evidence that the applicant has been awarded a Bronze Star, Bronze Star with a "V" for valor, or Silver Star Medal, the Commissioner shall issue to the applicant special license plates.

For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

The design of license plates issued under this section to persons who have been awarded multiple decorations shall reflect the number of such decorations.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

1992, c. 577; 1995, c. 747; 1996, c. 1026; 1999, c. 907; 2002, c. 864; 2004, c. 747.

§ 46.2-742.1:1. Repealed.

Repealed by Acts 2011, c. 21.

§ 46.2-742.2. Special license plates for persons awarded the Navy Cross, the Distinguished Service Cross, the Air Force Cross, or the Distinguished Flying Cross.

On receipt of an application and written evidence that the applicant has been awarded the Navy Cross, the Distinguished Service Cross, the Air Force Cross, or the Distinguished Flying Cross, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

The design of license plates issued under this section to persons who have been awarded multiple decorations shall reflect the number of such decorations.

For each set of license plates issued under this section the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued.

1994, cc. 228, 301; 1995, c. 747; 1996, c. 1026; 1997, cc. 774, 816; 2004, c. 747.

§ 46.2-742.3. Repealed.
Repealed by Acts 2004, c. 984.

§ 46.2-742.4. Special license plates for persons awarded the Combat Infantryman Badge.
On receipt of an application and written evidence that the applicant has been awarded the Combat Infantryman Badge, the Commissioner shall issue to the applicant special license plates.

2004, c. 984.

§ 46.2-742.5. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-742.6. Repealed.
Repealed by Acts 2008, c. 114, cl. 1.

§ 46.2-743. Special license plates for active duty members of the armed forces of the United States and certain veterans; fees.
A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Marine Corps. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

C. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Army, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Army.

D. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Coast Guard, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Coast Guard. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

E. All special license plates that have been developed and issued pursuant to subsection B, C, or D shall also be issued to applicants who can provide documentation from the U.S. Department of Veterans Affairs indicating that the applicant has been designated disabled, and that his disability is service-connected, and that he has been honorably discharged from a branch of the armed forces of the United States.

F. On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued.

G. On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.

H. On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.

I. On receipt of an application and written evidence that the applicant is a veteran of the Asiatic-Pacific Campaign, the Commissioner shall issue special license plates to veterans of that campaign. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued.

J. On receipt of an application and written evidence that the applicant is a veteran of Operation Iraqi Freedom, the Commissioner shall issue special license plates to veterans of Operation Iraqi Freedom.

K. On receipt of an application and written evidence that the applicant is a veteran of Operation Enduring Freedom, the Commissioner shall issue special license plates to veterans of Operation Enduring Freedom.

L. On receipt of an application and written evidence that the applicant is a member of the Virginia Defense Force, the Commissioner shall issue special license plates to members of the Virginia Defense Force.

M. On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

N. The provisions of subdivisions B 1 and B 2 of § 46.2-725 shall not apply to license plates issued under subsections F, G, H, J, K, L, and M.

1985, c. 162, § 46.1-105.11; 1987, c. 696; 1989, c. 727; 1995, c. 747; 1996, c. 1026; 1997, cc. 774, 816; 1999, cc. 883, 907; 2000, cc. 75, 190; 2002, cc. 90, 864; 2005, cc. 264, 273, 929; 2006, c. 437; 2008, Sp. Sess. II, c. 4; 2009, c. 679; 2011, cc. 572, 586; 2012, c. 379; 2013, c. 478; 2014, cc. 270, 483.

§ 46.2-744. Special license plates for members of National Guard; fees.

On receipt of an application and written confirmation that the applicant is a member of the National Guard, the Commissioner shall issue to the applicant special license plates.

The fee for license plates issued under this section to members of the National Guard units shall be one-half the fee prescribed in § 46.2-694, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, the fee for the issuance of license plates shall be the same as for those issued under § 46.2-726.

The fee for members of non-Virginia National Guard units shall be ten dollars per year plus the prescribed cost for state license plates, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, such license plates shall be subject to an additional charge of ten dollars per year for the reserved numbers or letters.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1981, c. 355, § 46.1-105.9; 1982, c. 85; 1989, c. 727; 1995, cc. 252, 747.

§ 46.2-744.1. Repealed.

Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-745. Special license plates for persons awarded the Medal of Honor; fees.

On receipt of an application and written confirmation from one of the armed services that the applicant has been awarded the Medal of Honor, the Commissioner shall issue special license plates to such persons and to unremarried surviving spouses of such persons. No fee shall be charged for the issuance of these license plates.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

The design of license plates issued under this section to persons who have been awarded multiple decorations shall reflect the number of such decorations.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

1980, c. 55, § 46.1-105.8; 1989, c. 727; 1995, c. 747; 2004, c. 747.

§ 46.2-745.1. Special license plates for persons awarded the Navy and Marine Corps Medal.

On receipt of an application and written confirmation from one of the armed services of the United States that the applicant has been awarded the Navy and Marine Corps Medal, the Commissioner shall issue special license plates to such persons. No fee shall be charged for the issuance of these license plates under this section to any one motor vehicle owned and used personally by any applicant. For each additional set of license plates issued to an applicant under this section, the Commissioner shall charge the prescribed fee for state license plates.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

2019, c. 74.

§ 46.2-745.2. Special license plates for persons awarded the Armed Forces Expeditionary Medal.
On receipt of an application and written confirmation from one of the armed services that the applicant has been awarded the Armed Forces Expeditionary Medal, the Commissioner shall issue special license plates to such persons and to unremarried surviving spouses of such persons.

For each set of plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

2019, c. 194.

§ 46.2-745.3. Special license plates for persons awarded the Air Medal.
On receipt of an application and written confirmation from one of the United States Armed Forces that the applicant has been awarded the United States Air Medal, the Commissioner shall issue special license plates for persons awarded the Air Medal to such person.

For each set of plates issued under this section, the Commissioner shall charge a $10 annual special license plate fee in addition to the prescribed cost of state license plates.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section upon application.

2020, c. 970.

§ 46.2-746. Special license plates for former prisoners of war; fees.

On receipt of an application and written evidence from one of the armed forces that the applicant was a prisoner of war and was honorably discharged, if not currently a member of the armed forces, the Commissioner shall issue special license plates to persons who have been prisoners of the enemy in any war. No fee shall be charged for license plates issued under the provisions of this section.

It shall be unlawful for any person to willfully and falsely represent himself as having the qualifications to obtain the special plates provided for in this section.

No individual shall be issued special license plates under this section for more than one vehicle.

On presentation of appropriate written evidence from the Foreign Claims Settlement Commission of the United States, special license plates provided for in this section shall also be issued by the Commissioner to persons who were not members of the armed forces.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1977, c. 164, § 46.1-105.7; 1978, c. 605; 1981, c. 125; 1982, c. 199; 1987, c. 146; 1989, c. 727; 1994, c. 127; 1995, c. 747.

§ 46.2-746.01. Repealed.

Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-746.1. Special license plates for members of military assault forces.

On receipt of an application and written evidence that the applicant is or has been, while serving in the armed forces of the United States, a member of a military assault force, the Commissioner shall issue to the applicant special license plates. For the purposes of this section, a military assault force is a unit or element of the armed forces of the United States engaged in or charged with the invasion or capture of territory under the control of enemy forces.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

1991, c. 108; 1995, c. 747.

§ 46.2-746.2. Repealed.

Repealed by Acts 1999, c. 907.

§ 46.2-746.2:1. Repealed.
Repealed by Acts 2003, c. 295.

§ 46.2-746.2:2. Special license plates; members and former members of the 173rd Airborne Brigade.
On receipt of an application therefor and presentation of written evidence that the applicant is a member or former member of the 173rd Airborne Brigade, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

No license plates shall be issued under this section unless and until a one-time fee of $3,500 shall have been paid to the Commissioner.

1999, c. 907; 2002, c. 864.

§ 46.2-746.2:2.1. Repealed.
Repealed by Acts 2004, cc. 717 and 984.

§ 46.2-746.2:2.2. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-746.2:3. Members and former members of the 3rd Infantry Regiment (Old Guard).
On receipt of an application therefor and presentation of written evidence that the applicant is a member or former member of the 3rd Infantry Regiment (Old Guard), the Commissioner shall issue special license plates to members and former members of the 3rd Infantry Regiment (Old Guard).

2003, c. 921.

§ 46.2-746.2:3.1. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-746.2:4. Members of the Special Forces Association; fee.
On receipt of an application therefor and presentation of written evidence that the applicant is a member of the Special Forces Association, the Commissioner shall issue to the applicant special license plates.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

No license plates provided for in this section shall be issued unless and until the Commissioner receives at least 50 prepaid applications therefor and payment of a one-time fee of $3,500, less the total amount of $10 annual fees collected from the prepaid applications received.

2003, cc. 921, 932.

§ 46.2-746.2:5. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-746.2:6. Special license plates; members of the Veterans of Foreign Wars of the United States organization.

On receipt of an application therefor and presentation of written evidence that the applicant is a member of the Veterans of Foreign Wars of the United States organization, the Commissioner shall issue special license plates to the applicant.

2005, c. 273.

§ 46.2-746.3. Special license plates for members or veterans of certain military reserve organizations.

The Commissioner, on application therefor, shall issue special license plates to members or veterans of the Air Force Reserve, the Army Reserve, the Coast Guard Reserve, the Marine Reserve, and the Naval Reserve. Such special license plates may, when feasible, bear decals or stickers identifying the reserve organization of which the applicant is or was a member.

The provisions of subdivision B 2 of § 46.2-725 shall not apply to license plates issued under this section.

1995, c. 747; 1996, c. 1026; 2004, c. 747; 2018, c. 119.

§ 46.2-746.4. Special license plates for members of certain military veterans' organizations.

On receipt of an application and written evidence that the applicant is a member of any of the following military veterans' organizations, the Commissioner shall issue special license plates to the members of the following organizations: the Legion of Valor of the USA, the Marine Corps League, the Retired Officers Association, the Veterans of the Battle of Iwo Jima, and the Vietnam Veterans of America.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued to members of the Legion of Valor of the USA under this section.

1995, c. 747; 1996, c. 1026; 1997, cc. 774, 816; 2000, cc. 75, 111; 2002, c. 90; 2003, c. 921; 2004, c. 984.

§ 46.2-746.4:01. Repealed.

Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-746.4:1. Repealed.

Repealed by Acts 2000, c. 766.

§ 46.2-746.4:2. Expired.

Expired.

§ 46.2-746.4:3. Repealed.

Repealed by Acts 2004, c. 717.

§ 46.2-746.5. Special license plates for National Guard retirees; fees.

On receipt of an application and written evidence that the applicant is a retired member of the National Guard, the Commissioner shall issue special license plates to National Guard retirees.

The fee for license plates issued under this section to retired members of the Virginia National Guard shall be the fee prescribed in § 46.2-694, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, the fee for the issuance of license plates shall be the same as for those issued under § 46.2-726.

The fee for non-Virginia National Guard retirees shall be ten dollars per year plus the prescribed cost for state license plates, unless the plates bear reserved numbers or letters as provided for in § 46.2-726. In this latter case, such license plates shall be subject to an additional charge of ten dollars per year for the reserved numbers or letters.

1995, c. 747; 1997, cc. 774, 816.

§ 46.2-746.6. Special license plates for members of certain volunteer search and rescue organizations.

On receipt of an application and written evidence that the applicant is a member, the Commissioner shall issue special license plates to members of the following organizations: the Civil Air Patrol, the Coast Guard Auxiliary, and any other volunteer search and rescue organization.

1995, c. 747.

§ 46.2-746.6:1. Repealed.

Repealed by Acts 2000, cc. 75, 766.

§ 46.2-746.6:2. Repealed.

Repealed by Acts 2004, c. 717.

§ 46.2-746.7. Special license plates for members of certain civic and fraternal organizations.

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the following organizations: the Exchange Club, the Jaycees, the Kiwanis, the Lions of Virginia, Rotary International, Ruritan National, the Freemasons, the Shriners, the Most Worshipful Prince Hall Grand Lodge of Virginia, the Order of the Eastern Star, the Knights of Columbus, and fraternities and sororities at institutions of higher education.

No license plates shall be developed and issued for fraternities or sororities at institutions of higher education until the Commissioner receives 350 or more prepaid applications and a design for each new series. All other license plates authorized under this section shall be subject to the development and issuance provisions of subdivision B 1 of § 46.2-725.

1995, c. 747; 1996, c. 1026; 1998, c. 175; 1999, c. 907; 2000, c. 75; 2002, cc. 90, 864; 2003, c. 925; 2004, cc. 717, 747; 2005, c. 908.

§ 46.2-746.8. Special license plates for members of certain occupational associations.

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the Virginia Realtors and the Society of Certified Public Accountants.

1995, c. 747; 1997, cc. 774, 816; 1999, c. 907; 2000, c. 75; 2002, c. 90; 2003, cc. 295, 925; 2004, c. 717; 2007, cc. 172, 181; 2018, c. 161; 2019, cc. 80, 154.

§ 46.2-746.8:1. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-746.8:2. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-746.9. Special license plates for certain occupations.
On receipt of an application and written evidence that the applicant is a magistrate, pharmacist, or postmaster, the Commissioner shall issue special license plates to the applicant.

1995, c. 747; 2000, c. 148; 2002, c. 864; 2003, c. 925; 2004, cc. 717, 984; 2005, c. 908.

§ 46.2-746.10. Special license plates for supporters of the AFL-CIO.
On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the AFL-CIO.

1997, cc. 774, 816.

§ 46.2-746.11. Special license plates for supporters of certain aviation education facilities; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: NATIONAL AIR AND SPACE MUSEUM.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special nonreverting fund known as the Aviation Education Facilities Fund, established within the Department of Accounts, for use by the Department of Aviation to support aviation education facilities located in the Commonwealth that are annexes of or affiliated with similar national facilities located in the nation's capital.

1998, cc. 286, 295.

§ 46.2-746.12. Special license plates for supporters of credit unions.
On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of credit unions.

1998, c. 288.

§ 46.2-746.13. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-746.14. Special license plates; aviation enthusiasts.
On receipt of an application therefor, the Commissioner shall issue special license plates to aviation enthusiasts.

1998, c. 294.

§§ 46.2-746.15 through 46.2-746.20. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-746.21. Expired.
Expired.

§ 46.2-746.22. Special license plates; members of the Sons of Confederate Veterans.
On receipt of an application therefor and written evidence that the applicant is a member of the Sons of Confederate Veterans, the Commissioner shall issue special license plates to members of the Sons of Confederate Veterans. No logo or emblem of any description shall be displayed or incorporated into the design of license plates issued under this section.

1999, c. 902.

§ 46.2-746.23. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-747. Special license plates for street rods.
On receipt of an application, the Commissioner shall issue special license plates to owners of street rods. For the purposes of this section, "street rods" shall mean modernized private passenger motor vehicles either manufactured prior to 1949 or designed or manufactured to resemble vehicles manufactured prior to 1949.

1985, c. 452, § 46.1-105.13; 1987, c. 696; 1989, c. 727.

§ 46.2-747.1. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-748. Special license plates for members of "REACT.".
On receipt of an application, the Commissioner shall issue special license plates to members of Radio Emergency Associated Communications Teams (REACT).

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section prior to July 1, 1997.

1983, c. 494, § 46.1-105.10; 1987, c. 696; 1989, c. 727; 1996, c. 1026.

§ 46.2-748.1. Repealed.
Repealed by Acts 2000, c. 75.

§ 46.2-748.2. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749. Issuance of license plates bearing seal, symbol, emblem, or logotype of certain institutions of higher education; fees.
A. On receipt of an application, the Commissioner may develop and issue for any accredited institution of higher education in the Commonwealth, in accordance with policies and procedures

established by the Commissioner and in accordance with an agreement between the institution and the Department, special license plates bearing the seal, symbol, emblem, or logotype of that institution of higher education.

On receipt of a minimum of 350 prepaid applications and a design therefor, the Commissioner may develop and issue special license plates bearing the seal, symbol, emblem or logotype of such institutions that are located outside Virginia, in accordance with policies and procedures established by the Commissioner and in accordance with an agreement between the institution and the Department.

For each set of license plates issued hereunder, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of $25.

B. Any institution of higher education that enters into an agreement with the Department pursuant to this section thereby waives any royalty fees to which it might otherwise be entitled for use of its seal, symbol, emblem, or logotype as provided in this section. However, any such institution located in Virginia shall annually receive an allocation of $15 for each set of license plates in excess of 1,000 registrations pursuant to the institution's agreement with the Department during the term of the agreement. The allocated funds shall be deposited by the Department into the state treasury and credited to the relevant institution to be used to support scholarships for eligible undergraduate students enrolled in the institution. Only students who (i) are bona fide domiciliaries of Virginia as defined in § 23.1-502 and (ii) are enrolled in educational programs whose primary purpose is not to provide religious training or theological education shall be eligible to receive such scholarships.

The State Council of Higher Education for Virginia shall review and approve plans for each participating institution for the implementation of these scholarship programs. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section for any institution of higher education in the Commonwealth. The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this section for any institution of higher education located outside Virginia.

1988, c. 656, § 46.1-105.18; 1989, c. 727; 1990, c. 319; 1995, c. 747; 1996, c. 1026; 2004, c. 747.

§ 46.2-749.1. Special wildlife conservation plates.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: WILDLIFE CONSERVATIONIST.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special fund known as the game protection fund.

1991, c. 113; 1995, c. 747.

§ 46.2-749.2. Special Chesapeake Bay preservation plates; fees; fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Chesapeake Bay Restoration Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds received on its behalf from the sale of license plates issued pursuant to this section, and any gifts, donations, grants, bequests, and other funds received on its behalf, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Moneys in the Fund shall be used solely for the purposes of environmental education and restoration and conservation projects relating to the Chesapeake Bay and its tributaries. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chesapeake Bay Restoration Fund Advisory Committee created pursuant to § 30-256.

C. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the legend FRIEND OF THE CHESAPEAKE.

D. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to the Fund. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

1992, cc. 227, 323; 1995, cc. 747, 749, 823; 2018, c. 628.

§ 46.2-749.2:1. Special license plates for supporters of certain children's programs; fees.

On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing, at the applicant's option, either (i) a heart, (ii) a five-pointed star, (iii) a child's handprint, or (iv) another design or device approved by the Commissioner.

The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special fund known as the Children's Programs Support Fund for use as follows: one-half shall be paid into the Family and Children's Trust Fund and one-half shall be paid to the Department of Health for use by the Safe Kids Coalition.

1994, c. 914; 1995, c. 747; 1996, c. 922.

§ 46.2-749.2:2. Special license plates for Virginians for the Arts; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: VIRGINIANS FOR THE ARTS.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the special nonreverting fund known as the Virginia Arts Foundation Fund established within the Department of Accounts, for use by the Virginia Arts Foundation.

1996, cc. 922, 1026; 1997, c. 878.

§§ 46.2-749.2:3 through 46.2-749.2:6. Repealed.
Repealed by Acts 2000, c. 75.

§ 46.2-749.2:7. Special license plates for supporters of dog and cat sterilization programs; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of dog and cat sterilization programs.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to a special nonreverting fund known as the Dog and Cat Sterilization Fund, established within the Department of Accounts. These funds shall be paid annually to the locality in which the vehicle is registered and shall be used by the localities to which they are paid to support sterilization programs for dogs and cats.

Each affected locality shall annually certify in a manner prescribed by the Commissioner that these funds have been or are being used to support sterilization programs for dogs and cats. If an affected locality does not have such a sterilization program, it shall (i) make the funds available to any private, nonprofit sterilization program for dogs and cats in that locality; (ii) return the funds to the Commissioner; or (iii) refuse the funds. Any funds refused, returned to the Commissioner, or otherwise not paid to an affected locality shall be distributed to other affected localities on a pro rata basis.

1996, c. 922.

§§ 46.2-749.2:8, 46.2-749.2:9. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.2:10. Special license plates for supporters of community traffic safety programs in the Commonwealth; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: DRIVE SMART.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to the special nonreverting fund known as the Drive Smart Virginia Fund, established within the Department of Accounts, for use by Drive Smart Virginia to support its programs and activities in the Commonwealth.

1997, cc. 774, 816; 2005, cc. 244, 273.

§§ 46.2-749.2:11, 46.2-749.2:12. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.2:13. Expired.
Expired.

§ 46.2-749.2:14. Expired.
Expired.

§ 46.2-749.2:15. Expired.
Expired.

§ 46.2-749.2:16. Expired.
Expired.

§ 46.2-749.2:17. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.3. Special license plates for clean special fuel vehicles.
A. The owner of any motor vehicle, except a motorcycle, that may utilize clean special fuel may purchase special license plates indicating the motor vehicle utilizes clean special fuels. Upon receipt of an application, the Commissioner shall issue special license plates to the owners of such vehicles.

As used in this section, "clean special fuel" means any product or energy source used to propel a highway vehicle, the use of which, compared to conventional gasoline or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof. The term includes compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, hythane (a combination of compressed natural gas and hydrogen), and electricity.

On and after July 1, 2006, license plates provided for in this section shall be issued with a new design distinctively different from the design of license plates issued to owners of vehicles that qualify for license plates under this section whose applications are received by the Department prior to July 1, 2006, hereinafter referred to as "the FY 2007 design." The distinctively different design shall be developed by the Department in consultation with the Department of State Police.

On and after July 1, 2011, license plates provided for in this section shall be issued with a new design distinctively different from the design of license plates issued to owners of vehicles that qualify for license plates under this section whose applications are received by the Department prior to July 1, 2011 (hereinafter referred to as the FY 2012 design). The distinctively different design shall be developed by the Department in consultation with the Department of State Police. Thereafter, only "the FY 2012 design" plate shall be issued to owners of vehicles that qualify for license plates under this section.

1. For the purposes of subdivision A 6 of § 33.2-501, on HOV lanes serving the I-95/395 corridor, only vehicles registered with and displaying special license plates issued under this section prior to July 1, 2006, shall be treated as vehicles displaying special license plates issued under this section.

2. For the purposes of subdivision A 6 of § 33.2-501, on HOV lanes serving the Interstate Route 66 corridor, only vehicles registered with and displaying special license plates issued under this section prior to July 1, 2011, shall be treated as vehicles displaying special license plates issued under this section.

3. The Commissioner of Highways shall provide annually to the Chairmen of the Senate and House of Delegates Committees on Transportation traffic volumes on the HOV facilities that result in a degraded condition as identified in SAFETEA-LU or other applicable federal law and reported to the Federal Highway Administration. This report shall be used by the Chairmen of their respective committees to recommend further restriction on use of HOV facilities by clean special fuel vehicles.

4. The Commissioner of the Department of Motor Vehicles, in consultation with the Motor Vehicle Dealer Board, shall develop procedures to ensure that all potential purchasers of clean special fuel vehicles receive adequate notice of the benefits, risks and timelines required for the issuance of clean special fuel vehicle license plates.

B. With the exception of plates issued to government-use vehicles, the annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid to the State Treasury and credited to a special nonreverting fund known as the HOV Enforcement Fund, established within the Department of Accounts, for use by the Virginia State Police for enhanced HOV enforcement. The fee for plates issued pursuant to this section to government-use vehicles shall be as prescribed in subsection A of § 46.2-750.

1993, cc. 255, 625; 1995, c. 134; 1999, c. 883; 2000, cc. 729, 758; 2006, cc. 873, 908; 2010, cc. 351, 390; 2012, cc. 681, 743.

§ 46.2-749.4. Special license plates bearing the seal, symbol, emblem, or logotype of counties, cities, and towns.

A. On receipt of a minimum of 350 paid applications and a design therefor, the Commissioner may develop and issue special license plates whose design incorporates the seal, symbol, emblem, or logotype of any county, city or town. If all affected localities agree as to its design, the Commissioner may develop and issue special license plates jointly for more than one locality. Each local governing body of the counties, cities, or towns involved in the design of the license plates shall agree as to the issuance fee, and shall indicate to the Commissioner in writing, whether the license plates issued shall be revenue sharing or nonrevenue sharing license plates.

B. The annual fee for plates issued pursuant to this section that are nonrevenue sharing license plates shall be $10 plus the prescribed fee for state license plates.

C. The annual fee for plates issued pursuant to this section that are revenue sharing license plates shall be $25 plus the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid to the locality whose seal, symbol, emblem, or logotype appears on the plate. These funds shall be paid to the affected localities annually and may be used as provided by the local governing body. For license plates issued jointly for more than one locality, these funds shall be apportioned among the affected localities as agreed to with the Commissioner prior to issue.

The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this section.

1993, c. 560; 1995, c. 747; 1996, c. 1026; 1999, cc. 883, 907; 2003, c. 925; 2004, c. 747; 2005, c. 273.

§§ 46.2-749.4:1 through 46.2-749.4:3. Repealed.

Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.4:4. Commemorative license plates for counties, cities, and towns.

On receipt of a minimum of 350 prepaid applications and a proposed design therefor, the Commissioner may develop and issue special license plates commemorating the twenty-fifth or subsequent anniversary, in increments of 25 years, of the establishment of any county, city, or town in the Commonwealth.

The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this section.

The authority to issue each commemorative license plate under this section shall be valid for a period of five years from the date each such commemorative license plate is first issued.

2005, c. 294.

§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.

A. On receipt of an application, the Commissioner shall issue special license plates celebrating Virginia's tobacco heritage. For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of $10.

B. License plates may be issued under this section for display on vehicles registered as trucks, as that term is defined in § 46.2-100, provided that no license plates are issued pursuant to this section for (i) vehicles operated for hire, except TNC partner vehicles as defined in § 46.2-2000; (ii) vehicles registered under the International Registration Plan; or (iii) vehicles registered as tow trucks or tractor trucks as defined in § 46.2-100. No permanent license plates without decals as authorized in subsection B of § 46.2-712 may be issued under this section. For each set of truck license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of $25.

1994, c. 914; 2009, c. 679; 2015, cc. 2, 3.

§ 46.2-749.5:1. Repealed.

Repealed by Acts 2004, c. 717.

§ 46.2-749.6. Special license plates for supporters of the National Rifle Association.
On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of the National Rifle Association.

1995, c. 747.

§§ 46.2-749.6:1, 46.2-749.6:1.1. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.7. Special license plates for supporters of Ducks Unlimited.
On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of Ducks Unlimited.

1995, c. 747.

§ 46.2-749.7:1. Repealed.
Repealed by Acts 2000, c. 75.

§ 46.2-749.7:2. Repealed.
Repealed by Acts 2002, c. 90, cl. 2.

§ 46.2-749.7:3. Special license plates supporting education, charity, and scientific study for Virginia's Eastern Shore business community; fees.
A. On receipt of an application therefor and payment of the fee prescribed by this section, and following the provisions of § 46.2-725, other than those relating to the fee for the plates and its disposition, the Commissioner shall issue to the applicant special license plates promoting tourism on Virginia's Eastern Shore.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Eastern Shore Foundation Fund, established within the Department of Accounts. These funds shall be paid annually to the Eastern Shore of Virginia Chamber of Commerce Foundation and used to support education, charity, and scientific study for Virginia's Eastern Shore business community. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

1998, c. 381; 2014, c. 662.

§ 46.2-749.8. Special license plates for Harley-Davidson motor vehicle owners.
On receipt of an application therefor, the Commissioner shall issue special license plates to owners of Harley-Davidson motor vehicles.

1995, c. 747.

§ 46.2-749.9. Special license plates; Virginia Bowler.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates bearing the legend: Virginia Bowler.

1995, c. 747.

§ 46.2-749.10. Special license plates for ridesharing vehicles.
On receipt of an application therefor, the Commissioner shall issue special license plates for display on ridesharing vehicles. License plates shall be issued under this section only for privately owned or leased motor vehicles (i) with seating for no more than fifteen adult persons including the driver and (ii) participating in ridesharing arrangements. The cost for such special license plates shall be the same as for the regular license plates for vehicles described in § 46.2-695.

1995, c. 747; 2002, c. 337.

§ 46.2-749.11. Repealed.
Repealed by Acts 2000, c. 75.

§ 46.2-749.12. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.13. Special license plates; Internet commerce industry.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates designed to represent the Internet commerce industry.

1999, c. 907.

§ 46.2-749.14. Special license plates; supporters of greyhound adoption programs.
On receipt of an application therefor, the Commissioner shall issue special license plates to supporters of greyhound adoption programs.

1999, c. 907.

§§ 46.2-749.15, 46.2-749.16. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.16:1. Repealed.
Repealed by Acts 2011, c. 21.

§ 46.2-749.17. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.18. Special license plates; horse enthusiasts.
On receipt of an application therefor, the Commissioner shall issue special license plates to horse enthusiasts.

1999, c. 907.

§§ 46.2-749.19 through 46.2-749.23. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.23:1. Repealed.
Repealed by Acts 2004, c. 717.

§§ 46.2-749.24, 46.2-749.25. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.26. Special license plates; Natural Bridge of Virginia.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates celebrating the Natural Bridge of Virginia.

1999, c. 907.

§ 46.2-749.27. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§ 46.2-749.28. Special license plates; Oceana Naval Air Station.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates bearing the legend: OCEANA NAVAL AIR STATION.

1999, c. 883.

§ 46.2-749.28:1. Repealed.
Repealed by Acts 2004, cc. 717 and 984.

§ 46.2-749.28:2. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.29. Special license plates; supporters of Operation Wildflower; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of Operation Wildflower.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to a special nonreverting fund known as the Operation Wildflower Fund, established within the Department of Accounts. These funds shall be paid annually to the Virginia Department of Transportation and used to support its Operation Wildflower program.

1999, c. 883.

§ 46.2-749.30. Repealed.
Repealed by Acts 2003, c. 295, cl. 2.

§§ 46.2-749.30:1, 46.2-749.30:2. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.31. Special license plates; Virginia lighthouses.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates celebrating Virginia lighthouses.

1999, c. 883.

§§ 46.2-749.32 through 46.2-749.36. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.36:1. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.37. Expired.
Expired.

§ 46.2-749.38. Expired.
Expired.

§ 46.2-749.39. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.40. Special license plates; Class-J No. 611 steam locomotive.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates commemorating the Class-J No. 611 steam locomotive.

2000, c. 143.

§§ 46.2-749.41, 46.2-749.42. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.43. Repealed.
Repealed by Acts 2004, cc. 653 and 717.

§§ 46.2-749.43:1, 46.2-749.44. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.45. Special license plates; supporters of the Virginia Breast Cancer Foundation.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue to the applicant special license plates bearing the legend: Virginia Breast Cancer Foundation.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia Breast Cancer Foundation Fund, established within the Department of Accounts. These funds shall be paid annually to the Virginia Breast Cancer Foundation and used to support statewide breast cancer educational programs.

2000, c. 319.

§ 46.2-749.46. Special license plates; naval aviators.
On receipt of an application and written evidence that the applicant is or has been a naval aviator, the Commissioner shall issue to the applicant special license plates.

2000, c. 766.

§ 46.2-749.47. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.48. Special license plates for supporters of Family and Children's Trust Fund; fees.
On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates for supporters of the Family and Children's Trust Fund.

The annual fee for plates issued pursuant to this section shall be twenty-five dollars plus the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to the Family and Children's Trust Fund.

2000, c. 766.

§ 46.2-749.49. Repealed.
Repealed by Acts 2005, cc. 273 and 908, cl. 2.

§ 46.2-749.49:1. Repealed.
Repealed by Acts 2009, c. 755, cl. 2.

§§ 46.2-749.50 through 46.2-749.53. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.54. Special license plates; BoatU.S.
On receipt of an application therefor, the Commissioner shall issue to members of BoatU.S. special license plates bearing the legend: BoatU.S. Member.

2002, c. 864.

§ 46.2-749.55. Repealed.
Repealed by Acts 2005, c. 908.

§ 46.2-749.56. Repealed.
Repealed by Acts 2005, cc. 273 and 908, cl. 2.

§ 46.2-749.56:1. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-749.57. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.58. Special license plates bearing the legend: FOX HUNTING.
On receipt of an application therefor, the Commissioner shall issue special license plates bearing the legend: FOX HUNTING.

2002, c. 864.

§ 46.2-749.59. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.60. Special license plates bearing the legend: UNLOCKING AUTISM.
On receipt of an application therefor, the Commissioner shall issue special license plates bearing the legend: UNLOCKING AUTISM.

2002, c. 864.

§ 46.2-749.61. Repealed.
Repealed by Acts 2011, c. 21.

§ 46.2-749.62. Special license plates whose design incorporates the flag of the United States.
A. On receipt of an application therefor, the Commissioner shall issue special license plates whose design incorporates the flag of the United States and the legend: FIGHT TERRORISM.

B. On receipt of an application therefor from a member of the Senate or House of Delegates, the Commissioner shall issue to the applicant special license plates combining the designs of special license plates issued under subsection A of this section and special license plates issued to members of the Senate or House of Delegates, as the case may be, under § 46.2-736.1.

2002, c. 864; 2004, c. 984.

§§ 46.2-749.63 through 46.2-749.65. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.66. Special license plates; victims of attack on USS Cole.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates honoring the persons injured or killed in the attack on the USS Cole (DDG 67) during its refueling in Aden, Yemen, on October 12, 2000.

2002, c. 864.

§ 46.2-749.67. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.68. Special license plates; Parrothead Club.
On receipt of an application therefor, the Commissioner shall issue special license plates to members and supporters of the Parrothead Club.

2002, c. 864.

§ 46.2-749.69. Repealed.
Repealed by Acts 2004, c. 984.

§ 46.2-749.69:1. Special license plates bearing the names, numbers, and color schemes used by professional stock car drivers; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of the Virginia Motor Sports Initiative.

B. The Commissioner may enter into agreements for the purchase of distinctive license plates bearing the name of a specific professional stock car driver and the race car number and color scheme used

by that driver, or for distinctive general motor sports-themed license plates, for issuance as provided in this section. The design of such license plates shall be as mutually agreed by the Commissioner and the supplier of such license plates. The purchase price of such plates shall be as agreed between the Commissioner and the supplier or other entity, but shall in no case exceed a total, one-time cost of $15 for each set of license plates. In the event that a race car number, color scheme, or both, change for a driver with a currently issued series, a new series for that driver may be issued subject to the requirements of this section.

The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this section.

C. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to the special nonreverting fund known as the Virginia Motor Sports Initiative Fund established within the Department of Accounts and paid annually in equal amounts to the Virginia Economic Development Partnership Authority and the Virginia Department of Small Business and Supplier Diversity and used to support their programs related to the Virginia Motor Sports Initiative.

In calculating the amount to be paid into such fund each year, however, there shall be deducted an amount equal to the amount paid in that year by the Department for the purchase of license plates for which the additional $25 fees have been collected for that year.

2004, c. 984; 2005, c. 554; 2013, c. 482.

§§ 46.2-749.70 through 46.2-749.72. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.73. Special license plates; supporters of the Washington Redskins football team; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of the Washington Redskins football team.

B. The annual fee for plates issued pursuant to this section shall be twenty-five dollars in addition to the prescribed fee for state license plates. For each such twenty-five-dollar fee collected in excess of 1,000 registrations pursuant to this section, fifteen dollars shall be paid into the state treasury and credited to a special nonreverting fund known as the Washington Redskins Leadership Council Fund established within the Department of Accounts. These funds shall be paid annually to the Washington Redskins Leadership Council for its use in community programs in Virginia.

2002, c. 864.

§ 46.2-749.73:1. Repealed.
Repealed by Acts 2004, c. 717.

§§ 46.2-749.74 through 46.2-749.77. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.78. Special license plates; United We Stand.
On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand.

2002, c. 893; 2006, c. 852.

§ 46.2-749.79. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.80. Special license plates bearing the legend: EDUCATION BEGINS AT HOME.
On receipt of an application therefor, the Commissioner shall issue special license plates bearing the legend: EDUCATION BEGINS AT HOME.

2002, c. 893.

§ 46.2-749.81. Special license plates; supporters of NASA facilities in Virginia.
On receipt of an application therefor, the Commissioner shall issue to the applicant special license plates for supporters of NASA facilities in Virginia.

2002, c. 893; 2018, c. 156.

§§ 46.2-749.82, 46.2-749.83. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§§ 46.2-749.84, 46.2-749.85. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.86. Special license plates; members and supporters of the Urban League of Hampton Roads.
On receipt of an application therefor, the Commissioner shall issue special license plates to members and supporters of the Urban League of Hampton Roads.

2003, c. 921.

§§ 46.2-749.87, 46.2-749.88. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.89. Special license plates bearing the legend FRIENDS OF TIBET; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the legend FRIENDS OF TIBET.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Conservancy for Tibetan Art and Culture Fund, established within the Department of Accounts. These funds shall be paid annually to the Conservancy for Tibetan Art and Culture and used to assist in its programs and activities in Virginia.

2003, c. 921.

§§ 46.2-749.90 through 46.2-749.92. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-749.93. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.94. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§§ 46.2-749.95 through 46.2-749.97. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.98. Repealed.
Repealed by Acts 2004, cc. 717 and 984.

§ 46.2-749.98:1. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§§ 46.2-749.99, 46.2-749.100. Repealed.
Repealed by Acts 2004, c. 717.

§ 46.2-749.101. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.102. Special license plates; supporters of Virginia agriculture; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of Virginia agriculture.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia Agricultural Vitality Program Fund, established within the Department of Accounts. These funds shall be paid annually to the Office of Farm Land Preservation and used to support the Virginia Agricultural Vitality Program.

2004, c. 653.

§ 46.2-749.103. Expired.
Expired.

§ 46.2-749.104. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.105. Special license plates to encourage participation in the organ donor program.
On receipt of an application therefor, the Commissioner shall issue special license plates that encourage participation by Virginia-licensed drivers in the organ donor program.

2004, c. 653.

§§ 46.2-749.106, 46.2-749.107. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.108. Repealed.
Repealed by Acts 2011, c. 21.

§ 46.2-749.109. Repealed.
Repealed by Acts 2005, cc. 248 and 908, cl. 2.

§ 46.2-749.109:1. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-749.110. Special license plates; supporters of the Virginia Sheriffs' Institute; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of the Virginia Sheriffs' Institute.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia Sheriffs' Institute Fund, established within the Department of Accounts. These funds shall be paid annually to the Virginia Sheriffs' Institute and used exclusively to memorialize and honor Virginia law-enforcement officers killed in the line of duty.

2004, c. 700.

§ 46.2-749.111. Special license plates for bicycle enthusiasts.
On receipt of an application therefor, the Commissioner shall issue special license plates to bicycle enthusiasts.

2004, c. 984.

§ 46.2-749.112. Repealed.
Repealed by Acts 2011, c. 21.

§§ 46.2-749.113, 46.2-749.114. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.115. Special license plates; Juvenile Diabetes Research Foundation; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue to the applicant special license plates for supporters of the Juvenile Diabetes Research Foundation.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Juvenile Diabetes Research Foundation Fund, established within the Department of

Accounts. These funds shall be paid annually to the Juvenile Diabetes Research Foundation and used to support its programs and activities in Virginia.

2004, c. 984.

§§ 46.2-749.116, 46.2-749.117. Repealed.
Repealed by Acts 2005, c. 908, cl. 2.

§ 46.2-749.118. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-749.119. Special license plates; members and supporters of Resolution Virginia; fees.
A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue to the applicant special license plates for members and supporters of Resolution Virginia.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Resolution Virginia Fund, established within the Department of Accounts. These funds shall be paid annually to Resolution Virginia and used to support its programs and activities in Virginia.

2005, c. 248; 2019, c. 402.

§§ 46.2-749.120, 46.2-749.121. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§§ 46.2-749.122 through 46.2-749.125. Repealed.
Repealed by Acts 2008, c. 114, cl. 1.

§§ 46.2-749.126 through 46.2-749.128. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§ 46.2-749.129. Repealed.
Repealed by Acts 2008, c. 114, cl. 1.

§ 46.2-749.130. Special license plates for supporters of the Surfrider Foundation; fees.
A. On receipt of an application therefor and payment of the fee prescribed by this section, and following the provisions of § 46.2-725, other than those relating to the fee for the plates and its disposition, the Commissioner shall issue to the applicant special license plates for supporters of the Surfrider Foundation.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Surfrider Foundation Fund, established within the Department of Accounts. These funds shall be paid annually to the Surfrider Foundation and used by its Virginia Beach chapter to support

the protection and enjoyment of oceans, waves, and beaches in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

2005, c. 273; 2014, c. 556.

§§ 46.2-749.131 through 46.2-749.133. Repealed.
Repealed by Acts 2006, c. 437, cl. 2.

§§ 46.2-749.134, 46.2-749.135. Repealed.
Repealed by Acts 2008, c. 114, cl. 1.

Article 11 - STATE AND LOCAL MOTOR VEHICLE REGISTRATION

§ 46.2-750. Vehicles of Commonwealth, its political subdivisions, and regional jail authorities.
A. Motor vehicles, trailers, and semitrailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1 and used solely for governmental purposes shall be registered and shall display license plates as provided in this section. The fee for such license plates shall be equal to the cost incurred by the Department in the purchase or manufacture of such license plates. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

License plates issued for vehicles owned by the Commonwealth, except plates issued to be used on vehicles (i) devoted solely to police work, (ii) used by the Virginia Economic Development Partnership to the extent approved by the Governor, (iii) used by an institution of higher education solely for purposes of vehicle technology research, or (iv) used by the Governor and the Attorney General, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official state use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the political subdivisions of the Commonwealth.

License plates issued for vehicles owned by political subdivisions of the Commonwealth and regional jail authorities, except such plates issued to be used (i) on vehicles used by any local or regional economic development authority, agency, instrumentality, or organization, upon the request of the chief administrative officer of the affected locality (or, in the case of regional organizations, the chief administrative officer of any of the affected localities) or (ii) on vehicles devoted solely to police work, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official local government use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the Commonwealth.

No other license plates shall be used on vehicles for which official use plates have been issued, except for vehicles used solely for police work and as provided in subsection B of this section.

B. In addition to any other license plate authorized by this section, the Commissioner may issue permanent or temporary license plates for use on vehicles owned by the Commonwealth or any of its departments, institutions, boards, or agencies and used for security or transportation purposes in conjunction with conferences, meetings, or other events involving the Governor or members of the General Assembly. No state agency shall use government funds to cover the costs of any license plates issued under this subsection. The design of these license plates shall be at the discretion of the Commissioner. These license plates shall be issued under the following conditions:

1. For each set of permanent license plates issued, the Commissioner shall charge a fee of $100. The Commissioner shall limit the validity of any set of license plates issued under this subdivision to no more than 30 consecutive days. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

2. The Commissioner shall limit the validity of each set of temporary license plates to no more than 14 consecutive days. For each set of temporary license plates, the Commissioner shall charge a fee of $25 for the first set and $2 for each additional set. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

Code 1950, § 46-48; 1958, c. 541, § 46.1-49; 1970, c. 66; 1974, c. 129; 1982, c. 317; 1989, cc. 110, 727; 1994, 1st Sp. Sess., c. 6; 1995, cc. 432, 747; 1996, cc. 590, 598, 1026; 2004, c. 721; 2016, cc. 302, 707.

§ 46.2-750.1. Vehicles used for police work.

Motor vehicles, trailers, and semitrailers owned by the Commonwealth and the counties, cities, and towns thereof and used solely for police work may be issued the same license plates as those issued in registration of vehicles owned by private citizens. The head of a state agency, the chief of police of a city, county, or town having a police department, or the sheriff of a city or county, shall certify under oath and the law-enforcement agencies of the federal government shall certify to the Commissioner of Motor Vehicles the vehicles to be used solely for police work.

1989, cc. 48, 110, §§ 46.1-49, 46.1-49.1.

§ 46.2-751. State-owned passenger vehicles.

Except as provided in subsection B of § 46.2-750, the Commissioner shall not issue any license plates for use on vehicles owned by the Commonwealth or any of its departments, institutions, boards, or agencies and used for passenger transportation unless written application has been filed with the Governor showing the necessity for the use and unless the Governor has directed the Commissioner to issue the license plates.

Code 1950, § 46-55; 1958, c. 541, § 46.1-57; 1972, c. 723; 1989, c. 727; 1994, 1st Sp. Sess., c. 6.

§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer in effect on January 1, 2020. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,

2. Vehicles owned by volunteer emergency medical services agencies,

3. Vehicles owned by volunteer fire departments,

4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,

5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,

6. Vehicles owned or leased by auxiliary police officers,

7. Vehicles owned or leased by volunteer police chaplains,

8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,

9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,

11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge,

12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,

13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,

14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,

15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,

16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,

17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried emergency medical services personnel shall be issued more than one such license free of charge,

18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,

19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and

20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who

has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees

or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local

license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city, or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. However, a vehicle purchased by an applicant subsequent to the onset of enforcement action under this subsection may be issued an initial registration for a period of up to 90 days to allow the applicant to satisfy all applicable requirements under this subsection, provided that a fee sufficient for the registration period, as calculated under subsection B of § 46.2-694, is paid. Such initial registration shall not be eligible for the one-month registration extension provided for in § 46.2-646.2 for this same purpose. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration or issuance of registration for any currently unregistered vehicle at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is

a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than $1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county that are non-delinquent, delinquent, or both or for the county treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the town that are non-delinquent, delinquent, or both. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

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

Code 1950, § 46-64; 1950, p. 240; 1952, c. 169; 1954, cc. 491, 594; 1956, cc. 66, 549, 570; 1958, c. 541, § 46.1-65; 1959, Ex. Sess., cc. 22, 55; 1962, c. 574; 1964, c. 218; 1972, c. 200; 1974, c. 621; 1975, c. 105; 1977, c. 166; 1979, c. 185; 1980, c. 105; 1982, c. 85; 1984, cc. 308, 630, 695; 1986, c. 123; 1987, cc. 208, 243; 1989, cc. 321, 706, 727; 1990, cc. 181, 187, 188, 455; 1991, c. 622; 1992, cc. 226, 355, 794, 806; 1993, cc. 50, 63, 175, 565; 1994, cc. 528, 962; 1995, cc. 91, 412, 449, 460, 479, 659; 1996, cc. 89, 562; 1997, cc. 246, 499, 905, 911; 1998, c. 649; 1999, c. 236; 2000, c. 303; 2001, cc. 338, 471, 605, 606; 2002, cc. 206, 553; 2003, c. 326; 2004, cc. 689, 723; 2005, c. 317; 2006, c. 148; 2007, cc. 213, 230, 813, 865; 2008, cc. 163, 457, 591; 2009, cc. 366, 756, 843; 2010, cc. 125, 131; 2013, c. 82; 2014, c. 543; 2015, cc. 69, 502, 503; 2017, cc. 119, 670; 2018, c. 431; 2020, cc. 1230, 1275.

§ 46.2-752.1. Repealed.

Repealed by Acts 2018, cc. 286 and 288, cl. 2.

§ 46.2-753. Additional license fees in certain localities.

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars, including passenger cars that are used as TNC partner vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise used for the transportation of passengers for compensation. The additional fee shall be no more than $5. The total local license fee shall be no more than $25 on any vehicle, and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than $5 for each such vehicle. This authorization shall not increase the maximum chargeable by more than $5 or affect any existing exemption.

Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that locality making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

1974, c. 487; 1977, c. 258, § 46.1-65.1; 1989, c. 727; 2015, cc. 2, 3.

§ 46.2-754. Local motor vehicle licenses in Arlington County.

Arlington County may by ordinance require the owner of any motor vehicle, trailer, or semitrailer to obtain and display a license from the county licensing authority designated by the ordinance. The ordinance may also require that the license be obtained only after showing satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer have been paid, and that any delinquent personal property taxes assessed or assessable against the vehicle have been paid. The ordinance may also prohibit the display of the license after its expiration date and may prescribe the form of the license. This license requirement shall be imposed in such manner, on such basis, for such period, and subject to proration for fractional periods of years as the governing body requires.

The situs for the imposition of the license requirement under the ordinance shall be the locality in which the vehicle is normally garaged, stored, or parked. If it cannot be determined where it is normally garaged, stored, or parked, the situs shall be the domicile of its owner.

The ordinance may provide that no motor vehicle, trailer, or semitrailer may be licensed by the county unless all fines owed by the owner of the vehicle for violation of the county's parking ordinances have been paid.

The ordinance may provide that a violation of such ordinance constitutes a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor.

1988, c. 451, § 46.1-65.2; 1989, c. 727.

§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.

A. No locality shall impose any motor vehicle license tax or fee on any motor vehicle, trailer, or semitrailer when:

1. A similar tax or fee is imposed by the locality wherein the vehicle is normally garaged, stored, or parked;

2. The vehicle is owned by a nonresident of such locality and is used exclusively for pleasure or personal transportation or as a TNC partner vehicle as defined in § 46.2-2000 and not otherwise for hire or for the conduct of any business or occupation other than that set forth in subdivision 3;

3. The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of such locality and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation;

7. The motor vehicle, trailer, or semitrailer is inoperable and unlicensed pursuant to § 46.2-734; or

8. The motor vehicle, trailer, or semitrailer qualifies and is licensed as an antique vehicle pursuant to § 46.2-730.

B. No locality shall impose a license fee for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a

disabled veteran's exemption from the Department and has been issued a disabled veteran's motor vehicle license plate as prescribed in § 46.2-739.

C. No locality shall impose any license tax or license fee or the requirement of a license tag, sticker or decal upon any daily rental vehicle, as defined in § 58.1-1735, the rental of which is subject to the tax imposed by subdivision A 2 of § 58.1-1736.

D. In the rental agreement between a motor vehicle renting company and a renter, the motor vehicle renting company may separately itemize and charge daily fees or transaction fees to the renter, provided that the amounts of such fees are disclosed at the time of reservation and rental as part of any estimated pricing provided to the renter. Such fees include a vehicle license fee to recover the company's incurred costs in licensing, titling, and registering its rental fleet, concession recovery fees actually charged the company by an airport, or other governmentally owned or operated facility, and consolidated facility charges actually charged by an airport, or other governmentally owned or operated facility for improvements to or construction of facilities at such facility where the motor vehicle rental company operates. The vehicle license fee shall represent the company's good faith estimate of the average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs.

No motor vehicle renting company charging a vehicle license fee, concession recovery fee, or consolidated facility charge may make an advertisement in the Commonwealth that includes a statement of the rental rate for a vehicle available for rent in the Commonwealth unless such advertisement includes a statement that the customer will be required to pay a vehicle license fee, concession recovery fee, or consolidated facility charge. The vehicle license fee, concession recovery fee, or consolidated facility charge shall be shown as a separately itemized charge on the rental agreement. The vehicle license fee shall be described in either the terms and conditions of the rental agreement as the "estimated average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs" or, for renters participating in an extended rental program pursuant to a master rental agreement, by posting such statement on the rental company website.

Any amounts collected by the motor vehicle renting company in excess of the actual amount of its costs incurred relating to its vehicle license fees shall be retained by the motor vehicle renting company and applied toward the recovery of its next calendar year's costs relating to such fees. In such event, the good faith estimate of any vehicle license fee to be charged by the company for the next calendar year shall be reduced to take into account the excess amount collected from the prior year.

E. As used in this section, common carrier of persons or property includes any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or household goods for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, that has obtained the required certificate from the Department of Motor Vehicles pursuant to § 46.2-2075 or 46.2-2150.

Code 1950, § 46-65; 1950, p. 407; 1954, c. 575; 1958, c. 541, § 46.1-66; 1959, Ex. Sess., c. 22; 1976, cc. 5, 339; 1978, c. 188; 1984, c. 156; 1985, c. 123; 1989, c. 727; 1997, cc. 283, 496, 853; 2006, c. 515; 2007, c. 296; 2011, cc. 405, 639, 881, 889; 2015, cc. 2, 3; 2017, c. 372.

§§ 46.2-755.1, 46.2-755.2. Repealed.
Repealed by Acts 2009, cc. 864 and 871, cl. 5.

§ 46.2-756. Collection by Department of certain license fees.
The Department shall develop and implement standardized procedures and fees whereby, upon the written request of the governing body of any county, city, or town, the Department may collect motor vehicle, trailer, and semitrailer license fees, or portions thereof, provided the portions are for the identical period as the state license plate, levied by such county, city, or town. The Department shall make such charge as may be proper to defray the cost of handling such fees, and such monies as may be received shall be used by the Commissioner to defray the expenses of the Department incurred hereunder. All receipts from the local fees collected shall be deposited in a fiduciary account, and any interest that may accrue shall be credited to such account for the benefit of the participating counties, cities, and towns. However, before a registration or certificate of title is issued under the requirements of § 46.2-600 the owner of the motor vehicle, trailer, or semitrailer shall advise the Department of the situs, as provided in subsection A of § 46.2-752, of the motor vehicle, trailer, or semitrailer. The Department of Motor Vehicles shall not collect the motor vehicle, trailer, or semitrailer license fee of a county, city, or town on motor vehicles or vehicles falling within the provisions of § 46.2-755.

Code 1950, § 46-104.2; 1952, c. 395; 1958, c. 541, § 46.1-111; 1975, c. 533; 1977, c. 388; 1982, c. 160; 1984, c. 47; 1989, c. 727; 2003, c. 293; 2006, c. 418.

Article 12 - INSURANCE REQUIREMENTS FOR MOTOR CARRIERS

§§ 46.2-757 through 46.2-768. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-769. Repealed.
Repealed by Acts 1997, c. 283.

Subtitle III - OPERATION

Chapter 8 - REGULATION OF TRAFFIC

Article 1 - General and Miscellaneous

§ 46.2-800. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters; riding or driving animals.
Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, motorized skateboard or scooter, or animal or driving an animal on a highway shall be

subject to the provisions of this chapter and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

The provisions of subsections A and C of § 46.2-920 applicable to operation of emergency vehicles under emergency conditions shall also apply, mutatis mutandis, to bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters operated under similar emergency conditions by law-enforcement officers.

Code 1950, § 46-183; 1958, c. 541, § 46.1-171; 1980, c. 456; 1981, c. 585; 1989, c. 727; 1994, c. 176; 2001, c. 834; 2002, c. 254; 2019, c. 780.

§ 46.2-800.1. Riding animals on highways after sunset.

A. No person riding upon any animal on a highway between sunset and sunrise shall ride the animal on the roadway unless the rider:

1. Wears a hat made of or coated with reflectorized material; or

2. Wears upper body clothing made of or coated with reflectorized material visible from 360°; or

3. Displays at least 100 square inches of solid reflectorized material at shoulder level visible from 360°; or

4. Carries a light visible in clear weather from a distance of 500 feet.

B. The requirements of subsection A of this section shall only apply to the riders of the first and last animals in a group riding one behind the other.

C. A violation of this section shall not be construed as negligence per se in any civil action.

1989, c. 295, § 46.1-171.01.

§ 46.2-800.2. Operation of off-road recreational vehicles in localities embraced by the Southwest Regional Recreation Authority.

A. The governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicles (i) on highways within its boundaries that have a maximum speed limit of no more than 35 miles per hour and (ii) for a distance of no more than five miles on any highway within its boundaries that has a maximum speed limit of more than 35 miles per hour. Any such ordinance shall define "off-road recreational vehicle." Any such operation shall be subject to the following conditions, and such additional restrictions and limitations as the county, city, or town by ordinance may impose:

1. Signs whose design, number, and location are approved by the Virginia Department of Transportation shall have been posted by the county, city, town, or Southwest Regional Recreation Authority warning motorists that off-road recreational vehicles may be operating on the highway;

2. Such off-road recreational vehicles shall be operated only during daylight hours;

3. Off-road recreational vehicle operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

4. Riders of such off-road recreational vehicles shall wear helmets of a type approved by the Superintendent of State Police; and

5. Operators shall be licensed drivers or accompanied by a licensed driver who is either occupying the same vehicle or occupying another vehicle within a prudent distance; however, no person shall operate any off-road recreational vehicle as provided in this section if his driver's license, whether issued in the Commonwealth or in another jurisdiction, has been suspended or revoked.

B. The governing body of any county, city, or town that enacts any ordinance under subsection A shall notify in writing the Virginia State Police and all law-enforcement agencies within the county, city, or town of its action, together with a copy of such ordinance.

C. Operation of any off-road recreational vehicle as provided in the foregoing provisions of this section shall be subject to the issuance of a permit by the Southwest Regional Recreation Authority pursuant to § 15.2-6020. Any such permit shall be valid for such period of time and subject to the payment of such fee as the Authority shall provide.

2010, cc. 332, 463; 2018, c. 364.

§ 46.2-800.3. Driving in flooded areas prohibited.

The governing body of any locality may by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded highway, street, alley, or parking lot, regardless of whether such highway, street, alley, or parking lot is publicly or privately owned in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property.

Such ordinance shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to the operator of any vehicle owned or controlled by the Department of Transportation or a public utility company as defined in § 56-265.1. Any locality adopting such an ordinance shall provide for adequate notice, including signs that, at a minimum, warn operators of motor vehicles and watercraft of the prohibition and penalties.

A violation of such ordinance shall constitute a Class 4 misdemeanor.

2016, c. 249.

§ 46.2-801. Chapter applicable to drivers of all vehicles regardless of ownership.

The provisions of this chapter applicable to the drivers of vehicles on the highways shall apply to the drivers of all vehicles regardless of their ownership, subject to such exceptions as are set forth in this chapter.

Code 1950, § 46-181; 1958, c. 541, § 46.1-168; 1989, c. 727.

§ 46.2-802. Drive on right side of highways; penalty.

Except as otherwise provided by law, on all highways of sufficient width, the driver of a vehicle shall drive on the right half of the highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle, subject to the provisions applicable to

overtaking and passing set forth in Article 4 (§ 46.2-837 et seq.) of this chapter. A violation of this section is punishable by a fine of $100.

Code 1950, § 46-220; 1952, c. 671; 1958, c. 541, § 46.1-203; 1989, c. 727; 2017, c. 795.

§ 46.2-803. Keep to the right in crossing intersections or railroads.

Except as otherwise provided by law, when crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall drive on the right half of the roadway unless it is obstructed or impassable. When crossing an intersection of highways, however, the driver of a vehicle may overtake or pass another vehicle in the intersection if such intersection is designated and marked as a passing zone.

Code 1950, § 46-221; 1958, c. 541, § 46.1-205; 1972, c. 369; 1978, c. 27; 1989, c. 727.

§ 46.2-803.1. Commercial motor vehicles limited to use of certain lanes of certain interstate highways.

Except where the posted speed limit is less than 65 miles per hour, no person shall drive any commercial motor vehicle, as defined in § 46.2-341.4, on the left-most lane of any interstate highway having more than two lanes in each direction.

Furthermore, within the Eighth Planning District and on Interstate Route 81, no person shall drive any commercial motor vehicle, as defined in § 46.2-341.4, on the left-most lane of any interstate highway having more than two lanes in each direction, regardless of the posted speed limit. Every commercial motor vehicle shall keep to the right-most lane when operating at a speed of 15 miles per hour or more below the posted speed limit on an interstate highway with no more than two lanes in each direction.

The provisions of this section shall not apply to (i) buses or school buses or (ii) other commercial vehicles when (a) preparing to exit a highway via a left exit or (b) being used to perform maintenance or construction work on an interstate highway.

1997, c. 733; 1998, c. 555; 2000, cc. 60, 306, 407; 2004, c. 809.

§ 46.2-804. Special regulations applicable on highways laned for traffic; penalty.

For the purposes of this section, "traffic lines" includes any temporary traffic control devices used to emulate the lines and markings in subdivisions 6 and 7.

Whenever any roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following:

1. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing, shall be driven in the lane nearest the right edge or right curb of the highway when such lane is available for travel except when overtaking and passing another vehicle or in preparation for a left turn or where right lanes are reserved for slow-moving traffic as permitted in this section;

2. A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from that lane until the driver has ascertained that such movement can be made safely;

3. Except as otherwise provided in subdivision 5, on a highway which is divided into three lanes, no vehicle shall be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signed or marked to give notice of such allocation. Traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device;

4. The Commissioner of Highways, or local authorities in their respective jurisdictions, may designate right lanes for slow-moving vehicles and the Virginia Department of Transportation shall post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines to a speed that is less than the posted speed limit;

5. Wherever a highway is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, except (i) when turning left for the purpose of entering or leaving a public, private, or commercial road or entrance or (ii) in order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. Where the middle lane of a highway is marked on both sides with a solid line immediately adjacent to a broken line, such middle lane shall be considered a left-turn or holding lane and it shall be lawful to drive to the left of such line if the solid line is on the right of the broken line for the purpose of turning left into any road or entrance, provided that the vehicle may not travel in such lane further than 150 feet;

6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid yellow lines, no vehicle shall be driven to the left of such lines, except (i) when turning left or (ii) in order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely; and

7. Whenever a highway is marked with double traffic lines consisting of two immediately adjacent solid white lines, no vehicle shall cross such lines.

A violation of this section is punishable by a fine of $100.

Code 1950, § 46-222; 1952, c. 671; 1958, c. 541, § 46.1-206; 1962, c. 87; 1979, c. 25; 1985, c. 481; 1989, c. 727; 2007, c. 501; 2013, cc. 128, 400, 585, 646; 2015, c. 416; 2017, c. 795.

§ 46.2-805. Lane-use control signals.

A. When lane-use control signals are placed over the individual lanes of a highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown and shall vacate as soon as possible any lane over which an amber signal is shown.

B. Vehicular traffic shall not enter or travel in a lane over which a one-way or two-way left turn white arrow lane-use control signal is shown, except to make the turning movement indicated by the signal. Such turning traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic using the intersection.

1974, c. 347, § 46.1-206.1; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-806. One-way roadways and highways.

The Commissioner of Highways may designate any highway or any separate roadway under his jurisdiction for one-way traffic and shall erect appropriate signs. Traffic thereon shall move only in the direction designated.

Code 1950, § 46-220.1; 1952, c. 671; 1958, c. 541, § 46.1-204; 1989, c. 727; 2013, cc. 585, 646.

§ 46.2-807. Path of travel at circular intersections.

A vehicle passing through a circular intersection shall be driven only to the right of the central island, unless otherwise directed by traffic control devices.

Code 1950, § 46-220.1; 1952, c. 671; 1958, c. 541, § 46.1-204; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-808. Commonwealth Transportation Board may prohibit certain uses of controlled access highways; penalty.

A. The Commonwealth Transportation Board may, when necessary to promote safety, prohibit the use of controlled access highways or any part thereof by any or all of the following:

1. Pedestrians,

2. Persons riding bicycles, electric power-assisted bicycles, electric personal assistive mobility devices, or mopeds,

3. Animal-drawn vehicles,

4. Self-propelled machinery or equipment, and

5. Animals led, ridden or driven on the hoof.

B. The termini of any section of controlled access highways, use of which is restricted under the provisions of this section, shall be clearly indicated by a conspicuous marker.

C. This section shall not apply to any vehicle or equipment owned or controlled by the Virginia Department of Transportation, while actually engaged in the construction, reconstruction, or maintenance of highways or to any vehicle or equipment for which a permit has been obtained for operation on such highway.

Any person violating a restriction or prohibition imposed pursuant to this section shall be guilty of a traffic infraction.

1964, c. 239, § 46.1-171.1; 1966, c. 365; 1981, c. 585; 1983, c. 262; 1989, c. 727; 1991, c. 55; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366.

§ 46.2-808.1. Use of crossovers on controlled access highways; penalty.

It is unlawful for the driver of any vehicle other than an authorized vehicle to use or attempt to use any crossover posted for authorized vehicles only on any controlled access highway.

For the purposes of this section, "authorized vehicle" means (i) Department of Transportation vehicles; (ii) law-enforcement vehicles; (iii) emergency vehicles as defined in § 46.2-920; (iv) towing and recovery vehicles operating under the direction of a law-enforcement agency or the Department of Transportation; (v) vehicles for which permits authorizing use of such crossovers have been issued by the Department of Transportation; (vi) vehicles operated pursuant to a Department of Transportation safety service patrol program as defined in subsection B of § 46.2-920.1 when engaged in providing services under such program; (vii) vehicles operated pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 when providing such traffic incident management services; and (viii) other vehicles operating in medical emergency situations.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than $250.

1997, c. 881; 2008, cc. 470, 647; 2017, c. 350.

§ 46.2-808.2. Violations committed within highway safety corridor; report on benefits.

Notwithstanding any other provision of law, the fine for any moving violation of any provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253 shall be no more than $500 for any violation that is a traffic infraction and not less than $200 for any violation that is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-69.40:1 or 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. The Commissioner of Highways shall report, on an annual basis, statistical data related to benefits derived from the designation of such highway safety corridors. This information may be posted on the Virginia Department of Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities, and towns may not adopt ordinances providing for penalties under this section.

2020, cc. 964, 965.

§ 46.2-809. Regulation of truck traffic on primary and secondary highways.

The Commonwealth Transportation Board, or its designee, in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a primary or secondary highway if a reasonable alternate route is provided. The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown. Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to

promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

The provisions of this section shall not apply in (i) cities, (ii) any town which maintains its own system of streets, and (iii) in any county which owns, operates, and maintains its own system of roads and streets.

1973, c. 67, § 46.1-171.2; 1989, c. 727; 2003, c. 300.

§ 46.2-809.1. Regulation of residential cut-through traffic by Board.

The Commonwealth Transportation Board may develop a residential cut-through traffic policy and procedure for the control of residential cut-through traffic on designated secondary highways.

For the purposes of this section, "residential cut-through traffic" means vehicular traffic passing through a residential area without stopping or without at least an origin or destination within the area.

The provisions of this section shall not apply in (i) cities, (ii) any town that maintains its own system of streets, and (iii) any county that owns, operates, and maintains its own system of highways.

1995, c. 556.

§ 46.2-810. Age limits for drivers of public passenger-carrying vehicles.

No person, whether licensed or not, under the age of eighteen years shall drive a motor vehicle while in use as a public passenger-carrying vehicle.

Code 1950, § 46-182; 1958, c. 541, § 46.1-170; 1970, c. 481; 1972, cc. 386, 823; 1989, c. 727.

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

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

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

C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

2016, c. 515; 2020, c. 972.

§ 46.2-811. Coasting prohibited.

The driver of any motor vehicle traveling on a downgrade on any highway shall not coast with the gears of the vehicle in neutral.

Code 1950, § 46-218; 1958, c. 541, § 46.1-200; 1989, c. 727.

§ 46.2-812. Driving more than thirteen hours in twenty-four prohibited.

No person shall drive any motor vehicle on the highways of the Commonwealth for more than thirteen hours in any period of twenty-four hours or for a period which, when added to the time such person may have driven in any other state, would make an aggregate of more than thirteen hours in any twenty-four-hour period. The provisions of this section, however, shall not apply to the operation of motor vehicles used in snow or ice control or removal operations or similar emergency situations.

No owner of any vehicle shall cause or permit it to be driven in violation of this section.

Code 1950, § 46-219; 1958, c. 541, § 46.1-201; 1978, c. 12; 1989, c. 727.

§ 46.2-813. Occupation of trailer being towed on highways.

No person shall occupy a house trailer or camping trailer while it is being towed on a public highway in this Commonwealth. No operator of a towing vehicle shall knowingly permit another person to occupy a house trailer or camping trailer as defined in § 46.2-100 while it is being towed.

In any civil proceeding, the violation of this section shall not constitute negligence per se.

1970, c. 103, § 46.1-172.1; 1978, c. 605; 1989, c. 727.

§ 46.2-814. Driving through safety zone prohibited.

No driver of a vehicle shall drive through or over a safety zone.

Code 1950, § 46-252; 1958, c. 541, § 46.1-242; 1989, c. 727.

§ 46.2-815. Hauling certain cargoes through tunnels in violation of posted signs; penalty.

The hauling of any explosive, flammable, or other hazardous cargo, as prohibited by the Department of Transportation under the authority of §§ 33.2-210 and 33.2-300, through any tunnel on any highway in the Commonwealth in violation of any lawfully posted sign shall constitute a Class 1 misdemeanor.

1984, c. 488, § 46.1-228.1; 1989, c. 727.

§ 46.2-816. Following too closely.

The driver of a motor vehicle shall not follow another vehicle, trailer, or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic on, and conditions of, the highway at the time.

Code 1950, § 46-229; 1958, c. 541, § 46.1-213; 1983, c. 248; 1989, c. 727; 2015, cc. 31, 188.

§ 46.2-816.1. Careless driving and infliction of injury on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to a vulnerable road user who is lawfully present on the highway at the time of injury.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

2020, c. 1259.

§ 46.2-817. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.

A. Any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal or who attempts to escape or elude such law-enforcement officer whether on foot, in the vehicle, or by any other means, is guilty of a Class 2 misdemeanor. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

B. Any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger a person is guilty of a Class 6 felony. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

C. If a law-enforcement officer pursues a person as a result of a violation of subsection B and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person who violated subsection B is guilty of a Class 4 felony.

D. When any person is convicted of an offense under this section, in addition to the other penalties provided in this section, the driver's license of such person shall be suspended by the court for a period of not less than thirty days nor more than one year. However, in any case where the speed of such person is determined to have exceeded the maximum allowed by twenty miles per hour, his driver's license shall be suspended by the court trying the case for a period of not less than ninety days. In case of conviction and suspension, the court or judge shall order the surrender of the license to the court, which shall dispose of it in accordance with the provisions of § 46.2-398.

E. Violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

1964, c. 614, § 46.1-192.1; 1984, cc. 544, 780; 1988, c. 307; 1989, c. 727; 1993, c. 796; 1996, cc. 577, 817; 1999, c. 720; 2000, c. 315; 2002, c. 505; 2008, cc. 773, 811; 2010, c. 655.

§ 46.2-818. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof; penalties.

No person shall intentionally and willfully:

1. Stop the vehicle of another for the sole purpose of impeding its progress on the highways, except in the case of an emergency or mechanical breakdown;

2. Block the access to or egress from any premises of any service facility operated for the purposes of (i) selling fuel for motor vehicles, (ii) performing repair services on motor vehicles, or (iii) furnishing food, rest, or any other convenience for the use of persons operating motor vehicles engaged in intrastate and interstate commerce on the highways of the Commonwealth;

3. Damage any vehicle engaged in commerce on the highways of the Commonwealth, or threaten, assault, or otherwise harm the person of any operator of a motor vehicle being used for the transportation of property for hire.

Any person violating any provision of this section is guilty of a Class 1 misdemeanor, and in addition, his driver's license may be suspended by the court for a period of not more than one year. The court shall forward such license to the Department as provided by § 46.2-398.

The provisions of this section shall not apply to any law-enforcement officer, school guard, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to any vehicle owned or controlled by the Virginia Department of Transportation while engaged in the construction, reconstruction, or maintenance of highways.

1974, c. 457, § 46.1-250.1; 1977, c. 326; 1984, c. 780; 1989, c. 727; 2015, cc. 502, 503.

§ 46.2-818.1. Opening and closing motor vehicle doors; penalty.

No operator shall open the door of a parked motor vehicle on the side adjacent to moving vehicular traffic unless it is reasonably safe to do so.

A violation of this section shall constitute a traffic infraction punishable by a fine of not more than $50. No demerit points shall be awarded by the Commissioner for a violation of this section.

The provisions of this section shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties.

2016, c. 607.

§ 46.2-818.2. (Effective January 1, 2021) Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person, while driving a moving motor vehicle on the highways in the Commonwealth, to hold a handheld personal communications device.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;

2. An operator who is lawfully parked or stopped;

3. Any person using a handheld personal communications device to report an emergency;

4. The use of an amateur or a citizens band radio; or

5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of $125 and, for a second or subsequent offense, by a fine of $250. If a violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of $250.

D. For the purposes of this section:

"Emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while engaged in the performance of official duties;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

"Highway work zone" means a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

E. Distracted driving shall be included as a part of the driver's license knowledge examination.

2020, cc. 250, 543.

Article 1.1 - TOLL VIOLATIONS AND ENFORCEMENT

§ 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in assessing penalty.

Except for those permitted free use of toll facilities under § 33.2-613, it is unlawful for the operator of a motor vehicle to use a toll facility without payment of the specified toll.

However, in considering the case of anyone accused of violating this section, the court shall take into consideration (i) except for lanes equipped for payment of tolls through an automatic vehicle identification system, whether the toll booth or collection facility at which the defendant failed to pay the toll was manned at the time; (ii) whether the defendant was required to pay the toll with the exact amount in change; (iii) whether the defendant had the exact change to make the payment; and (iv) whether the defendant had been afforded appropriate advance notice, by signs or other means, that he would be required to pay a toll and pay it with the exact change. No person shall be subject to both prosecution under this section and to the provisions of § 46.2-819.1 or 46.2-819.3 for actions arising out of the same transaction or occurrence.

1988, c. 79, § 46.1-229.4; 1989, c. 727; 1998, c. 802; 2004, c. 924; 2016, c. 753.

§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the owner of a vehicle as part of an electronic or manual toll collection process pursuant to § 46.2-819.6 prior to seeking remedies under this section.

C. Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed $25.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic

vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed $2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If

the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to this subsection was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subsection that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of $25 for a first or second offense or $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this subsection was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the

person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the owner of the vehicle.

J. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection I as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

K. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

M. The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

N. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

1998, c. 802; 2001, cc. 803, 852; 2003, c. 768; 2004, c. 924; 2005, c. 862; 2006, c. 859; 2007, cc. 78, 200; 2010, c. 839; 2011, c. 736; 2016, c. 753; 2020, cc. 964, 965.

§ 46.2-819.2. Driving a motor vehicle from establishment where motor fuel offered for sale; penalty.

A. No person shall drive a motor vehicle off the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment for such fuel has been made.

B. Any person who violates this section shall be liable for a civil penalty not to exceed $250 and applicable court costs if the matter proceeds to court.

C. Nothing herein shall preclude a prosecution for larceny.

2000, cc. 729, 758; 2004, c. 795; 2005, c. 208; 2006, c. 487; 2020, cc. 740, 741.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. For purposes of this section:

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection F remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection F shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed $25.

C. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed $2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

E. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

F. A written promise to pay an unpaid toll within a specified period of time executed by the operator of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

G. The operator of a toll facility shall send an invoice or bill to the owner of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such an action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Upon a finding by a court of competent jurisdiction that the operator of a motor vehicle identified in the summons issued pursuant to subsection J was in violation of this section, the court shall impose a civil penalty upon the operator of a motor vehicle in accordance with the amounts specified in subsection C, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

I. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of not more than $25 for a first or second offense or not more than $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the operator of a motor vehicle as shown on the written promise to pay executed pursuant to subsection F or records of the Department of Motor Vehicles. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this subsection, the summons shall be executed in the manner set out in § 19.2-76.3.

K. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

M. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

2004, c. 924; 2006, c. 859; 2007, cc. 78, 200; 2011, c. 736; 2016, c. 753; 2020, cc. 964, 965.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed $25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed $2,200, including civil pen-

alties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty

upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity

authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle

registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a $40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of $25 for a first or second offense or $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

2010, c. 839; 2011, c. 736; 2016, c. 753; 2020, cc. 964, 965.

§ 46.2-819.4. Smoking in proximity to gas pumps; penalty.

Any person who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station is guilty of a Class 3 misdemeanor if smoking or the use of an open flame is prohibited by a sign at the pump. Any person who causes a fire or explosion as a result of a violation of this section is guilty of a Class 1 misdemeanor.

2007, c. 848.

§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle identification system in conjunction with usage of Dulles Access Highway.

A. A photo-monitoring system or automatic vehicle identification system established at locations along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered in accordance with this section. The civil penalties for violations of such regulation may not exceed the

following: $50 for the first violation; $100 for a second violation within one year from the first violation; $250 for a third violation within two years from the second violation; and $500 for a fourth and any subsequent violation within three years from the second violation. In the event a violation of the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable civil penalty and of any administrative fee calculated in accordance with subsection C to the registered owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to the violation, and paying a reduced civil penalty along with any applicable administrative fee to the operator. Should the recipient of the notice make such an election, the amount of the reduced civil penalty shall be as follows: $30 for the first violation; $50 for a second violation within one year from the first violation; $125 for a third violation within two years from the second violation; and $250 for a fourth and any subsequent violations within three years from the second violation.

B. Information collected by the photo-monitoring system or automatic vehicle identification system referenced in subsection A shall be limited exclusively to that information that is necessary for identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the identification of violators or to a vehicle owner or operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of the Authority regulation governing usage of the Dulles Access Highway or upon order from a court of competent jurisdiction. Information collected by the system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The operator of the Dulles Access Highway shall annually certify compliance with this subsection and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this subsection shall be forfeited to the Commonwealth.

C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in addition to the civil penalty established by regulation, so as to recover the expenses of collecting the civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed $100 per violation. Such fee shall not be levied upon the operator of the

vehicle until a second violation has been documented within 12 months of an initial violation, in which case the fee shall apply to such second violation and to any additional violation occurring thereafter. If the recipient of the notice referenced in subsection A makes the election provided by that subsection, the administrative fee shall not exceed $25.

D. If the election provided for in subsection A is not made, the operator of the Dulles Access Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation governing usage of the Dulles Access Highway, any applicable administrative fees calculated in accordance with subsection C and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used the Dulles Access Highway in violation of the Authority regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in subsection A.

E. Any action under this section shall be brought in the General District Court of the county in which the violation occurred.

F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section.

G. A summons issued under this section, which describes a vehicle that, on the basis of a certificate referenced in subsection F, is alleged to have been operated in violation of the Authority regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such vehicle was operated in violation of the Authority regulation.

H. Upon a finding by a court that the vehicle described in the summons issued under this section was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the penalty amounts specified in subsection D, together with any applicable court costs and applicable administrative fees calculated in accordance with subsection C. Civil penalties and administrative fees assessed as a result of an action initiated under this section and collected by the court shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the operator of the Dulles Access Highway.

The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court by way of a summons that informs the owner that his vehicle has been used in violation of the

Authority regulation governing the use of the Dulles Access Highway and of the time and place of the court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons shall be issued to such alleged operator of the vehicle.

In any action against such a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter addressed in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

I. Upon a finding by a court that a person has three or more violations of the Authority regulation governing the use of the Dulles Access Highway and has failed to pay the required civil penalties, administrative fees and court costs into the court, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to or for such person or the license plate for the vehicle owned by such person until the court has notified the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall collect a $40 administrative fee from such person to defray the cost of responding to court notices given pursuant to this subsection.

J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are used or operated in violation of the Authority regulation governing the use of the Dulles Access Highway; "automatic vehicle identification system" means an electronic vehicle identification system that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued to such renter or lessee. Release of this information shall not be deemed a violation of any

provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation shall be prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2. The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and provided a valid address for the operator of the vehicle at the time of the violation as provided in this section, to the address of such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

N. The operator of the Dulles Access Highway may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly use the Dulles Access Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B.

O. Should other vehicle recognition technology become available that is appropriate to be used for the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles Access Highway shall be permitted to use any such technology that has been approved for use by the Virginia State Police, the Commonwealth of Virginia, or any of its localities.

P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall be used by the operator of the Dulles Access Highway only for the operation and improvement of the Dulles Corridor, including the Dulles Toll Road.

2010, cc. 813, 865; 2020, cc. 964, 965.

§ 46.2-819.6. Invoice for unpaid toll.

A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to subsection C to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the following:

1. The name and address of the registered owner alleged to be liable under this section;

2. The registration number of the motor vehicle involved in such violation or information obtained from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle identification system for the purpose of violation detection;

3. The location where such violation took place;

4. The date and time of such violation;

5. The amount of the toll not paid;

6. The amount of the administrative fee;

7. The date by which the toll and administrative fee must be paid;

8. The statutory defenses available under this chapter, including a notice of (i) the summoned person's ability to provide the name and address of the vehicle operator at the time of the violation through the filing of an affidavit as provided in § 33.2-503, 46.2-819.1, or 46.2-819.3:1 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent;

9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to file a notice to contest liability for the unpaid toll; and

10. The procedures and time limits for filing a notice to contest liability for an unpaid toll as provided in subsection C of § 46.2-819.3:1.

B. The toll facility operator shall include with the invoice a form to be used by the registered owner or operator of the vehicle to contest liability for an unpaid toll. This form shall include the mailing address to which it should be sent.

C. Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the owner of the vehicle as shown on the records of the Department.

2011, c. 736; 2016, c. 753.

§ 46.2-819.7. Repealed.

Repealed by Acts 2016, c. 753, cl. 3.

§ 46.2-819.8. Toll grace period.

When a vehicle has been operated in violation of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1, no holder of an account for an electronic toll collection device that is property of the Commonwealth when (i) such device is detected by the toll operator or (ii) such device is not detected by the toll operator but such vehicle is associated with such an account shall owe any penalties, fees, or costs in

addition to the unpaid toll, unless and until the toll operator or HOT lanes operator has attempted to process the collection of the toll through the Commonwealth's electronic toll account system at least twice and at least 10 days have elapsed since the unpaid toll. A toll operator shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and collect the unpaid toll were unsuccessful.

2016, c. 753.

§ 46.2-819.9. Agreements for enforcement of tolling violations against nonresidents.

A. The Governor or his designee may enter into an agreement on behalf of the Commonwealth with another state that provides for reciprocal enforcement of HOT lanes violations or toll violations, in accordance with this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2, between the Commonwealth and the other state.

B. Any agreement made under this section shall provide that drivers and vehicles licensed or registered in the Commonwealth, while operating on the highways and bridges of another state, shall receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other state while they are operating on the highways and bridges of the Commonwealth.

C. Any agreement made under this section shall provide for enforcement of HOT lanes violations or toll violations by refusal or suspension of the registration of the owner's or operator's motor vehicle in accordance with the provisions of this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2 for Virginia residents and enforcement of HOT lanes violations or toll violations in accordance with the laws of the state in which the vehicle is registered for nonresidents. Furthermore, such agreement shall provide that any notice required to be sent between the Commonwealth and the other state for enforcement under the provisions of the agreement shall be sent via electronic means.

D. Any agreement made under this section shall provide that any vehicle owner or operator identified as a violator pursuant to the terms of the agreement shall be afforded the opportunity to challenge or otherwise contest liability for the unpaid toll in accordance with the laws or regulations of the state in which the violation occurred.

2016, c. 753.

§ 46.2-819.10. Withholding of vehicle registration for enforcement of out-of-state toll violations.

A. Upon receipt of notice from a state that has entered into an agreement with the Commonwealth pursuant to § 46.2-819.9 that a resident of Virginia owes unpaid tolls, administrative fees, or penalties to that state, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate issued for a vehicle or vehicles owned by such resident in accordance with this section until such state has notified the Commissioner that such tolls, fees, or penalties have been paid.

If the resident is the owner and operator of the vehicle used in the commission of the offense, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate issued

for that vehicle. If the resident was the operator of the vehicle, but not the owner, the Commissioner shall refuse to issue or renew any vehicle registration certificate or license plates for any vehicle owned by the resident.

B. The Department shall send each resident identified pursuant to subsection A notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. Such notice shall include instructions for contacting the state to which the unpaid tolls, administrative fees, or penalties are owed by the resident and indicate that such contact information is provided for the purpose of payment of the amounts owed.

C. Upon receipt of notice from the applicable state that the resident has satisfied all outstanding obligations to that state, the Commissioner shall release the hold on the vehicle registrations and permit the same to be issued or renewed.

D. The Commissioner shall charge a $40 fee to defray the cost of processing and withholding the registration or registration renewal under this section.

2016, c. 753.

Article 2 - RIGHT-OF-WAY

§ 46.2-820. Right-of-way at uncontrolled intersections, generally.

Except as otherwise provided in this article, when two vehicles approach or enter an uncontrolled intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

Code 1950, § 46-238; 1952, c. 666; 1956, c. 533; 1958, c. 541, § 46.1-221; 1985, c. 218; 1989, c. 727.

§ 46.2-821. Vehicles before entering certain highways shall stop or yield right-of-way.

The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

Where a "Yield Right-of-Way" sign is posted, the driver of a vehicle approaching or entering such intersection shall slow down to a speed reasonable for the existing conditions, yield the right-of-way to the driver of another vehicle approaching or entering such intersection from another direction, and, if required for safety, shall stop at a clearly marked stop or yield line, or, in the absence of a stop or yield line, stop before entering the crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

Code 1950, §§ 46-238, 46-255; 1952, c. 666; 1954, c. 137; 1956, c. 533; 1958, c. 541, §§ 46.1-221, 46.1-247; 1972, c. 489; 1974, c. 347; 1976, c. 314; 1985, c. 218; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-822. Right-of-way at circular intersections.

At circular intersections, vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle, unless otherwise directed by traffic control devices.

Code 1950, § 46-238; 1952, c. 666; 1956, c. 533; 1958, c. 541, § 46.1-221; 1985, c. 218; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-823. Unlawful speed forfeits right-of-way.

The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have under this article.

Code 1950, § 46-238; 1952, c. 666; 1956, c. 533; 1958, c. 541, § 46.1-221; 1985, c. 218; 1989, c. 727.

§ 46.2-824. Right-of-way at uncontrolled "T" intersections.

When vehicles arrive at approximately the same time at an uncontrolled "T" intersection, the driver of the vehicle on the highway that intersects but does not cross the other highway shall yield the right-of-way to any vehicle traveling on the other highway.

1985, c. 218, § 46.1-221.1; 1989, c. 727.

§ 46.2-825. Left turn traffic to yield right-of-way.

The driver of a vehicle, intending to turn left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction if it is so close as to constitute a hazard. At intersections controlled by traffic lights with separate left-turn signals, any vehicle making a left turn when so indicated by the signal shall have the right-of-way over all other vehicles approaching the intersection.

Code 1950, § 46-239; 1958, c. 541, § 46.1-222; 1974, c. 347; 1989, c. 727.

§ 46.2-826. Stop before entering public highway or sidewalk from private road, etc.; yielding right-of-way.

The driver of a vehicle entering a public highway or sidewalk from a private road, driveway, alley, or building shall stop immediately before entering such highway or sidewalk and yield the right-of-way to vehicles approaching on such public highway and to pedestrians or vehicles approaching on such public sidewalk.

The provisions of this section shall not apply at an intersection of public and private roads controlled by a traffic control device. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic control device.

Code 1950, § 46-240; 1958, c. 541, § 46.1-223; 1987, c. 346; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-827. Right-of-way of United States forces, troops, National Guard, etc.

United States forces or troops, or any portion of the Virginia National Guard, parading or performing any duty according to law, or any civil defense personnel performing any duty according to law, shall have the right-of-way in any highway through which they may pass. Such passage, however, shall not

interfere with the carrying of the United States mails and the legitimate functions of police and fire fighters or with the passage of emergency vehicles as defined in § 46.2-920.

Code 1950, § 44-101; 1958, c. 541, § 46.1-224; 1989, c. 727; 2015, c. 221.

§ 46.2-828. Right-of-way for funeral processions under police or sheriff's escort; improper joining of, passing through, or interfering with processions prohibited; use of high beam headlights and hazard lights by vehicles traveling in funeral processions.

Funeral processions traveling under police or sheriff's escort shall have the right-of-way in any highway through which they may pass. Localities may, by ordinance, provide for such escort service and provide for the imposition of reasonable fees to defray the cost of such service.

The sheriff or police department in any locality may provide traffic control for funeral processions when equipment and personnel are not otherwise engaged in law-enforcement activities.

Vehicles traveling as part of any funeral procession, whether escorted or unescorted, may display high beam headlights and flash all four turn signals or hazard lights to identify themselves as part of the procession.

No vehicle that is not properly part of a funeral procession shall join, pass through, or interfere with the passage of any funeral procession under escort as provided in this section.

1976, c. 361, § 46.1-224.1; 1981, c. 542; 1989, c. 727; 1994, c. 54; 2001, c. 359; 2003, c. 853; 2012, c. 26.

§ 46.2-828.1. Impeding or disrupting certain funeral processions; penalty.

A. It shall be unlawful for the operator of any motor vehicle intentionally to impede or disrupt a funeral procession. Any person convicted of violating this subsection shall be guilty of a traffic infraction and shall, in addition to a penalty assessed pursuant to § 46.2-113, be assessed four driver demerit points.

B. This section shall apply only to funeral processions that are either (i) travelling under police or sheriff's escort as provided in § 46.2-828 or (ii) escorted or led by vehicles displaying warning lights as provided in § 46.2-1025.

2000, c. 274.

§ 46.2-828.2. Impeding or disrupting vehicles operating under a valid highway hauling permit.

A. It shall be unlawful for the operator of any motor vehicle intentionally to impede or disrupt any vehicle or vehicles being operated under a valid highway hauling permit, issued under the provisions of § 46.2-1139, that requires an escort vehicle or vehicles. Any person convicted of violating this subsection is guilty of a traffic infraction and shall, in addition to a penalty assessed pursuant to § 46.2-113, be assessed four driver demerit points.

B. This section shall apply only to vehicles being operated under a valid highway hauling permit issued under the provisions of § 46.2-1139 that are either (i) traveling under police or sheriff's escort or (ii) being escorted or led by an escort vehicle driver operating an escort vehicle required by the highway hauling permit.

2013, cc. 312, 477.

§ 46.2-829. Approach of law-enforcement or fire-fighting vehicles, rescue vehicles, or ambulances; violation as failure to yield right-of-way.

Upon the approach of any emergency vehicle as defined in § 46.2-920 giving audible signal by siren, exhaust whistle, or air horn designed to give automatically intermittent signals, and displaying a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 through 46.2-1024, the driver of every other vehicle shall, as quickly as traffic and other highway conditions permit, drive to the nearest edge of the roadway, clear of any intersection of highways, and stop and remain there, unless otherwise directed by a law-enforcement officer, until the emergency vehicle has passed. This provision shall not relieve the driver of any such vehicle to which the right-of-way is to be yielded of the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

Violation of this section shall constitute failure to yield the right-of-way; however, any violation of this section that involves overtaking or passing a moving emergency vehicle giving an audible signal and displaying activated warning lights as provided for in this section shall constitute reckless driving, punishable as provided in § 46.2-868.

Code 1950, § 46-241; 1958, c. 541, § 46.1-225; 1960, c. 570; 1966, cc. 613, 699; 1968, c. 89; 1976, c. 754; 1984, c. 539; 1985, c. 462; 1989, c. 727; 1993, c. 579.

Article 3 - TRAFFIC SIGNS, LIGHTS, AND MARKINGS

§ 46.2-830. Uniform traffic control devices on highways; drivers to obey traffic control devices; enforcement of section.

The Commissioner of Highways may classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth. Such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states.

All drivers of vehicles shall obey lawfully erected traffic control devices.

No provision of this section relating to the prohibition of disobeying traffic control devices or violating local traffic control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, any such traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Code 1950, § 46-184; 1958, c. 541, § 46.1-173; 1970, c. 163; 1976, c. 184; 1979, c. 604; 1981, c. 585; 1989, c. 727; 1994, c. 280; 1997, c. 881; 2013, cc. 128, 400, 585, 646.

§ 46.2-830.1. Failure to obey highway sign where driver sleeping or resting.

No driver of a vehicle shall park or stop his vehicle on the shoulder or other portion of the highway not ordinarily used for vehicular traffic in violation of a highway sign in order for the driver to sleep or rest. No demerit points shall be assigned pursuant to the Uniform Demerit Point System for a violation

pursuant to this section. However, the provisions of this section shall not apply if such vehicle is parked or stopped in such manner as to impede or render dangerous the shoulder or other portion of the highway.

1992, c. 856; 2017, c. 504.

§ 46.2-830.2. Pedestrians with disabilities; traffic signs.

A. Upon request of any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability as defined in § 37.2-100, or the agent of any such person, the Department of Transportation shall post and maintain signs informing drivers that a person with a disability may be present in or around the roadway.

B. The Department of Transportation shall establish regulations consistent with this section. Such regulations shall provide that any sign posted and maintained pursuant to this section shall be comparable in size and design to other signs typically used for traffic control.

2018, c. 432.

§ 46.2-831. Unofficial traffic control devices prohibited; penalties.

No unauthorized person shall erect or maintain on any highway any warning or direction sign, signal, or light in imitation of any official traffic control device erected as provided by law. No person shall erect or maintain on any highway any traffic control device bearing any commercial advertising.

Nothing in this section shall prohibit the erection or maintenance of signs or signals bearing the name of an organization authorized to erect it by the Commonwealth Transportation Board, the Department of Transportation, or local authorities of counties, cities, and towns as provided by law. Nor shall this section be construed to prohibit the erection by contractors or public utility companies of temporary signs approved by the Virginia Department of Transportation warning motorists that work is in progress on or adjacent to the highway.

Any violation of this section shall constitute a Class 4 misdemeanor.

Code 1950, § 46-187; 1958, c. 541, § 46.1-174; 1982, c. 681; 1989, c. 727; 2013, cc. 128, 400, 585, 646.

§ 46.2-832. Damaging or removing traffic control devices or street address signs.

Any person who intentionally defaces, damages, knocks down, or without authorization interferes with the effective operation of, or removes any traffic control device or a street address sign posted to assist in address identification in connection with enhanced 9-1-1 service as defined in § 56-484.12 is guilty of a Class 1 misdemeanor.

Code 1950, § 46-188; 1958, c. 541, § 46.1-175; 1989, c. 727; 2003, c. 134; 2004, c. 291; 2013, cc. 128, 400.

§ 46.2-833. Traffic lights; penalty.

A. Signals by traffic lights shall be as follows:

Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a steady green arrow.

Green indicates the traffic shall move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Steady amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the intersection shall continue to move until the intersection has been cleared.

Flashing circular red indicates that traffic shall stop before entering an intersection. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing red arrow indicates that traffic shall stop before entering an intersection. After stopping, traffic may cautiously enter the intersection to turn in the direction of the signal. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing circular amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing amber arrow indicates that traffic may turn in the direction of such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

B. Notwithstanding any other provision of law, if a driver of a motorcycle or moped or a bicycle rider approaches an intersection that is controlled by a traffic light, the driver or rider may proceed through the intersection on a steady red light only if the driver or rider (i) comes to a full and complete stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is shorter, (ii) exercises due care as provided by law, (iii) otherwise treats the traffic control device as a stop sign, (iv) determines that it is safe to proceed, and (v) yields the right of way to the driver of any vehicle approaching on such other highway from either direction.

C. If the traffic lights controlling an intersection are out of service because of a power failure or other event that prevents the giving of signals by the traffic lights, the drivers of vehicles approaching such an intersection shall proceed as though such intersection were controlled by a stop sign on all approaches. The provisions of this subsection shall not apply to: intersections controlled by portable stop signs, intersections with law-enforcement officers or other authorized persons directing traffic, or intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in subsection A.

D. The driver of any motor vehicle may be detained or arrested for a violation of this section if the detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed

the violation or (ii) has received a message by radio or other wireless telecommunication device from another law-enforcement officer who observed the violation. In the case of a person being detained or arrested based on a radio message, the message shall be sent immediately after the violation is observed, and the observing officer shall furnish the license number or other positive identification of the vehicle to the detaining officer.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than $350.

Code 1950, § 46-203; 1952, c. 671; 1954, c. 381; 1958, c. 541, § 46.1-184; 1964, c. 613; 1966, c. 607; 1970, cc. 515, 736; 1972, cc. 4, 234, 454; 1974, c. 347; 1976, cc. 30, 31; 1977, c. 9; 1978, c. 300; 1981, c. 163; 1989, c. 727; 2000, c. 834; 2004, cc. 252, 743; 2006, c. 928; 2011, c. 471; 2013, cc. 128, 400.

§ 46.2-833.01. Expired.

Expired.

§ 46.2-833.1. Evasion of traffic control devices.

It shall be unlawful for the driver of any motor vehicle to drive off the roadway and onto or across any public or private property in order to evade any stop sign, yield sign, traffic light, or other traffic control device.

1993, c. 117.

§ 46.2-834. Signals by law-enforcement officers, crossing guards, and flaggers.

A. Law-enforcement officers may assume control of traffic at any intersection, regardless of whether such intersection is controlled by lights, controlled by other traffic control devices, or uncontrolled. Whenever any law-enforcement officer so assumes control of traffic, all drivers of vehicles shall obey his signals.

B. Law-enforcement officers and uniformed school crossing guards may assume control of traffic otherwise controlled by lights, and in such event, signals by such officers and uniformed crossing guards shall take precedence over such traffic control devices.

C. Uniformed school crossing guards may control traffic at any marked school crossing, whether such crossing is at an intersection or another location. Uniformed school crossing guards who are supplied by their local school division with hand-held stop signs shall use such signs whenever controlling traffic as authorized in this subsection.

D. Whenever an authorized flagger assumes control of vehicular traffic into or through a temporary traffic control zone using hand-signaling devices or an automated flagger assistance device, all drivers of vehicles shall obey his signals.

Code 1950, § 46-203; 1952, c. 671; 1954, c. 381; 1958, c. 541, § 46.1-184; 1964, c. 613; 1966, c. 607; 1970, cc. 515, 736; 1972, cc. 4, 234, 454; 1974, c. 347; 1976, cc. 30, 31; 1977, c. 9; 1978, c. 300; 1981, c. 163; 1989, c. 727; 1994, c. 469; 2001, cc. 56, 71; 2004, c. 575; 2013, cc. 128, 400.

§ 46.2-835. Right turn on steady red light after stopping.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed prohibiting turns on steady red, vehicular traffic facing a steady red circular signal, after coming to a full stop, may cautiously enter the intersection and make a right turn.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed permitting turns on a steady red, vehicular traffic facing a steady red arrow, after coming to a full stop, shall remain standing until a signal to proceed is shown.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

Code 1950, § 46-203; 1952, c. 671; 1954, c. 381; 1958, c. 541, § 46.1-184; 1964, c. 613; 1966, c. 607; 1970, cc. 515, 736; 1972, cc. 4, 234, 454; 1974, c. 347; 1976, cc. 30, 31; 1977, c. 9; 1978, c. 300; 1981, c. 163; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-836. Left turn on steady red after stopping.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed prohibiting turns on steady red, vehicular traffic facing a steady red circular signal on a one-way highway, after coming to a full stop, may cautiously enter the intersection and make a left turn onto another one-way highway.

Notwithstanding the provisions of § 46.2-833, except where a traffic control device is placed permitting turns on a steady red, vehicular traffic facing a steady red arrow signal, after coming to a full stop, shall remain standing until a signal to proceed is shown.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

Code 1950, § 46-203; 1952, c. 671; 1954, c. 381; 1958, c. 541, § 46.1-184; 1964, c. 613; 1966, c. 607; 1970, cc. 515, 736; 1972, cc. 4, 234, 454; 1974, c. 347; 1976, cc. 30, 31; 1977, c. 9; 1978, c. 300; 1981, c. 163; 1989, c. 727; 2013, cc. 128, 400.

Article 4 - PASSING

§ 46.2-837. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions on highways not marked to indicate traffic lanes shall pass each other to the right, each giving to the other, as nearly as possible, one-half of the main traveled portion of the roadway.

Code 1950, § 46-223; 1958, c. 541, § 46.1-207; 1989, c. 727.

§ 46.2-838. Passing when overtaking a vehicle.

A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left of the overtaken vehicle and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as otherwise provided in this article.

B. The driver of any motor vehicle, upon overtaking a stationary vehicle that is displaying a flashing, blinking, or alternating amber light as provided in § 46.2-892 or subdivision A 10 of § 46.2-1025, shall proceed with due caution and maintain a safe speed for highway conditions.

C. The driver of any motor vehicle, upon overtaking a stationary vehicle in the process of refuse collection operations, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe or on highways having fewer than four lanes, proceed with due caution and decrease speed to 10 miles per hour below the posted speed limit and pass at least two feet to the left of the vehicle.

Code 1950, § 46-224; 1958, c. 541, § 46.1-208; 1989, c. 727; 1999, c. 999; 2004, cc. 947, 973; 2015, cc. 189, 197.

§ 46.2-839. Passing bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

Any driver of any vehicle overtaking a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle proceeding in the same direction shall pass at a reasonable speed at least three feet to the left of the overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle and shall not again proceed to the right side of the highway until safely clear of such overtaken bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

1981, c. 585, § 46.1-208.1; 1989, c. 727; 1999, c. 999; 2001, c. 834; 2002, c. 254; 2004, cc. 947, 973; 2014, c. 358.

§ 46.2-840. Repealed.

Repealed by Acts 1996, c. 147.

§ 46.2-841. When overtaking vehicle may pass on right.

A. The driver of a vehicle may overtake and pass to the right of another vehicle only:

1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the required signal;

2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction;

3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully

placed signs, no such movement shall be made by driving on the shoulder of the highway or off the pavement or main traveled portion of the roadway.

C. Notwithstanding subsections A and B, nothing in this section shall permit a driver of a motor vehicle to cross a solid line designating a bicycle lane to pass or attempt to pass another vehicle, except as provided in § 46.2-920.1, 46.2-1210, or 46.2-1212.1, as directed by a law-enforcement officer, or where the roadway is otherwise impassable due to weather conditions, an accident, or an emergency situation.

Code 1950, § 46-226; 1952, c. 666; 1958, c. 541, § 46.1-210; 1985, c. 481; 1989, c. 727; 2020, c. 1259.

§ 46.2-842. Driver to give way to overtaking vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Any over-width, or slow-moving vehicle as defined by § 46.2-1081 shall be removed from the roadway at the nearest suitable location when necessary to allow traffic to pass.

Code 1950, § 46-227; 1958, c. 541, § 46.1-211; 1979, c. 361; 1989, c. 727; 2020, c. 815.

§ 46.2-842.1. Drivers to give way to certain overtaking vehicles on divided highways.

It shall be unlawful to fail to give way to overtaking traffic when driving a motor vehicle to the left and abreast of another motor vehicle on a divided highway. The driver of the overtaken vehicle shall move to the right to allow the overtaking vehicle to pass as soon as the overtaken vehicle can safely do so. A violation of this section shall not be construed as negligence per se in any civil action.

1989, c. 708, § 46.1-211.1; 2020, c. 815.

§ 46.2-843. Limitations on overtaking and passing.

The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made safely.

No person operating a truck or combination of vehicles shall pass or attempt to pass any truck or combination of vehicles going in the same direction on an upgrade if such passing will impede the passage of following traffic.

Code 1950, § 46-228; 1958, c. 541, § 46.1-212; 1989, c. 727.

§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence; penalty.

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school

driveway and the bus is put in motion is subject to a civil penalty of $250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. 1. For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

2. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation

through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

3. Any private vendor contracting with a school division pursuant to this subsection may impose and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed $100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days after the date of the mailing of the summons and notice, the administrative fee shall not exceed $25.

4. Any private vendor contracting with a school division pursuant to this subsection may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly pass stopped school buses. Information provided to such private vendor shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this section. The school division shall annually certify compliance with this subdivision and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of $1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private vendor.

1985, c. 511, § 46.1-212.1; 1987, c. 106; 1989, c. 727; 1997, cc. 622, 800, 908; 2001, c. 126; 2002, c. 541; 2011, cc. 787, 838; 2016, cc. 637, 700; 2019, cc. 543, 544; 2020, c. 783.

Article 5 - TURNING

§ 46.2-845. Limitation on U-turns.

The driver of a vehicle within cities, towns or business districts of counties shall not turn his vehicle so as to proceed in the opposite direction except at an intersection.

No vehicle shall be turned so as to proceed in the opposite direction on any curve, or on the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from any direction within 500 feet.

Code 1950, § 46-230; 1958, c. 541, § 46.1-214; 1989, c. 727.

§ 46.2-846. Required position and method of turning at intersections; local regulations.

A. Except where turning is prohibited, a driver intending to turn at an intersection or other location on any highway shall execute the turn as provided in this section.

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right curb or edge of the roadway.

2. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made from the right half of the roadway and as close as possible to the roadway's center line, passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made to the left of the center of the intersection.

3. Left turns on other than two-way roadways: At any intersection where traffic is restricted to one direction on one or more of the roadways, and at any crossover from one roadway of a divided highway to another roadway thereof on which traffic moves in the opposite direction, the driver intending to turn left at any such intersection or crossover shall approach the intersection or crossover in the extreme left lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as nearly as practicable, in the left lane lawfully available to traffic moving in such direction upon the roadway being entered.

B. Local authorities having the power to regulate traffic in their respective jurisdictions may cause traffic control devices to be placed within or adjacent to intersections and thereby direct that a different course from that specified in this section be traveled by vehicles turning at any intersection. When traffic control devices are so placed, no driver shall turn a vehicle at an intersection other than as directed by such traffic control devices.

Code 1950, § 46-231; 1952, c. 666; 1958, c. 541, § 46.1-215; 1966, c. 128; 1989, c. 727; 2013, cc. 128, 400.

§ 46.2-847. Left turns by bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped and intending to turn left shall either follow a course described in § 46.2-846 or make the turn as provided in this section.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped and intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the rider shall comply with traffic signs or signals and continue his turn as close as practicable to the right curb or edge of the roadway being entered.

Notwithstanding the foregoing provisions of this section, the Commissioner of Highways and local authorities, in their respective jurisdictions, may cause official traffic control devices to be placed at intersections to direct that a specific course be traveled by turning bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds. When such devices are so placed, no person shall turn a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped other than as directed by such devices.

1981, c. 585, § 46.1-215.1; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2013, cc. 585, 646.

Article 6 - SIGNALS BY DRIVERS

§ 46.2-848. Signals required on backing, stopping, or turning.

Every driver who intends to back, stop, turn, or partly turn from a direct line shall first see that such movement can be made safely and, whenever the operation of any other vehicle may be affected by such movement, shall give the signals required in this article, plainly visible to the driver of such other vehicle, of his intention to make such movement.

Code 1950, § 46-233; 1958, c. 541, § 46.1-216; 1960, c. 113; 1989, c. 727.

§ 46.2-849. How signals given.

A. Signals required by § 46.2-848 shall be given by means of the hand and arm or by some mechanical or electrical device approved by the Superintendent, in the manner specified in this section. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn, or partly turn by extending the hand and arm beyond the left side of the vehicle in the manner following:

1. For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

2. For right turn or to pull to the right, the arm shall be extended upward;

3. For slowing down or stopping, the arm shall be extended downward.

B. Wherever the lawful speed is more than 35 miles per hour, such signals shall be given continuously for a distance of at least 100 feet, and in all other cases at least 50 feet, before slowing down, stopping, turning, or partly turning.

C. A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter shall signal his intention to stop or turn. Such signals, however, need not be given continuously if both hands are needed in the control or operation of

the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter.

D. Notwithstanding the foregoing provisions of this section, a person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may signal a right turn or pull to the right by extending the right hand and arm in a horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter and may signal slowing down or stopping by extending the right arm downward.

Code 1950, § 46-234; 1954, c. 15; 1958, c. 541, § 46.1-217; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2004, cc. 947, 973; 2019, c. 780.

§ 46.2-850. Change of course after giving signal.

Drivers having once given a hand or light signal shall continue the course thus indicated, unless they alter the original signal.

Code 1950, § 46-235; 1958, c. 541, § 46.1-218; 1989, c. 727.

§ 46.2-851. Signals prior to moving standing vehicles into traffic.

Drivers of vehicles stopped at the curb or edge of a highway, before moving such vehicles, shall signal their intentions to move into traffic, as provided in this article, before turning in the direction the vehicle will proceed from the curb.

Code 1950, § 46-237; 1958, c. 541, § 46.1-220; 1989, c. 727.

Article 7 - RECKLESS DRIVING AND IMPROPER DRIVING

§ 46.2-852. Reckless driving; general rule.

Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person shall be guilty of reckless driving.

Code 1950, § 46-208; 1958, c. 541, § 46.1-189; 1983, c. 380; 1989, c. 727.

§ 46.2-853. Driving vehicle which is not under control; faulty brakes.

A person shall be guilty of reckless driving who drives a vehicle which is not under proper control or which has inadequate or improperly adjusted brakes on any highway in the Commonwealth.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 1991, c. 119.

§ 46.2-854. Passing on or at the crest of a grade or on a curve.

A person shall be guilty of reckless driving who, while driving a vehicle, overtakes and passes another vehicle proceeding in the same direction, on or approaching the crest of a grade or on or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the

overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way roadway or highway.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-855. Driving with driver's view obstructed or control impaired.

A person shall be guilty of reckless driving who drives a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-856. Passing two vehicles abreast.

A person shall be guilty of reckless driving who passes or attempts to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways. This section shall not apply, however, to a motor vehicle passing two other vehicles when one or both of such other vehicles is a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; nor shall this section apply to a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped passing two other vehicles.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 2001, c. 834; 2002, c. 254.

§ 46.2-857. Driving two abreast in a single lane.

A person shall be guilty of reckless driving who drives any motor vehicle so as to be abreast of another vehicle in a lane designed for one vehicle, or drives any motor vehicle so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle. Nothing in this section shall be construed to prohibit two two-wheeled motorcycles from traveling abreast while traveling in a lane designated for one vehicle. In addition, this section shall not apply to (i) any validly authorized parade, motorcade, or motorcycle escort; (ii) a motor vehicle traveling in the same lane of traffic as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; nor shall it apply to (iii) any vehicle when lawfully overtaking and passing one or more vehicles traveling in the same direction in a separate lane.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455;

1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2010, cc. 52, 110; 2012, c. 7.

§ 46.2-858. Passing at a railroad grade crossing.

A person shall be guilty of reckless driving who overtakes or passes any other vehicle proceeding in the same direction at any railroad grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or unless such intersection is designated and marked as a passing zone or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or law-enforcement officer.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-859. Passing a stopped school bus; prima facie evidence.

A person driving a motor vehicle shall stop such vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and shall remain stopped until all the persons are clear of the highway, private road or school driveway and the bus is put in motion; any person violating the foregoing is guilty of reckless driving. The driver of a vehicle, however, need not stop when approaching a school bus if the school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when the other roadway, access road, or driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if the driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass the school bus. This section shall apply to school buses which are equipped with warning devices prescribed in § 46.2-1090 and are painted yellow with the words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 2001, c. 126; 2002, c. 541; 2011, cc. 325, 326.

§ 46.2-860. Failing to give proper signals.

A person shall be guilty of reckless driving who fails to give adequate and timely signals of intention to turn, partly turn, slow down, or stop, as required by Article 6 (§ 46.2-848 et seq.) of this chapter.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-861. Driving too fast for highway and traffic conditions.

A person shall be guilty of reckless driving who exceeds a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-861.1. Drivers to yield right-of-way or reduce speed when approaching stationary vehicles displaying certain warning lights on highways; penalties.

A. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a flashing, blinking, or alternating blue, red, or amber light or lights as provided in § 46.2-1022, 46.2-1023, or 46.2-1024 or subsection B of § 46.2-1026 shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions. A violation of any provision of this subsection is reckless driving.

B. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a flashing, blinking, or alternating amber light or lights as provided in subdivision A 1 or 2 of § 46.2-1025 shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions. A violation of any provision of this subsection shall be punishable as a traffic infraction.

C. If the violation resulted in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury or death to another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years.

D. The provisions of this section shall not apply in highway work zones as defined in § 46.2-878.1.

2019, c. 850.

§ 46.2-862. Exceeding speed limit.

A person is guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of 20 miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of 85 miles per hour regardless of the applicable maximum speed limit.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 1992, c. 608; 2006, c. 301; 2020, cc. 444, 445.

§ 46.2-863. Failure to yield right-of-way.

A person shall be guilty of reckless driving who fails to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching on such highway within 500 feet of such point of entrance, unless (i) a "Yield Right-of-Way" sign is posted or (ii) where such sign is posted, fails, upon entering such highway, to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727.

§ 46.2-864. Reckless driving on parking lots, etc.

A person is guilty of reckless driving who operates any motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person:

1. On any driveway or premises of a church, school, recreational facility, or business or governmental property open to the public; or

2. On the premises of any industrial establishment providing parking space for customers, patrons, or employees; or

3. On any highway under construction or not yet open to the public.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 2011, c. 280.

§ 46.2-865. Racing; penalty.

Any person who engages in a race between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth shall be guilty of reckless driving, unless authorized by the owner of the property or his agent. When any person is convicted of reckless driving under this section, in addition to any other penalties provided by law the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.

Code 1950, § 46-209.2; 1956, c. 686; 1958, c. 541, § 46.1-191; 1972, c. 33; 1984, c. 780; 1989, c. 727.

§ 46.2-865.1. Injuring another or causing the death of another while engaging in a race; penalties.
A. Any person who, while engaging in a race in violation of § 46.2-865 in a manner so gross, wanton and culpable as to show a reckless disregard for human life:

1. Causes serious bodily injury to another person who is not involved in the violation of § 46.2-865 is guilty of a Class 6 felony; or

2. Causes the death of another person is guilty of a felony punishable by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment.

B. Upon conviction, the court shall suspend the driver's license of such person for a period of not less than one year nor more than three years, and shall order the surrender of the license to be disposed of in accordance with the provisions of § 46.2-398.

2004, c. 859; 2006, c. 348.

§ 46.2-866. Racing; aiders or abettors.
Any person, although not engaged in a race as defined in § 46.2-865, who aids or abets any such race, shall be guilty of a Class 1 misdemeanor.

1968, c. 575, § 46.1-191.1; 1989, c. 727.

§ 46.2-867. Racing; seizure of motor vehicle.
If the owner of a motor vehicle (i) is convicted of racing such vehicle in a prearranged, organized, and planned speed competition in violation of § 46.2-865, (ii) is present in the vehicle which is being operated by another in violation of § 46.2-865, and knowingly consents to the racing, or (iii) is convicted of a violation of § 46.2-865.1, the vehicle shall be seized and shall be forfeited to the Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law. Such sections shall apply mutatis mutandis.

The penalties imposed by these sections are in addition to any other penalty imposed by law.

1972, c. 702, § 46.1-191.2; 1989, c. 727; 1993, c. 866; 2004, c. 859; 2012, cc. 283, 756.

§ 46.2-868. (Effective until January 1, 2021) Reckless driving; penalties.
A. Every person convicted of reckless driving under the provisions of this article is guilty of a Class 1 misdemeanor.

B. Every person convicted of reckless driving under the provisions of this article who, when he committed the offense, (i) was driving without a valid operator's license due to a suspension or revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving, caused the death of another, is guilty of a Class 6 felony.

C. The punishment for every person convicted of reckless driving under the provisions of this article who, when he committed the offense, was in violation of § 46.2-1078.1 shall include a mandatory minimum fine of $250.

Code 1950, § 46-210; 1950, p. 691; 1952, Ex. Sess., c. 16; 1958, c. 541, § 46.1-192; 1962, c. 302; 1970, c. 337; 1980, cc. 29, 221; 1989, c. 727; 2004, c. 349; 2013, cc. 752, 790; 2020, c. 250.

§ 46.2-868. (Effective January 1, 2021) Reckless driving; penalties.

A. Every person convicted of reckless driving under the provisions of this article is guilty of a Class 1 misdemeanor.

B. Every person convicted of reckless driving under the provisions of this article who, when he committed the offense, (i) was driving without a valid operator's license due to a suspension or revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving, caused the death of another, is guilty of a Class 6 felony.

C. The punishment for every person convicted of reckless driving under the provisions of this article who, when he committed the offense, was in violation of § 46.2-818.2 shall include a mandatory minimum fine of $250.

Code 1950, § 46-210; 1950, p. 691; 1952, Ex. Sess., c. 16; 1958, c. 541, § 46.1-192; 1962, c. 302; 1970, c. 337; 1980, cc. 29, 221; 1989, c. 727; 2004, c. 349; 2013, cc. 752, 790; 2020, cc. 250, 543.

§ 46.2-868.1. Aggressive driving; penalties.

A. A person is guilty of aggressive driving if (i) the person violates one or more of the following: § 46.2-802 (Drive on right side of highways), § 46.2-804 (Failure to observe lanes marked for traffic), § 46.2-816 (Following too closely), § 46.2-821 (Vehicles before entering certain highways shall stop or yield right-of-way), § 46.2-833.1 (Evasion of traffic control devices), § 46.2-838 (Passing when overtaking a vehicle), § 46.2-841 (When overtaking vehicle may pass on right), § 46.2-842 (Driver to give way to overtaking vehicle), § 46.2-842.1 (Driver to give way to certain overtaking vehicles on divided highway), § 46.2-843 (Limitations on overtaking and passing), any provision of Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 (Speed), or § 46.2-888 (Stopping on highways); and (ii) that person is a hazard to another person or commits an offense in clause (i) with the intent to harass, intimidate, injure or obstruct another person.

B. Aggressive driving shall be punished as a Class 2 misdemeanor. However, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. In addition to the penalties described in this subsection, the court may require successful completion of an aggressive driving program.

2002, cc. 752, 782.

§ 46.2-869. Improper driving; penalty.

Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with reckless driving where the degree of culpability is slight, the court in its discretion may find the accused not

guilty of reckless driving but guilty of improper driving. However, an attorney for the Commonwealth may reduce a charge of reckless driving to improper driving at any time prior to the court's decision and shall notify the court of such change. Improper driving shall be punishable as a traffic infraction punishable by a fine of not more than $500.

1966, c. 511, § 46.1-192.2; 1972, c. 278; 1989, c. 727; 1990, c. 770; 2000, c. 340.

Article 8 - SPEED

§ 46.2-870. Maximum speed limits generally.

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on (i) interstate highways; (ii) multilane, divided, limited access highways; and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on U.S. Route 17, U.S. Route 23, U.S. Route 29, U.S. Route 58, U.S. Alternate Route 58, U.S. Route 301, U.S. Route 360, U.S. Route 460, U.S. Route 501 between the Town of South Boston and the North Carolina state line, State Route 3, and State Route 207 where such routes are nonlimited access, multilane, divided highways.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, §§ 46.1-193, 46.1-401; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1975, c. 533; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1986, c. 639; 1988, cc. 662, 897; 1989, cc. 276, 526, 727; 1992, c. 598; 1994, c. 423; 1996, c. 1; 1998, cc. 546, 560; 1999, c. 142; 2001, c. 298; 2002, c. 872; 2003, c. 838; 2004, c. 696; 2005, cc. 266, 267, 268; 2006, c. 213; 2007, cc. 222, 544; 2010, cc. 26, 56; 2014, c. 91; 2018, cc. 160, 339, 340, 345.

§ 46.2-871. Maximum speed limit for school buses.

The maximum speed limit for school buses shall be 45 miles per hour or the minimum speed allowable, whichever is greater, on any highway where the maximum speed limit is 55 miles per hour or less, and 60 miles per hour on all interstate highways and on other highways where the maximum speed limit is more than 55 miles per hour.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 1993, c. 278; 1994, c. 676; 1999, c. 166; 2006, c. 416; 2007, c. 98.

§ 46.2-872. Maximum speed limits for vehicles operating under special permits.

The maximum speed limit shall be fifty-five miles per hour on any highway having a posted speed limit of fifty-five miles or more per hour if the vehicle or combination of vehicles is operating under a special permit issued by the Commissioner in accordance with § 46.2-1139 or § 46.2-1149.2. The Commissioner may, however, further reduce the speed limit on any permit issued in accordance with § 46.2-1139.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 1995, c. 113; 1996, cc. 36, 87; 1998, c. 439.

§ 46.2-873. Maximum speed limits at school crossings; penalty.

A. For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.

B. The maximum speed limit shall be twenty-five miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway and bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than 600 feet from the limits of the school property or crossing in the vicinity of the school. However, "school crossing" signs may be placed in any location if the Department of Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town, such portable signs shall be furnished and delivered by the Department of Transportation. The principal or chief administrative officer of each school or a school board designee, preferably not a classroom teacher, shall place such portable signs in the highway at a point not more than 600 feet from the limits of the school property and remove such signs when their presence is no longer required by this section. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction, but shall not be placed so as to obstruct the roadway.

C. Such portable signs, tilt-over signs, or blinking signs shall be in a position, or be turned on, for thirty minutes preceding regular school hours, for thirty minutes thereafter, and during such other times as the presence of children on such school property or going to and from school reasonably requires a

special warning to motorists. The governing body of any county, city, or town may, however, decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or lit if it determines that no children will be going to or from school during the period of time that it subtracts from the thirty-minute period.

D. The governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

E. The governing body of a county within Planning District 8 may, if the portion of the highway to be posted is within the limits of such county, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

F. The City of Virginia Beach may establish school zones as provided in this section and mark such zones with flashing warning lights as provided in this section on and along all highways adjacent to Route 58.

G. Any person operating any motor vehicle in excess of a maximum speed limit established specifically for a school crossing zone, when such school crossing zone is (i) indicated by appropriately placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection B of this section shall be guilty of a traffic infraction punishable by a fine of not more than $250, in addition to other penalties provided by law.

H. Notwithstanding the foregoing provisions of this section, the maximum speed limit in school zones in residential areas may be decreased to fifteen miles per hour if (i) the school board having jurisdiction over the school nearest to the affected school zone passes a resolution requesting the reduction of the maximum speed limit for such school zone from twenty-five miles per hour to fifteen miles per hour and (ii) the local governing body of the jurisdiction in which such school is located enacts an ordinance establishing the speed-limit reduction requested by the school board.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 1990, c. 928; 1994, c. 157; 1997, cc. 629, 781; 2007, c. 813; 2015, cc. 459, 460.

§ 46.2-873.1. Maximum speed limit on nonsurface-treated highways.

The maximum speed limit on nonsurface-treated highways, which are roads that are comprised of an earth-aggregate or aggregate surface (i.e., dirt and gravel) that have not been stabilized with a

bituminous or cementitious material, shall be 35 miles per hour. The maximum speed limit upon such highways may be increased or decreased by the Commissioner of Highways or other authority having jurisdiction over highways. However, such increased or decreased maximum speed limit shall be effective only when indicated by sign on the highway. For such highways upon which maximum speed limit is not indicated by sign, the maximum speed limit shall be 35 miles per hour.

2000, c. 262; 2004, c. 719; 2005, cc. 239, 804; 2009, c. 74; 2010, cc. 19, 48; 2011, c. 29; 2012, c. 207; 2014, cc. 80, 261.

§ 46.2-873.2. Maximum speed limit on rural rustic roads.

The maximum speed limit on any highway designated a rural rustic road pursuant to § 33.2-332 shall be 35 miles per hour; however, all speed limits on rural rustic roads in effect on July 1, 2008, shall remain in effect unless and until changed subsequent to a traffic engineering study.

2008, c. 165.

§ 46.2-874. Maximum speed limit in business and residence districts.

The maximum speed shall be 25 miles per hour on highways in business or residence districts, except on interstate or other limited access highways with divided roadways or nonlimited access highways having four or more lanes and all state primary highways. The speed limit on all nonlimited access highways having four or more lanes and all state primary highways shall remain as indicated by signs posted prior to July 1, 2005, unless changed as provided by law.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 2005, c. 310.

§ 46.2-874.1. Exceptions to maximum speed limits in residence districts; penalty.

A. The governing body of any town with a population between 14,000 and 15,000 may by ordinance (i) prohibit the operation of a motor vehicle at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit in a residence district and (ii) provide that any person who violates the prohibition shall be subject to a mandatory civil penalty of $100, not subject to suspension.

B. The governing body of the City of Falls Church, or the City of Manassas may by ordinance (i) prohibit the operation of a motor vehicle at a speed of fifteen miles per hour or more in excess of the applicable maximum speed limit in a residence district, as defined in § 46.2-100 of the Code of Virginia, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, and (ii) provide that any person who violates the prohibition shall be subject to a civil penalty of $100, in addition to other penalty provided by law.

1999, c. 865; 2000, c. 957; 2007, c. 813.

§ 46.2-875. Maximum speed limit on certain other highways in cities and towns.

The maximum speed limit shall be 35 miles per hour on highways in any city or town, except on interstate or other limited access highways with divided roadways and in business or residence districts.

However, municipalities that maintain their own roads may increase or decrease speed limits on highways over which they have jurisdiction following appropriate traffic engineering investigation.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 2011, c. 182.

§ 46.2-876. Maximum speed limit for passenger vehicles towing certain trailers.

The maximum speed limit for passenger motor vehicles while towing utility, camping, or boat trailers not exceeding an actual gross weight of 2,500 pounds shall be the same as that for passenger motor vehicles.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727.

§ 46.2-877. Minimum speed limits.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Whenever the Commissioner of Highways or local authorities within their respective jurisdictions determine on the basis of a traffic engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commissioner or such local authority may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727.

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, the Commissioner of Highways or other authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and may increase or decrease the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering investigation and when indicated on the highway by signs. It shall be unlawful to operate any motor vehicle in excess of speed limits established and posted as provided in this section. The increased or decreased speed limits over highways under the control of the Commissioner of Highways shall be

effective only when prescribed in writing by the Commissioner of Highways and kept on file in the Central Office of the Department of Transportation. Whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section.

B. Notwithstanding any other provision of this article, including the provisions of subsection A, the governing body of any town located entirely within the confines of a United States military base may by ordinance reduce the speed limit to less than 25 miles per hour on any highway within its boundaries, provided such reduced speed limit is indicated by lawfully placed signs.

Code 1950, § 46-212; 1950, p. 881; 1952, c. 666; 1954, c. 244; 1956, c. 364; 1958, c. 541, § 46.1-193; 1960, c. 153; 1962, c. 307; 1964, cc. 118, 408; 1966, c. 85; 1968, c. 641; 1972, cc. 89, 546, 553, 608; 1974, c. 528; 1977, c. 577; 1978, c. 605; 1980, c. 347; 1989, c. 727; 1990, c. 779; 1993, c. 98; 2013, c. 303.

§ 46.2-878.1. Maximum speed limits in highway work zones; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established specifically for a highway work zone, when workers are present and when such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of not more than $500.

For the purposes of this section, "highway work zone" means a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs and, for projects covered by contracts entered into on or after July 1, 2012, with attached flashing lights or other traffic control devices indicating that work is in progress.

Nothing in this section shall preclude the prosecution or conviction for reckless driving of any motor vehicle operator whose operation of any motor vehicle in a highway work zone, apart from speed, demonstrates a reckless disregard for life, limb, or property.

1992, c. 462; 1995, c. 54; 2003, c. 839; 2012, c. 397.

§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a county, city, or town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of $200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service. The Commissioner of Highways or any local governing body having jurisdiction over highways shall develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude highways, functionally classified as minor arterials, serving areas that either (i) were built as residential developments or (ii) have grown to resemble residential developments, provided, in either case, (a) such highways are

experiencing documented speeding problems and (b) the local governing body requests the application of this section to such highway. Such signs may be installed in any town and shall not require the approval of the county within which such town is located. Any such signs installed in any town shall be paid for by the town requesting the installation of the signs, or out of the county's secondary system construction allocation.

1996, c. 172; 1999, c. 87; 2002, c. 882; 2004, c. 350; 2006, c. 547; 2013, cc. 585, 646.

§ 46.2-878.2:1. Maximum speed limits on certain roads.

Operation of any motor vehicle in excess of the maximum speed limit established for U.S. Route 15 and U.S. Route 17 in Fauquier County, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and shall constitute a traffic infraction punishable by a fine of $15, in addition to other penalties provided by law. Subject to the issuance of a permit by the Commissioner of Highways, the county may, at its own expense, install and maintain such signs.

2020, c. 892.

§ 46.2-878.3. Prepayment of fines for violations of speed limits.

Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of $6 per mile-per-hour in excess of posted speed limits provided for in this article. However, such Traffic Infractions and Uniform Fine Schedule shall include a fine of $7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and $8 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2. Any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of $100.

2003, c. 838; 2010, c. 874; 2011, c. 890; 2020, cc. 444, 445.

§ 46.2-879. No conviction for speeding in certain areas unless markers installed.

No person shall be convicted of a violation of a statute or an ordinance enacted by local authorities pursuant to the provisions of § 46.2-1300 decreasing the speed limit established in this article when such person has exceeded the speed limit in an area where the speed limit has been decreased unless such area is clearly indicated by a conspicuous marker at the termini of such area.

Code 1950, § 46-212.1; 1954, c. 643; 1958, c. 541, § 46.1-194; 1962, c. 307; 1989, c. 727.

§ 46.2-880. Tables of speed and stopping distances.

All courts shall take notice of the following tables of speed and stopping distances of motor vehicles, which shall not raise a presumption, in actions in which inquiry thereon is pertinent to the issues:

a	SPEED IN	AVERAGE STOPPING DISTANCES		TOTAL STOPPING
b			Avg Driver	DISTANCES:

c				Truck Brakes	Perception-	DRIVER AND	
d	Miles	Feet	Automobile	Brakes on	Reaction Time		
e	Per	Per	Brakes	All Wheels	(1.5 Seconds)	Automobiles	Trucks
f	Hour	Second	(In Feet)	(In Feet)	(In Feet)	(In Feet)	(In Feet)
g	10	14.7	5	6	22	27	28
h	15	22.0	11	14	33	44	47
i	20	29.3	19	25	44	63	69
j	25	36.7	30	40	55	85	96
k	30	44.0	43	57	66	109	123
l	35	51.3	58	78	77	135	155
m	40	58.7	76	102	88	164	190
n	45	66.0	96	129	99	195	228
o	50	73.3	119	159	110	229	269
p	55	80.7	144	192	121	265	313
q	60	88.0	171	229	132	303	361
r	65	95.3	201	268	143	344	411
s	70	102.7	233	311	154	387	465
t	75	110.0	268	357	165	433	522
u	80	117.3	305	406	176	481	582
v	85	124.7	344	459	187	531	646
w	90	132.0	386	514	198	584	712
x	95	139.3	430	573	209	639	782
y	100	146.7	476	635	220	696	855

The courts shall further take notice that the above table has been constructed, using scientific reasoning, to provide factfinders with an average baseline for motor vehicle stopping distances: (1) for a vehicle in good condition and (2) on a level, dry stretch of highway, free from loose material.

Deviations from these circumstances do not negate the usefulness of the table, but rather call for additional site-specific examination and/or explanation.

Site-specific research may be utilized under any circumstances.

Code 1950, § 46-212.2; 1956, c. 600; 1958, c. 541, § 46.1-195; 1989, c. 727; 2001, c. 145; 2003, c. 277.

§ 46.2-881. Special speed limitation on bridges, tunnels and interstates.

It shall be unlawful to drive any motor vehicle, trailer, or semitrailer on any public bridge, causeway, viaduct, or in any tunnel, or on any interstate at a speed exceeding that indicated as a maximum by signs posted thereon or at its approach by or on the authority of the Commissioner of Highways.

The Commissioner of Highways, on request or on his own initiative, may conduct an investigation of any public bridge, causeway, viaduct, tunnel, or interstate and, on the basis of his findings, may set

the maximum speed of vehicles which such structure or roadway can withstand or which is necessitated in consideration of the benefit and safety of the traveling public and the safety of the structure or roadway. The Commissioner of Highways is expressly authorized to establish and indicate variable speed limits on such structures or roadways to be effective under such conditions as would in his judgment, warrant such variable limits, including but not limited to darkness, traffic conditions, atmospheric conditions, weather, emergencies, and like conditions which may affect driving safety. Any speed limits, whether fixed or variable, shall be prominently posted in such proximity to such structure or roadway as deemed appropriate by the Commissioner of Highways. The findings of the Commissioner shall be conclusive evidence of the maximum safe speed which can be maintained on such structure or roadway.

Code 1950, § 46-215; 1958, c. 541, § 46.1-196; 1966, c. 85; 1977, c. 259; 1989, c. 727; 2006, c. 139.

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100. The speed of motor vehicles may be determined by the use of a photo speed monitoring device as authorized in § 46.2-882.1. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, microcomputer device, or photo speed monitoring device as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (a) the speedometer of any vehicle, (b) any tuning fork employed in calibrating or testing the radar or other speed determination device, or (c) any other method employed in calibrating or testing any laser speed determination device or photo speed monitoring device, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of any device other than a photo speed monitoring device shall be valid for longer than six months. No calibration or testing of a photo speed monitoring device shall be valid for longer than 12 months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device,

radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section. All localities may use radar and laser speed determination devices to measure speed. State Police officers and local law-enforcement may use photo speed monitoring devices to measure speed as authorized in § 46.2-882.1. The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.

The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

Code 1950, § 46-215.2; 1954, c. 313; 1956, c. 216; 1958, c. 541, § 46.1-198; 1966, c. 585; 1968, c. 497; 1974, c. 554; 1984, c. 357; 1986, c. 530; 1988, c. 712; 1989, c. 727; 1990, cc. 691, 974; 1991, c. 345; 1994, c. 734; 1997, c. 33; 1998, c. 423; 1999, cc. 693, 694, 698, 724, 729, 733; 2000, cc. 354, 357, 365; 2002, c. 109; 2003, cc. 608, 965; 2006, c. 930; 2007, c. 231; 2020, c. 1232.

§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones and school crossing zones; civil penalty.

A. For the purposes of this section:

"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § 46.2-873.

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1.

1. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil

penalty shall not exceed $100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund.

2. If a photo speed monitoring device is used, proof of a violation of § 46.2-873 or 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-873 or 46.2-878.1.

3. In the prosecution for a violation of § 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-873 or 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a violation of § 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

5. A summons for a violation of § 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the

address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

6. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § 46.2-873 or 46.2-878.1. Any such information provided to such private vendor shall be protected in a database.

7. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate the provisions of this section or § 46.2-873 or 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the

enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or § 46.2-873 or 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of $1,000 per disclosure.

8. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

9. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

2020, c. 1232.

§ 46.2-883. Signs indicating legal rate of speed and measurement of speed by radar.

Signs to indicate the legal rate of speed and that the speed of motor vehicles may be measured by radar or other electrical devices shall be placed at or near the State boundary on those interstate and primary highways which connect the Commonwealth to other jurisdictions at such locations as the Commissioner of Highways, in his discretion, may select. There shall be a prima facie presumption that such signs were placed at the time of the commission of the offense of exceeding the legal rate of speed, and a certificate by the Commissioner of Highways as to the placing of such signs shall be admissible in evidence to support or rebut the presumption. Such legal rate of speed and notice of measurement of speed by radar or other electrical devices may be posted on different signs and need not be posted on the same sign.

1968, c. 497, § 46.1-198.2; 1989, c. 727.

Article 9 - RAILROAD CROSSINGS

§ 46.2-884. Railroad warning signals must be obeyed.

No person driving a vehicle shall disobey a clearly visible or audible crossing signal which gives warning of the immediate approach of a train at a railroad grade crossing.

Code 1950, § 46-253; 1958, c. 541, § 46.1-243; 1989, c. 727.

§ 46.2-885. When vehicles to stop at railroad grade crossings.

A. Except in cities or towns, whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

2. A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a train;

3. A train approaching such crossing gives the signals required by § 56-414;

4. An approaching train or any self-propelled machinery or automobile type vehicle traveling on a railroad track is plainly visible and is in hazardous proximity to such crossing, regardless of whether a clearly visible electric or mechanical signal device or flagman gives warning.

B. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Code 1950, § 46-254; 1956, c. 164; 1958, c. 541, § 46.1-244; 1989, c. 727; 2012, c. 828.

§ 46.2-886. When drivers of certain vehicles to stop, look, and listen at railroad crossings; crossing tracks without shifting gears.

Except in cities or towns, the driver of any motor vehicle carrying passengers for hire, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any railroad track, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided in this section, and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing the crossing.

Before crossing any railroad tracks at grade, the driver of any school bus shall stop the school bus within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while stopped shall listen and look in both directions along the track for any approaching train, except as hereinafter provided in this section, and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of any school bus shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing the crossing.

Notwithstanding the foregoing provisions of this section, no stop need be made at any such crossing where a law-enforcement officer or a traffic-control signal directs traffic to proceed.

Code 1950, § 46-254.1; 1956, c. 164; 1958, c. 541, § 46.1-245; 1989, c. 727.

§ 46.2-887. Moving crawler-type tractors, steam shovels, derricks, rollers, etc., over railroad grade crossings.

Except in cities or towns, no person shall move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, on or across any tracks at a railroad grade crossing without first complying with this section.

Notice of any intended crossing shall be given to a station agent of the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

Before making any such crossing, the person moving any such vehicle or equipment shall first stop it not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

No such crossing shall be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a train. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Code 1950, § 46-254.2; 1956, c. 164; 1958, c. 541, § 46.1-246; 1989, c. 727.

Article 10 - Stopping on Highways

§ 46.2-888. Stopping on highways; removing motor vehicle from roadway.

A. No person shall stop a vehicle in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency, an accident, or a mechanical breakdown.

B. In the event of such an emergency, accident, or breakdown, the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are in working order. If the driver is capable of safely doing so, the vehicle is movable, and there are no injuries or deaths resulting from the emergency, accident, or breakdown, the driver shall move the vehicle from the roadway to prevent obstructing the regular flow of traffic, provided, however, that the movement of the vehicle to prevent the obstruction of traffic shall not relieve the law-enforcement officer of his duty pursuant to § 46.2-373. A report of the vehicle's location shall be made to the nearest law-enforcement officer as soon as practicable, and the vehicle shall be moved from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. If the vehicle is not promptly removed, such removal may be ordered by a law-enforcement officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

C. (Contingent expiration date – see Editor's note) In the event of an accident on any part of Interstate 66 where a HOT lane as defined in § 33.2-500 is under construction and the shoulders of Interstate 66 are being or have been removed, the driver shall move the vehicle from the roadway to the nearest pull-off area if the driver is capable of safely doing so, the vehicle is movable, and there are no injuries

or deaths resulting from the accident, provided, however, that the movement of the vehicle shall not relieve the law-enforcement officer of his duty pursuant to § 46.2-373. For purposes of this subsection, "pull-off area" includes an exit ramp or otherwise agreed-upon location. A violation of this subsection is a traffic infraction punishable by a fine of $20.

Code 1950, § 46-256; 1952, c. 671; 1958, c. 541, § 46.1-248; 1962, c. 175; 1972, c. 63; 1974, c. 230; 1977, cc. 284, 326; 1985, c. 93; 1989, c. 727; 1997, c. 431; 2008, c. 737; 2017, c. 350; 2019, c. 265.

§ 46.2-889. Location of parked vehicles.

No vehicle shall be stopped except close to and parallel to the right edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left curb or edge of the roadway on one-way streets or may be parked at an angle where permitted by the Commonwealth Transportation Board, the Department, or local authorities with respect to highways under their jurisdiction.

Code 1950, § 46-256; 1952, c. 671; 1958, c. 541, § 46.1-248; 1962, c. 175; 1972, c. 63; 1974, c. 230; 1977, cc. 284, 326; 1985, c. 93; 1989, c. 727; 2013, cc. 585, 646.

§ 46.2-890. Stopping in vicinity of fire or emergency.

No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident, or other area of emergency, in such a manner as to create a traffic hazard or interfere with law-enforcement officers, fire fighters, rescue workers, or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of a fire, accident, or area of emergency may be removed by order of a law-enforcement officer or, in the absence of a law-enforcement officer, by order of the uniformed fire or rescue officer in charge, at the risk and expense of the owner if such vehicle creates a traffic hazard or interferes with the necessary procedures of law-enforcement officers, fire fighters, rescue workers, or others whose assigned duty it is to deal with such emergencies. The charge for such removal shall not exceed the actual and necessary cost. Vehicles being used by accredited information services, such as press, radio, and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the law-enforcement officers, fire fighters, and rescue workers dealing with such emergencies.

Code 1950, § 46-256; 1952, c. 671; 1958, c. 541, § 46.1-248; 1962, c. 175; 1972, c. 63; 1974, c. 230; 1977, cc. 284, 326; 1985, c. 93; 1989, c. 727.

§ 46.2-891. Exemption for highway construction and maintenance vehicles.

The provisions of this article shall not apply to any vehicle owned or controlled by the Virginia Department of Transportation or counties, cities or towns, while actually engaged in the construction, reconstruction, maintenance, or emergency road clearance of highways.

Code 1950, § 46-256; 1952, c. 671; 1958, c. 541, § 46.1-248; 1962, c. 175; 1972, c. 63; 1974, c. 230; 1977, cc. 284, 326; 1985, c. 93; 1989, c. 727; 2007, cc. 189, 918.

§ 46.2-892. Rural mail carriers stopping on highways.

The provisions of § 46.2-888 shall not apply to any rural mail carrier stopping on the highway while collecting or delivering the United States mail at a mailbox, provided there is lettered on the back of the

vehicle operated by such rural mail carrier, or lettered on a sign securely attached to and displayed at the rear of such vehicle, in letters at least four inches in height the following words and groups of words, which may be in any order:

CAUTION

FREQUENT STOPS

U.S. MAIL

Additionally, the provisions of § 46.2-888 shall not apply to such rural mail carrier so stopping if, in lieu of such sign, the vehicle has, and is using, supplemental turn signals mounted at each side of the roof of the vehicle. Between the lights on the assembly shall be mounted a sign with the words "U.S. Mail", or at least one flashing amber warning light, mounted on the roof or rear of the vehicle, to be used in conjunction with a rear-mounted "U.S. Mail" sign.

The roof-mounted "U.S. Mail" sign required by the foregoing provisions of this section shall be yellow with black letters at least four inches in height, and the lights shall be of the type approved by the Superintendent of State Police. The lettered sign shall be displayed only when the vehicle is engaged in the collection or delivery of the United States mail.

Nothing in this section shall be construed to relieve any such mail carrier from civil liability for such stopping on any highway if he is negligent in so doing, and if the negligence proximately contributes to any personal injury or property damage resulting therefrom.

Code 1950, § 46-256.1; 1954, c. 433; 1958, c. 541, § 46.1-249; 1962, c. 382; 1989, c. 727; 1998, c. 411; 2004, c. 359; 2005, c. 140.

§ 46.2-893. Stopping on highways to discharge cargo or passengers; school buses.

No truck or bus, except a school bus, shall be stopped wholly or partially on the traveled portion of any highway outside of cities and towns for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the highway with safety. A school bus may be stopped on the traveled portion of the highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

Code 1950, § 46-257; 1950, p. 941; 1956, c. 505; 1958, c. 541, § 46.1-250; 1960, c. 256; 1989, c. 727.

Article 11 - ACCIDENTS

§ 46.2-894. Duty of driver to stop, etc., in event of accident involving injury or death or damage to attended property; penalty.

The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic, as provided in § 46.2-888, and report his name, address, driver's license number, and vehicle registration number forthwith to the State Police or local

law-enforcement agency, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property. The driver shall also render reasonable assistance to any person injured in such accident, including taking such injured person to a physician, surgeon, or hospital if it is apparent that medical treatment is necessary or is requested by the injured person.

Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-enforcement agency and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property, and report to such person or persons his name, address, driver's license number, and vehicle registration number.

Any person convicted of a violation of this section is guilty of (i) a Class 5 felony if the accident results in injury to or the death of any person, or if the accident results in more than $1000 of damage to property or (ii) a Class 1 misdemeanor if the accident results in damage of $1000 or less to property.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727; 1997, c. 431; 2001, c. 808; 2002, c. 115; 2005, c. 131.

§ 46.2-895. Duty of certain persons accompanying driver to report accidents involving injury, death, or damage to attended property.

If the driver fails to stop and make the report required by § 46.2-894, every person sixteen years of age or older in the vehicle with the driver at the time of the accident, who has knowledge of the accident, shall have a duty to ensure that a report is made within twenty-four hours from the time of the accident to the State Police or, if the accident occurs in a city or town, to the local law-enforcement agency. The report shall include his name, address, and such other information within his knowledge as the driver is required to report pursuant to § 46.2-894.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727.

§ 46.2-896. Duties of driver in event of accident involving damage only to unattended property.

The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other unattended property is damaged, shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver is required to report pursuant to § 46.2-894 if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note or other sufficient information including driver identification and contact information in a conspicuous place at the scene of the accident and shall report the accident in writing within 24 hours to the State Police or the local law-enforcement agency. Such note or other information and written report shall contain the information that the driver is required to report pursuant to § 46.2-894. The written report

shall, in addition, state the date, time, and place of the accident and the driver's description of the property damage.

Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-enforcement agency and make a reasonable effort to locate the owner or custodian of the unattended vehicle or property and report to him the information required by § 46.2-894.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727; 1997, c. 431; 2005, c. 137.

§ 46.2-897. Duty of certain persons accompanying driver to report accidents involving damage only to unattended property.

If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by § 46.2-896, every person sixteen years of age or older in the vehicle with the driver at the time of the accident who has knowledge of the accident shall have a duty to ensure that a report is made within twenty-four hours from the time of the accident to the State Police or, if the accident occurs in a city or town, to the local law-enforcement agency. The report shall include his name, address, and such other facts within his knowledge as are required by § 46.2-896 to be reported by the driver.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727.

§ 46.2-898. Reports are in addition to others.

The reports required by §§ 46.2-894 through 46.2-897 are in addition to other accident reports required by this title and shall be made irrespective of the amount of property damage involved.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727.

§ 46.2-899. Article applies to accidents on private or public property.

The provisions of this article shall apply irrespective of whether such accident occurs on the public streets or highways or on private property.

Code 1950, § 46-189; 1958, c. 541, § 46.1-176; 1970, c. 59; 1977, c. 267; 1982, c. 503; 1984, c. 780; 1989, c. 727.

§ 46.2-900. Penalty for violation of §§ 46.2-895 through 46.2-897.

Any person convicted of violating the provisions of §§ 46.2-895 through 46.2-897 shall, if such accident results in injury to or the death of any person, be guilty of a Class 6 felony. If such accident results only in damage to property, the person so convicted shall be guilty of a Class 1 misdemeanor; however, if the vehicle or other property struck is unattended and such damage is less than $250, such person shall be guilty of a Class 4 misdemeanor. A motor vehicle operator convicted of a Class 4

misdemeanor under this section shall be assigned three demerit points by the Commissioner of the Department of Motor Vehicles.

Code 1950, § 46-190; 1958, c. 541, § 46.1-177; 1962, c. 302; 1973, c. 8; 1979, c. 653; 1989, c. 727; 1992, c. 279; 2001, c. 808.

§ 46.2-901. Suspension of driver's license for failure to report certain accidents.
Any person convicted of violating the provisions of §§ 46.2-894 through 46.2-897 may be punished, in addition to the penalties provided in §§ 46.2-894 and 46.2-900, if such accident resulted only in damage to property and such damage exceeded $500, by suspension of his license or privilege to operate a motor vehicle on the highways of the Commonwealth for a period not to exceed six months by the court. This section shall in no case be construed to limit the authority or duty of the Commissioner with respect to revocation of licenses for violation of §§ 46.2-894 through 46.2-897 as provided in Article 10 (§ 46.2-364 et seq.) of Chapter 3 of this title. Any license revoked under the provisions of this section shall be surrendered to the court to be disposed of in accordance with the provisions of § 46.2-398.

1968, c. 493, § 46.1-177.1; 1984, c. 780; 1989, c. 727; 2001, c. 808.

§ 46.2-902. Leaving scene of accident when directed to do so by officer.
A person shall leave the scene of a traffic accident when directed to do so by a law-enforcement officer.

Code 1950, § 46-258; 1958, c. 541, § 46.1-251; 1989, c. 727.

§ 46.2-902.1. Officer may require certain motorists to furnish proof of insurance or payment of fee for registration of an uninsured motor vehicle; penalty.
Any law-enforcement officer present at the scene of a motor vehicle accident as to which a law-enforcement officer is required by § 46.2-373 to file an accident report with the Department may require the operator of any motor vehicle involved in such accident to furnish proof that the vehicle he was operating at the time of such accident was either (i) an insured motor vehicle as defined in § 46.2-705 or (ii) a vehicle for which the fee required by § 46.2-706 for registration of an uninsured vehicle had been paid as to that vehicle. Failure to furnish proof of insurance or payment of the uninsured vehicle registration fee when required by a law-enforcement officer as provided in this section within thirty days shall constitute a Class 2 misdemeanor.

2002, c. 450.

Article 12 - Bicycles

§ 46.2-903. Riding or driving vehicles on sidewalks; exceptions.
No person shall ride or drive any vehicle on the sidewalks of any county, city, or town of the Commonwealth other than (i) an emergency vehicle, as defined in § 46.2-920; (ii) a vehicle engaged in snow or ice removal and control operations; (iii) a wheel chair or wheel chair conveyance, whether self-propelled or otherwise; (iv) a bicycle; (v) an electric personal assistive mobility device; (vi) an elec-

tric power-assisted bicycle; or (vii) unless otherwise prohibited by ordinance, a motorized skateboard or scooter.

Nothing in this section shall be construed to prohibit any public entity, in accordance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) and other applicable state and federal laws, from (a) allowing the use of other power-driven mobility devices, as that term is defined in § 10.1-204, by disabled individuals on a sidewalk or (b) requiring a user of an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability.

Code 1950, § 33-283; 1958, c. 541, § 46.1-229; 1964, c. 522; 1973, c. 158; 1974, c. 541; 1975, c. 187; 1978, c. 605; 1981, c. 585; 1989, c. 727; 1994, c. 116; 2001, c. 834; 2002, c. 254; 2019, cc. 182, 780.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates, skateboards, and personal delivery devices, and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be posted in general areas where use of roller skates, skateboards, and personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to, or otherwise not unreasonably interfere with, pedestrians.

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle or operate a personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a

roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances. A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.

Except as otherwise expressly provided, the governing body of a county, city, or town may not enact or enforce any ordinance or resolution related to (i) the design, manufacture, maintenance, licensing, registration, taxation, assessment or other charges, certification, or insurance of a personal delivery device or (ii) the types of property that may be transported by a personal delivery device.

A violation of any ordinance adopted pursuant to this section or any provision of this section shall be punishable by a civil penalty of not more than $50.

1981, c. 585, § 46.1-229.01; 1984, c. 124; 1989, c. 727; 1999, c. 943; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2006, cc. 529, 538; 2013, c. 783; 2017, cc. 251, 788; 2019, c. 780; 2020, c. 1269.

§ 46.2-904.1. Electric power-assisted bicycles.

A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.

B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of this Code relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.

C. 1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.

2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.

3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.

E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.

1. Following notice and a public hearing, a locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class one or class two electric power-assisted bicycles on such path, if it finds that such a restriction is necessary for public safety or compliance with other laws.

2. A locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class three electric power-assisted bicycles on such path.

3. A locality or state agency having jurisdiction over a trail may regulate the use of electric power-assisted bicycles on such trail. For purposes of this subdivision, "trail" means a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

2020, cc. 59, 260.

§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds on roadways and bicycle paths.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, except under any of the following circumstances:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;

4. When avoiding riding in a lane that must turn or diverge to the right; and

5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters on a highway shall not ride more than two abreast. Persons riding two abreast shall not impede the normal and reasonable movement of traffic, shall move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle, and, on a laned roadway, shall ride in a single lane.

Notwithstanding any other provision of law to the contrary, the Department of Conservation and Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path or trail designated by the Department for such use.

1974, c. 347, § 46.1-229.1; 1980, c. 130; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366; 2013, c. 783; 2019, c. 780.

§ 46.2-906. Carrying articles or passengers on bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds.

No person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on a highway shall carry any package, bundle, or article that prevents the driver from keeping at least one hand on the handlebars.

No bicycle or moped shall be used to carry more persons at one time than the number of persons for which it was designed or is equipped, except that an adult bicycle rider may carry a child less than six years old if such child is securely attached to the bicycle in a seat or trailer designed for carrying children.

1974, c. 347, § 46.1-229.2; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2006, cc. 529, 538; 2007, cc. 209, 366.

§ 46.2-906.1. Local ordinances may require riders of bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles to wear helmets.

The governing body of any county, city or town may, by ordinance, provide that every person 14 years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle, an electric personal assistive mobility device, a toy vehicle, or an electric power-assisted bicycle on any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

Violation of any such ordinance shall be punishable by a fine of $25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

Violation of any such ordinance shall not constitute negligence, or assumption of risk, 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 of any bicycle, electric personal assistive mobility device, toy vehicle, or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

1993, c. 924; 1994, c. 56; 1995, cc. 42, 671; 2001, c. 834; 2002, c. 254; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366.

§ 46.2-907. Overtaking and passing vehicles.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped may overtake and pass another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway as necessary to pass with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped may overtake and pass another vehicle only under conditions that permit the movement to be made with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped shall not travel between two lanes of traffic moving in the same direction, except where one lane is a separate turn lane or a mandatory turn lane.

Except as otherwise provided in this section, a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped shall comply with all rules applicable to the driver of a motor vehicle when overtaking and passing.

1981, c. 585, § 46.1-229.2:1; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2006, cc. 529, 538; 2013, c. 783.

§ 46.2-908. Registration of bicycle, electric personal assistive mobility device, electric personal delivery device, and electric power-assisted bicycle serial numbers.

Any person who owns a bicycle, electric personal assistive mobility device, electric personal delivery device, or electric power-assisted bicycle may register its serial number with the local law-enforcement agency of the political subdivision in which such person resides.

1975, c. 171, § 46.1-66.1; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2017, cc. 251, 788.

§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device at a speed faster than 25 miles per hour or (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed

greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

2001, c. 834; 2002, c. 254; 2006, cc. 529, 538; 2007, cc. 209, 366; 2009, c. 795; 2013, c. 783; 2017, cc. 251, 788; 2019, c. 780; 2020, cc. 59, 260, 1269.

§ 46.2-908.1:1. Personal delivery devices.

A. A personal delivery device is authorized to operate on any sidewalk or crosswalk located in any county, city, or town in the Commonwealth. If a sidewalk or crosswalk is not accessible or available, a personal delivery device is authorized to operate on the side of any roadway in the Commonwealth, provided that the roadway has a speed limit of 25 miles per hour or less and the personal delivery device does not unreasonably interfere with motor vehicles or traffic. A locality may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection, but may by ordinance adopt additional requirements designed to maintain safety for such roadway operation. The Commonwealth Transportation Board may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection but may by regulation adopt additional requirements designed to maintain safety for such roadway operation.

B. A personal delivery device shall:

1. Not block any public rights-of-way;

2. Obey all traffic and pedestrian control devices and signs;

3. Operate at a speed that does not exceed 10 miles per hour on sidewalks and crosswalks;

4. Include a unique identifying device number;

5. Include a means of identifying the personal delivery device operator that is in a position and of such a size to be clearly visible; and

6. Be equipped with a braking system that, when active or engaged, will enable such personal delivery device to come to a controlled stop.

C. Any personal delivery device transporting hazardous materials shall comply with the federal Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.) and any corresponding federal regulations. For purposes of this section, hazardous materials include ammunition.

D. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstance.

E. A personal delivery device operator shall maintain insurance that provides general liability coverage of at least $100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

F. Any entity or person who uses a personal delivery device to engage in criminal activity is criminally liable for such activity.

2017, cc. 251, 788; 2020, c. 1269.

Article 12.1 - LOW-SPEED VEHICLES

§ 46.2-908.2. Low-speed vehicles; required equipment.

Every low-speed vehicle operated upon a highway shall be equipped with head lights, brake lights, tail lights, reflex reflectors, an emergency or parking brake, an externally mounted rearview mirror, an internally mounted rearview mirror, a windshield, one or more windshield wipers, a speedometer, an odometer, braking for each wheel, a safety belt system, and a vehicle identification number.

2002, cc. 214, 234.

§ 46.2-908.3. Low-speed vehicles; operation on highways; license required; registration required; safety and emissions inspections not required.

Low-speed vehicles may be operated on public highways where the maximum speed limit is no greater than 35 miles per hour, but this limitation shall not prohibit the operation of low-speed vehicles across intersections with highways whose maximum speed limits are greater than 35 miles per hour. Operation of low-speed vehicles shall be prohibited on any highway where the Department of Transportation or the local governing body of the locality having control of the highway, as the case may be, has prohibited their operation in the interest of safety and such prohibition is indicated by conspicuously posted signs.

Low-speed vehicles shall be operated on public highways only by persons who hold driver's licenses or learner's permits issued as provided in Chapter 3 (§ 46.2-300 et seq.).

Low-speed vehicles shall be titled and registered as provided in Chapter 6 (§ 46.2-600 et seq.) and shall be subject to the same requirements as to insurance applicable to other motor vehicles under that chapter.

On or after October 1, 2013, low-speed vehicles titled and registered as provided in Chapter 6 (§ 46.2-600 et seq.) shall display license plates as provided in subsection D of § 46.2-711.

The operator of any low-speed vehicle being operated on the highways in the Commonwealth shall have in his possession: (i) the registration card issued by the Department or the registration card issued by the state or country in which the low-speed vehicle is registered, and (ii) his driver's license, learner's permit, or temporary driver's permit.

The provisions of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title shall not apply to low-speed vehicles.

2002, cc. 214, 234; 2011, c. 283; 2013, c. 783.

Article 13 - MOTORCYCLES AND MOPEDS AND ALL-TERRAIN VEHICLES

§ 46.2-909. Riding on motorcycles, generally.

Every person operating a motorcycle, as defined in § 46.2-100, excluding three-wheeled vehicles, shall ride only upon the permanent seat attached to the motorcycle, unless safety dictates standing on both footpegs for no longer than is necessary. Such operator shall not carry any other person, unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent seat if designed for two persons, or on another seat firmly attached to the rear or side of the seat for the operator. If the motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger.

Code 1950, §§ 46-183.1, 46-183.2; 1954, c. 204; 1958, c. 541, § 46.1-172; 1968, c. 498; 1970, cc. 29, 99; 1982, cc. 390, 681; 1989, cc. 6, 727; 2015, c. 218.

§ 46.2-910. Motorcycle and autocycle operators to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle or autocycle shall wear a face shield, safety glasses or goggles, or have his motorcycle or autocycle equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles or autocycles that have nonremovable roofs, windshields, and enclosed bodies shall not be required to wear protective helmets. The windshields, face shields, glasses or goggles, and protective helmets required by this section shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation. Failure to wear a face shield, safety glasses or goggles, or protective helmets shall not constitute negligence per se in any civil proceeding. The provisions of this section requiring the wearing of protective helmets shall not apply to operators of or passengers on

motorcycles or autocycles being operated (i) as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted and escorted, accompanied, or participated in by law-enforcement officers of the jurisdiction wherein the parade is held and (ii) at speeds of no more than 15 miles per hour.

No motorcycle or autocycle operator shall use any face shield, safety glasses, or goggles, or have his motorcycle or autocycle equipped with safety glass or a windshield, unless of a type either (i) approved by the Superintendent prior to July 1, 1996, or (ii) that meets or exceeds the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation and is marked in accordance with such standards.

B. It shall be unlawful to sell or offer for sale, for highway use in Virginia, any protective helmet that fails to meet or exceed any standard as provided in the foregoing provisions of this section. Any violation of this subsection is a Class 4 misdemeanor.

Code 1950, §§ 46-183.1, 46-183.2; 1954, c. 204; 1958, c. 541, § 46.1-172; 1968, c. 498; 1970, cc. 29, 99; 1982, cc. 390, 681; 1989, cc. 6, 727; 1996, c. 690; 1998, c. 789; 2014, cc. 53, 256.

§ 46.2-911. Repealed.

Repealed by Acts 1994, c. 51.

§ 46.2-911.1. Operation of motor-driven cycles on public highways prohibited.

No person shall operate a motor-driven cycle on or over any public highway in the Commonwealth.

2006, cc. 529, 538.

§ 46.2-912. Operating motorcycle without headlight, horn or rearview mirror.

A. Notwithstanding any other provision of law, motorcycles may be operated without headlights, horns, or rearview mirrors on public highways if all the following conditions are met:

1. The motorcycles are designed for use in trail riding and endurance runs;

2. The motorcycles are being driven by duly licensed persons;

3. The motorcycles are being operated between sunrise and sunset; and

4. The motorcycles are being operated during endurance runs sanctioned by the American Motorcycle Association.

B. No person shall operate motorcycles without such equipment on the public highways of the Commonwealth other than at the times and under the circumstances set forth in this section.

1970, c. 300, § 46.1-172.01; 1978, c. 605; 1989, c. 727.

§ 46.2-913. Vendors of certain motorcycles to furnish statements of registration and licensing requirements.

Every retailer of motorcycles having a rating of seven horsepower or less, shall provide written statements to every vendee regarding registration and licensing of such vehicles and the requirement of a motor vehicle driver's license.

1973, c. 72, § 46.1-172.02; 1978, c. 605; 1984, c. 780; 1989, c. 727.

§ 46.2-914. Limitations on operation of mopeds.

A. No moped shall be driven on any highway or public vehicular area faster than 35 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed, for all the purposes of this title, to be operating a motorcycle.

B. No moped shall be driven on any highway by any person under the age of 16, and every person driving a moped shall carry with him a government-issued form of photo identification that includes his name, address, and date of birth.

C. Operation of mopeds is prohibited on any Interstate Highway System component.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than $50.

Code 1950, §§ 46-1, 46-185, 46-186, 46-343; 1954, c. 59; 1958, cc. 501, 541, § 46.1-1; 1964, c. 618; 1966, c. 643; 1968, cc. 285, 641, 653, 685; 1972, cc. 433, 609; 1974, c. 347; 1975, cc. 382, 426; 1976, c. 372; 1977, cc. 252, 585; 1978, cc. 36, 550, 605; 1979, c. 100; 1980, c. 51; 1981, c. 585; 1983, c. 386; 1984, cc. 404, 780; 1985, c. 447; 1986, cc. 72, 613; 1987, c. 151; 1988, cc. 107, 452, 865; 1989, c. 727; 2004, c. 758; 2006, cc. 529, 538; 2008, c. 525; 2009, c. 795; 2013, c. 783.

§ 46.2-915. Stickers required on mopeds.

Any dealer who sells any moped at retail shall affix to any such moped, or verify that there is affixed thereto a permanent decal or sticker which states (i) that the operation of mopeds on highways and public vehicular areas by persons under the age of sixteen is prohibited by Virginia law, (ii) the maximum engine displacement or wattage of the moped, and (iii) the maximum speed at which the moped may be ridden.

Any dealer who sells any such moped which does not have affixed thereto such a permanent decal or sticker shall be guilty of a Class 1 misdemeanor.

1976, c. 264, § 46.1-172.03; 1981, c. 585; 1987, c. 344; 1989, c. 727; 2007, c. 111; 2013, c. 783.

§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or emergency medical services personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 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, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. 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.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, 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.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than $500.

F. The provisions of this section shall not apply:

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

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

G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

1989, c. 290, § 46.1-172.04; 1995, c. 670; 2001, c. 147; 2003, c. 313; 2006, c. 896; 2011, c. 822; 2015, cc. 502, 503.

§ 46.2-915.2. Safety equipment for mopeds; effect of violation; penalty.

Every person operating a moped, as defined in § 46.2-100, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars.

1989, c. 6, § 46.1-172; 2013, c. 783.

§ 46.2-916. Ordinances providing for the disposition of unregistered or unlicensed motorcycles.

The governing bodies of counties, cities, and towns may by ordinance provide for the lawful seizure, impounding and disposition of unlicensed or unregistered motorcycles operated either on the highways or on private property without the consent of the private property owner.

1974, c. 540; 1978, c. 17, § 46.1-229.3; 1989, c. 727.

Article 13.1 - GOLF CART AND UTILITY VEHICLE OPERATION

§ 46.2-916.1. Golf cart and utility vehicle operations on public highways not otherwise designated for such operation.

No person shall operate a golf cart or utility vehicle on or over any public highway in the Commonwealth except as provided in this article.

2004, c. 746.

§ 46.2-916.2. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city, or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.2-354.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, Clifton, Dendron, Irvington, Jarratt, Saxis, Urbanna, or Wachapreague.

D. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

E. The county, city, or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city, or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals, or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

F. Notwithstanding the other provisions of this section, employees of the Department of Conservation and Recreation may operate golf carts and utility vehicles on those portions of public highways located within Department of Conservation and Recreation property and on Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, provided the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.

2004, c. 746; 2006, c. 728; 2008, c. 196; 2009, cc. 68, 504; 2011, c. 469; 2012, c. 9; 2013, c. 64; 2014, c. 69; 2017, c. 357; 2019, c. 104.

§ 46.2-916.3. Limitations on golf cart and utility vehicle operations on designated public highways.
A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. However, a golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit of no more than 35

miles per hour and in the Town of Colonial Beach may cross any highway at an intersection marked as a golf cart crossing by signs posted by the Virginia Department of Transportation;

2. In towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town;

3. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;

4. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with § 46.2-1081; and

5. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 for different classes of vehicles.

B. The limitations of subdivision A 1 shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's 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 35 miles per hour;

2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less;

3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less;

4. On a secondary highway system component that has a posted speed limit of no more than 35 miles per hour and is within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway;

5. To the extent necessary for employees of the Department of Conservation and Recreation, operating only on highways located within Department of Conservation and Recreation property or upon Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, to fulfill a governmental purpose, provided that the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour; and

6. To cross a one-lane or two-lane highway from one portion of a venue hosting an equine event to another portion thereof if (i) the crossing occurs on the same day as such equine event, (ii) a temporary traffic control zone is established at such crossing with speed limits of no more than 35 miles per hour, and (iii) the crossing and highway vehicular traffic are being monitored and controlled by a uniformed law-enforcement officer.

C. The governing body of any county, city, or town may by ordinance impose additional restrictions or limitations on operations of golf carts, utility vehicles, or both, on public highways within its boundaries, provided that the restrictions or limitations imposed by any such ordinance are no less stringent than the restrictions and limitations contained in this article. In the event that any provision of any such ordinance conflicts with any provision of this section other than subdivision B 5, the provision of the ordinance shall be controlling.

2004, c. 746; 2008, c. 456; 2009, cc. 743, 835; 2010, c. 112; 2011, cc. 68, 140, 469; 2018, c. 112.

Article 14 - SCHOOL BUSES

§ 46.2-917. Operation of yellow motor vehicles of certain seating capacity on state highways prohibited; exceptions; penalty.

It shall be unlawful for any motor vehicle licensed in Virginia having a seating capacity of more than 15 persons to be operated on the highways of the Commonwealth if it is yellow, unless it is used in transporting students who attend public, private, or religious schools or used in transporting the elderly or mentally or physically handicapped persons.

Any violation of this section shall constitute a Class 1 misdemeanor.

1966, c. 586, § 46.1-169.1; 1968, c. 756; 1970, c. 521; 1989, c. 727; 2005, c. 928.

§ 46.2-917.1. School buses hired to transport children.

Notwithstanding § 46.2-917, any person may contract to hire school buses for the purpose of transporting students to or from school, camp, or any other place during any part of the year. All provisions of this title applicable to school buses shall also apply to any school bus hired under the provisions of this section.

1989, c. 727.

§ 46.2-917.2. School buses operating under State Corporation Commission or Department certificate.

Notwithstanding § 46.2-917, any person holding a special or charter party certificate issued by the State Corporation Commission or the Department pursuant to Chapter 23 (§ 46.2-2300 et seq.) of this title may transport special or charter parties in school buses provided all lettering required by § 46.2-1089 and warning devices required by § 46.2-1090 are covered with some opaque detachable material.

1989, c. 727; 1997, c. 283.

§ 46.2-918. School buses to be routed so as to avoid necessity of pupils' crossing divided highways.

All school buses transporting pupils to and from all public, private, or religious schools or in connection with such schools, operating on any highway in the Commonwealth which has two or more roadways separated by a physical barrier or barriers or an unpaved area, or which have five or more lanes the center lane of which is a flush median marked for use by turning traffic only, shall be routed so that no pupil shall be picked up or discharged at any point which will require any pupil to cross such highway as described in this section, in order for such pupil to reach such bus or to return to his residence. Any violation of this section shall constitute a Class 1 misdemeanor.

Code 1950, § 46-216; 1950, p. 84; 1958, c. 541, §§ 46.1-169.2, 46.1-199; 1964, c. 15; 1966, c. 699; 1972, c. 86; 1974, c. 365; 1976, c. 24; 1981, c. 395; 1984, c. 539; 1985, cc. 209, 250, 462; 1989, cc. 712, 727; 2005, c. 928.

§ 46.2-919. Age limit for drivers of school buses.
It shall be unlawful for any person, whether licensed or not, who is under the age of eighteen years to drive a motor vehicle while in use as a school bus for the transportation of pupils.

Code 1950, § 46-182; 1958, c. 541, § 46.1-169; 1989, c. 727.

§ 46.2-919.1. Use of wireless telecommunications devices by persons driving school buses.
No person shall use any wireless telecommunications device, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of (i) two-way radio devices or (ii) wireless telecommunications devices that are used hands free to allow live communication between the driver and school or public safety officials.

2008, cc. 234, 447; 2017, c. 295.

Article 15 - EMERGENCY VEHICLES

§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.
A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least $100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of $300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of $20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of providing emergency medical services where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer;

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2; and

8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

Code 1950, § 46-241.1; 1954, c. 356; 1956, c. 192; 1958, c. 541, § 46.1-226; 1966, cc. 350, 699; 1968, c. 89; 1974, c. 365; 1976, c. 24; 1977, c. 549; 1980, cc. 30, 354; 1981, c. 395; 1984, c. 539; 1985, cc. 209, 462; 1989, c. 727; 1992, cc. 33, 96; 1994, c. 69; 1995, c. 92; 2000, c. 120; 2002, c. 134; 2003, c. 115; 2005, c. 583; 2007, cc. 860, 908; 2011, c. 629; 2014, cc. 171, 800; 2015, cc. 502, 503.

§ 46.2-920.1. Operation of tow trucks or vehicles owned or controlled by the Department of Transportation under certain circumstances; incident management.

A. When operating at or en route to or from the scene of a traffic accident or similar emergency and when specifically directed by a law-enforcement officer present at the scene of a motor vehicle crash or similar incident, tow truck operators or vehicles owned or controlled by the Department of Transportation may:

1. Operate on a highway in a direction opposite that otherwise permitted for traffic;

2. Cross medians of divided highways;

3. Use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles;

4. Drive on a portion of the highway other than the roadway;

5. Stop or stand on any portion of the highway; and

6. Operate in any other manner as directed by a law-enforcement officer at the scene.

B. When operating at, en route to, or from the scene of a traffic accident or similar emergency, a vehicle operated pursuant to a Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in this subsection, with due regard to the safety of persons and property and without direction of law enforcement, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. For purposes of this chapter and Chapter 12 (§ 46.2-1200 et seq.), "safety service patrol program" means a program or service sponsored or operated by the Department of Transportation that assists stranded motorists and provides traffic control during traffic incidents, including traffic accidents and road work, and "traffic incident management services" means services provided in response to any event or situation on or affecting the Department of Transportation right-of-way that impedes traffic or creates a temporary safety hazard.

C. Nothing in this section, however, shall (i) immunize the driver of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property or (ii) release the driver of any such vehicle from any civil liability for failure to use reasonable care in operations permitted in this section. However, drivers of vehicles owned or operated by the Department of

Transportation and employees of the Commonwealth are immune for acts of simple negligence for claims of civil liability arising from the operation of such vehicles pursuant to this section.

1990, c. 470; 2007, cc. 189, 918; 2012, cc. 27, 108; 2017, c. 350.

§ 46.2-920.2. Operation of vehicles owned or controlled by the Wildlife Center of Virginia.
When specifically requested by a law-enforcement agency to rescue or euthanize injured wildlife, vehicles owned or controlled by the Wildlife Center of Virginia may:

1. Cross medians of divided highways;

2. Use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles;

3. Drive on a portion of the highway other than the roadway;

4. Stop or stand on any portion of the highway; and

5. Operate in any other manner as directed by a law-enforcement officer at the scene.

Nothing in this section, however, shall (i) immunize the driver of any vehicle owned or controlled by the Wildlife Center of Virginia from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property or (ii) release the driver of any vehicle owned or controlled by the Wildlife Center of Virginia from any civil liability for failure to use reasonable care in operations permitted in this section.

2007, c. 139.

§ 46.2-921. Following or parking near fire apparatus or emergency medical services vehicle.
It shall be unlawful, in any county, city, or town for the driver of any vehicle, other than one on official business, to follow any fire apparatus or emergency medical services vehicle traveling in response to a fire alarm or emergency call at any distance closer than 500 feet to such apparatus or emergency medical services vehicle or to park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

Code 1950, § 46-242; 1958, c. 541, § 46.1-227; 1981, c. 394; 1989, c. 727; 2015, cc. 502, 503.

§ 46.2-921.1. Repealed.
Repealed by Acts 2019, c. 850, cl. 2.

§ 46.2-922. Driving over fire hose.
It shall be unlawful, without the consent of the fire department official in command, for the driver of any vehicle to drive over any unprotected hose of a fire department laid down for use at any fire or alarm of fire.

Code 1950, § 46-242.1; 1954, c. 13; 1958, c. 541, § 46.1-228; 1989, c. 727.

Article 16 - PEDESTRIANS

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

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

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

Code 1950, § 46-243; 1958, c. 541, § 46.1-230; 1966, c. 706; 1976, c. 322; 1981, c. 163; 1989, c. 727.

§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.

A. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing such highway by stopping and remaining stopped until such pedestrian has passed the lane in which the vehicle is stopped:

1. At any clearly marked crosswalk, whether at midblock or at the end of any block;

2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or

3. At any intersection when the driver is approaching on a highway where the speed limit is not more than 35 miles per hour.

B. When a vehicle is stopped pursuant to subsection A, the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.

C. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

D. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein, the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor

vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than $100 or more than $500. The Department of Transportation shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.

E. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-used path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed $100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

F. A locality adopting an ordinance under subsection E shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

Code 1950, §§ 46-243, 46-244; 1958, c. 541, § 46.1-231; 1962, c. 471; 1968, c. 165; 1972, c. 576; 1976, c. 322; 1989, c. 727; 2000, c. 323; 2002, c. 327; 2004, c. 658; 2007, c. 813; 2012, c. 339; 2013, cc. 507, 585, 646, 681; 2019, c. 103; 2020, c. 1031.

§ 46.2-925. Pedestrian control signals.

Whenever pedestrian control signals exhibiting the words, numbers, or symbols meaning "Walk" or "Don't Walk" are in place such signals shall indicate and apply to pedestrians as follows:

Walk. --Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

Don't Walk. --No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing.

1974, c. 347, § 46.1-231.1; 1989, c. 727; 2008, c. 451.

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

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

Code 1950, § 46-245; 1958, c. 541, § 46.1-232; 1989, c. 727.

§ 46.2-927. Boarding or alighting from buses.

When actually boarding or alighting from buses, pedestrians shall have the right-of-way over vehicles, but shall not, in order to board or alight from buses, step into the highway sooner or remain there longer than is absolutely necessary.

Code 1950, § 46-246; 1958, c. 541, § 46.1-233; 1989, c. 727.

§ 46.2-928. Pedestrians not to use roadway except when necessary; keeping to left.
Pedestrians shall not use the roadways for travel, except when necessary to do so because of the absence of sidewalks which are reasonably suitable and passable for their use. If they walk on the hard surface, or the main travelled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof.

Code 1950, § 46-247; 1950, p. 850; 1958, c. 541, § 46.1-234; 1968, c. 165; 1989, c. 727.

§ 46.2-929. Pedestrians soliciting rides.
Pedestrians shall not stand or stop in any roadway for the purpose of soliciting rides.

Code 1950, § 46-247; 1950, p. 850; 1958, c. 541, § 46.1-234; 1968, c. 165; 1989, c. 727.

§ 46.2-930. Loitering on bridges or highway rights-of-way.
Pedestrians shall not loiter on any bridge or in any portion of the right-of-way of any highway where loitering has been determined by the Commissioner of Highways or the local governing body of any county, city, or town to present a public safety hazard and on which the Commissioner of Highways or the governing body of any county, city, or town has posted signs prohibiting such action. Local jurisdictions shall obtain concurrence from the Commissioner of Highways on the placements of signs on the right-of-way of any bridge or highway under the jurisdiction and control of the Commissioner of Highways or the Virginia Department of Transportation; however, the local jurisdiction shall be responsible for all costs of the production, installation, and maintenance of the signs. Any person violating the provisions of this section shall be guilty of a traffic infraction.

1966, c. 469, § 46.1-234.1; 1978, c. 605; 1989, c. 727; 2008, c. 503; 2009, c. 432.

§ 46.2-931. Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians.
A. Any county, city, or town is hereby authorized to adopt an ordinance prohibiting or regulating:

1. The distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to the occupants of motor vehicles on highways located within its boundaries or on public roadways and medians;

2. The solicitation of contributions of any nature from the occupants of motor vehicles on highways located within its boundaries or on public roadways and medians; and

3. The sale of merchandise or services or the attempted sale of merchandise or services to the occupants of motor vehicles on highways located within its boundaries or on public roadways and medians.

B. Ordinances adopted pursuant to this section may provide that any person violating the provisions of such ordinances shall be guilty of a traffic infraction.

C. The Virginia Department of Transportation may regulate activities within such streets and highways under its jurisdiction, subject to regulations promulgated by the Commonwealth Transportation Board. Nothing in this section shall be construed to allow any locality to permit activities within any highway under the maintenance and operational jurisdiction of the Virginia Department of Transportation.

1980, c. 113; 1989, c. 727; 2005, cc. 488, 541; 2008, cc. 120, 235, 310; 2009, cc. 422, 656, 722; 2010, cc. 378, 589.

§ 46.2-932. Playing on highways; use of toy vehicle on highways, persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, etc., not to attach to vehicles; exception.

A. No person shall play on a highway, other than on the sidewalks thereof, within a city or town or on any part of a highway outside the limits of a city or town designated by the Commissioner of Highways exclusively for vehicular travel. No person shall use any toy vehicle on the roadway of any highway that (i) has a speed limit greater than 25 miles per hour, (ii) has more than two travel lanes, or (iii) is located outside a residence district as defined in § 46.2-100. The governing bodies of counties, cities, and towns may designate areas on highways under their control where play is permitted and may impose reasonable restrictions on play on such highways. Persons using such devices, except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorcycles, shall keep as near as safely practicable to the far right side or edge of the right traffic lane so that they will be proceeding in the same direction as other traffic.

No person riding on any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, roller skates, skateboards or other devices on wheels or runners, shall attach the same or himself to any vehicle on a highway.

B. Notwithstanding the provisions of subsection A of this section, the governing body of Arlington County may by ordinance permit the use of devices on wheels or runners on highways under such county's control, subject to such limitations and conditions as the governing body may deem necessary and reasonable.

Code 1950, § 46-248; 1958, c. 541, § 46.1-235; 1972, c. 817; 1973, c. 288; 1981, c. 585; 1989, c. 727; 2001, cc. 170, 834; 2002, c. 254; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366, 813.

§ 46.2-932.1. Duty of driver approaching blind pedestrian; effect of failure of blind person to carry white cane or use dog guide.

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a dog guide shall take all

necessary precautions to avoid injury to such blind pedestrian and dog guide, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian and dog guide; provided that a totally or partially blind pedestrian not carrying such a cane or using a dog guide in any of the places, accommodations or conveyances listed in § 51.5-44, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a dog guide in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence; provided, that nothing in this section shall be construed to limit the application of § 46.2-933 or § 46.2-934.

1972, c. 156, § 63.1-171.3; 1975, c. 473; 2002, c. 747.

§ 46.2-933. When vehicles to stop for pedestrian guided by dog or carrying white, red-tipped white, or metallic cane.

Whenever a totally or partially blind pedestrian crossing or attempting to cross a highway in accordance with the provisions of § 46.2-923 is guided by a dog guide or carrying a cane which is predominantly metallic or white in color, with or without a red tip, the driver of every vehicle approaching the intersection or place of crossing shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, unless such intersection or place of crossing is controlled by a law-enforcement officer or traffic light. Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor.

Code 1950, § 46-249.1; 1950, p. 1520; 1958, c. 541, § 46.1-237; 1964, c. 20; 1975, c. 117; 1982, c. 681; 1989, c. 727; 1990, c. 555.

§ 46.2-934. Failure to use cane or guide dog not contributory negligence.

Nothing contained in § 46.2-933 shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing highways. Nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog on the highways or sidewalks of the Commonwealth, be held to constitute nor be evidence of contributory negligence.

Code 1950, § 46-249.3; 1950, p. 1521; 1958, c. 541, § 46.1-240; 1975, c. 117; 1989, c. 727.

§ 46.2-935. Regulation by ordinance in counties, cities, and towns.

The governing bodies of counties, cities, and towns may enact ordinances requiring pedestrians to obey signs and signals erected on highways therein for the direction and control of traffic, to obey the orders of law-enforcement officers engaged in directing traffic on such highways, and may provide penalties not exceeding those of a traffic infraction.

Code 1950, § 46-250; 1950, p. 942; 1958, c. 541, § 46.1-241; 1968, c. 165; 1989, c. 727.

Article 17 - LEGAL PROCEDURES AND REQUIREMENTS

§ 46.2-936. Arrest for misdemeanor; release on summons and promise to appear; right to demand hearing immediately or within twenty-four hours; issuance of warrant on request of officer for violations of §§ 46.2-301 and 46.2-302; refusal to promise to appear; violations.

Whenever any person is detained by or in the custody of an arresting officer, including an arrest on a warrant, for a violation of any provision of this title punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in § 46.2-940, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest unless the person arrested demands an earlier hearing. Such person shall, if he so desires, have a right to an immediate hearing, or a hearing within twenty-four hours at a convenient hour, before a court having jurisdiction under this title within the county, city, or town wherein such offense was committed. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.

Notwithstanding the foregoing provisions of this section, if prior general approval has been granted by order of the general district court for the use of this section in cases involving violations of §§ 46.2-301 and 46.2-302, the arresting officer may take the person before the appropriate judicial officer of the county or city in which the violation occurred and make oath as to the offense and request issuance of a warrant. If a warrant is issued, the judicial officer shall proceed in accordance with the provisions of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

Notwithstanding any other provision of this section, in cases involving a violation of § 46.2-341.24 or § 46.2-341.31, the arresting officer shall take the person before a magistrate as provided in §§ 46.2-341.26:2 and 46.2-341.26:3. The magistrate may issue either a summons or a warrant as he shall deem proper.

Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction who shall proceed according to the provisions of § 46.2-940.

Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the provisions of § 46.2-938.

Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a law-enforcement officer for other misconduct in office.

Code 1950, § 46-193; 1950, p. 94; 1954, c. 174; 1958, c. 541, § 46.1-178; 1972, c. 477; 1975, c. 191; 1981, c. 382; 1983, c. 458; 1989, c. 727; 1990, c. 218; 1992, c. 830; 1999, cc. 829, 846.

§ 46.2-937. Traffic infractions treated as misdemeanors for arrest purposes.

For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this title, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

1977, c. 585, § 46.1-178.01; 1989, c. 727.

§ 46.2-938. Issuance of warrant upon failure to comply with summons; penalties; suspension of licenses for failure to appear.

Upon the failure of any person to comply with the terms of a summons or notice as provided in § 46.2-936, such person shall be guilty of a Class 1 misdemeanor and the court may order a warrant for his arrest. The warrant shall be returnable to the court having jurisdiction of the offense and shall be accompanied by a report by the arresting officer which shall clearly identify the person arrested, specifying the section of the Code of Virginia or ordinance violated, the location of the offense, a description of the motor vehicle and its registration or license number.

If the warrant is returned to the court with the notation "not found" or the person named in the warrant does not appear on the return date thereof, the court shall forward a certificate of the fact of nonservice or nonappearance, with a copy of the report specified in the foregoing provisions of this section, to the Commissioner of the Department of Motor Vehicles, who shall forthwith suspend the driver's license of such person. The order of suspension shall specify the reason for the suspension. Such suspension shall continue until such time as the court has notified the Commissioner that the defendant has appeared before the court under the terms of the summons or notice and the warrant.

1974, c. 372, § 46.1-178.1; 1975, c. 201; 1981, c. 382; 1984, c. 780; 1989, c. 727.

§ 46.2-939. Authority of law-enforcement officers to issue subpoenas.

Local law-enforcement officers and state police officers, in the course of their duties in the investigation of any accident involving a motor vehicle or vehicles, may, at the scene of any such accident, issue a subpoena to any witness to appear in court and testify with respect to any criminal charge brought against any person as a result of such accident. State police officers, additionally, may issue such subpoenas at any other location within seventy-two hours of the time of such accident, with the return of service thereof made to the appropriate court clerk within forty-eight hours after such service. A subpoena so issued shall have the same force and effect as if issued by the court.

Any person failing to appear in response to a subpoena issued as provided in this section shall be punished as provided by law.

1975, c. 138, § 46.1-178.2; 1986, c. 40; 1989, c. 727.

§ 46.2-940. When arresting officer shall take person before issuing authority.

If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a written promise to appear under the provisions of § 46.2-936, the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in accordance with

the provisions of § 19.2-82. The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

Code 1950, § 46-194; 1958, c. 541, § 46.1-179; 1966, c. 639; 1972, c. 474; 1981, c. 382; 1989, c. 727; 2006, c. 276; 2020, cc. 964, 965.

§ 46.2-941. Conditions precedent to issuance of summons for violation of parking ordinance; notice.

Before any summons shall be issued for the prosecution of a violation of an ordinance of any county, city, or town regulating parking, the violator shall have been first notified by mail at his last known address or at the address shown for such violator on the records of the Department of Motor Vehicles, that he may pay the fine provided by law for such violation, within five days of receipt of such notice, and the authorized person issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If "window" envelopes are used, the words "Law-Enforcement Notice" shall be clearly visible through the window of the envelope.

1968, c. 388, § 46.1-179.01; 1970, c. 510; 1978, c. 194; 1983, c. 329; 1989, c. 727; 1999, cc. 291, 323; 2002, c. 102.

§ 46.2-942. Admissibility of results of speedometer test in prosecution for exceeding speed limit.

In the trial of any person charged with exceeding any maximum speed limit in the Commonwealth, the court shall receive as evidence a sworn report of the results of a calibration test of the accuracy of the speedometer in the motor vehicle operated by the defendant or the arresting officer at the time of the alleged offense. The report shall be considered by the court or jury in both determining guilt or innocence and in fixing punishment.

1966, c. 687, § 46.1-193.1; 1970, c. 11; 1975, c. 202; 1989, c. 727.

§ 46.2-943. Court or jury may consider defendant's prior traffic record before sentencing.

The term "traffic offense" when used in this section shall mean any moving traffic violation described or enumerated in subdivisions 1 and 2 of § 46.2-382, whether such violation was committed within or outside the Commonwealth according to the records of the Department of Motor Vehicles.

The term "prior traffic record" when used in this section shall mean the record of prior suspensions and revocations of a driver's license, and the record of prior convictions of traffic offenses described in the foregoing provisions of this section.

When any person is found guilty of a traffic offense, the court or jury trying the case may consider the prior traffic record of the defendant before imposing sentence as provided by law. After the prior traffic record of the defendant has been introduced, the defendant shall be afforded an opportunity to present evidence limited to showing the nature of his prior convictions, suspensions, and revocations.

1975, c. 577, §§ 46.1-347.1, 46.1-347.2; 1984, c. 780; 1989, c. 727.

Article 18 - ARREST OF NONRESIDENTS

§ 46.2-944. Repealed.

Repealed by Acts 2017, c. 164, cl. 2.

§§ 46.2-944.1 through 46.2-947. Repealed.

Repealed by Acts 2020, cc. 964 and 965, cl. 2.

§ 46.2-947. Violations committed within highway safety corridor; report on benefits.

Notwithstanding any other provision of law, the fine for any moving violation of any provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253 shall be no more than $500 for any violation which is a traffic infraction and not less than $200 for any violation which is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-69.40:1 or § 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. The Commissioner shall report, on an annual basis, statistical data related to benefits derived from the designation of such highway safety corridors. This information may be posted on the Virginia Department of Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities and towns may not adopt ordinances providing for penalties under this section.

2003, c. 877.

Chapter 10 - MOTOR VEHICLE AND EQUIPMENT SAFETY

Article 1 - VEHICLE AND EQUIPMENT SAFETY, GENERALLY

§ 46.2-1000. Department to suspend registration of vehicles lacking certain equipment; officer to take possession of registration card, license plates and decals when observing defect in motor vehicle; when to be returned.

The Department shall suspend the registration of any motor vehicle, trailer, or semitrailer which the Department or the Department of State Police determines is not equipped with proper (i) brakes, (ii) lights, (iii) horn or warning device, (iv) turn signals, (v) safety glass when required by law, (vi) mirror, (vii) muffler, (viii) windshield wiper, (ix) steering gear adequate to ensure the safe movement of the vehicle as required by this title or when such vehicle is equipped with a smoke screen device or cutout or when such motor vehicle, trailer, or semitrailer is otherwise unsafe to be operated.

Any law-enforcement officer shall, when he observes any defect in a motor vehicle as described above, take possession of the registration card, license plates, and decals of any such vehicle and retain the same in his possession for a period of 15 days unless the owner of the vehicle corrects the defects or obtains a new safety inspection sticker from an authorized safety inspection station. When the defect or defects are corrected as indicated above the registration card, license plates, and decals shall be returned to the owner.

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

Code 1950, § 46-56; 1958, c. 541, § 46.1-58; 1960, c. 119; 1964, c. 414; 1972, c. 609; 1989, c. 727; 2017, c. 670.

§ 46.2-1001. Removal of unsafe vehicles; penalty.

Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform vehicle safety inspections and found to be operating with defective brakes, tires, wheels, steering mechanism, or any other condition which is likely to cause an accident or a breakdown of the motor vehicle, trailer, or semitrailer may be removed from the highway and not permitted to operate again on the highway until the defects have been corrected and the law-enforcement officer has found the corrections to be satisfactory. Such law-enforcement officer may allow any motor vehicle, trailer, or semitrailer discovered to be in such an unsafe condition while being operated on the highway to continue in operation only to the nearest place where repairs can be safely effected and only if such operation is less hazardous to the public than to permit the motor vehicle, trailer, or semitrailer to remain on the highway.

No person shall operate a motor vehicle, trailer, or semitrailer which has been removed from service as provided in the foregoing provisions of this section prior to correction and proper authorization by a law-enforcement officer certified to perform vehicle safety inspection procedures.

For the purpose of this section, the term "law-enforcement officer certified to perform vehicle safety inspections" means those law-enforcement officers who have satisfactorily met the requirements for initial certification and maintenance of certification of driver/vehicle inspectors as prescribed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration. Those law-enforcement officers certified to place vehicles out of service must receive annual in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The Superintendent of State Police shall be responsible for coordinating the annual in-service training. The agency administrator of the law-enforcement agencies employing law-enforcement officers certified to perform vehicle safety inspections shall provide the Department of Criminal Justice Services with verification that law-enforcement officers certified to perform vehicle safety inspections have met the requirements for initial certification and maintenance of certification of driver/vehicle inspectors prescribed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration and satisfactorily completed the annual in-service training required by this section.

Every vehicle inspected by a local law-enforcement officer pursuant to this section and found to be free of defects which would constitute grounds for removal of the vehicle from service shall be issued a sticker as evidence of such inspection and freedom from defects. Such stickers shall be valid for 90 days. Any vehicle displaying a valid sticker shall be exempt from local or State Police inspections under this section. However, the fact that a vehicle displays a valid sticker shall not prevent any local or State Police officer from stopping and inspecting the vehicle if he observes an obvious safety

defect. The Superintendent of State Police shall work cooperatively with local law-enforcement agencies of localities whose officers are authorized to perform inspections pursuant to this section to develop a standard sticker as provided for in this section and uniform policies and procedures for issuance and display of such stickers.

However, notwithstanding the foregoing provisions of this section, before placing any vehicle out of service, the vehicle operator shall be allowed two hours to effect repairs to his vehicle. Such repairs may be performed at the site where the vehicle was inspected and found to be unsafe, provided the vehicle requiring repair is off the highway, where the repairs can be effected safely. If such repairs remedy the condition or conditions that would have caused it to be taken out of service, it shall not be taken out of service, but allowed to resume its operations. No such repairs, however, shall be allowed if the vehicle's load consists of hazardous material as defined in § 10.1-1400.

1982, c. 90, § 46.1-279.01; 1985, c. 561; 1988, c. 77; 1989, c. 727; 1990, cc. 20, 167; 1991, cc. 284, 416; 1993, c. 409; 1995, cc. 39, 458; 1996, cc. 24, 91, 144, 525; 1997, c. 35; 1999, cc. 68, 279; 2000, cc. 59, 112; 2002, cc. 142, 223, 263; 2003, cc. 82, 85.

§ 46.2-1001.1. Special equipment required for converted electric vehicles.

In addition to any other equipment required by this chapter, no converted electric vehicle may be registered in or operated on the highways of the Commonwealth without the following:

1. Orange-colored high voltage cables and high voltage markings on all conduit containing high voltage cables. No high voltage cables may be attached to the chassis of the vehicle in such a way as to cause the chassis to be used to ground the electric current;

2. A breaker or fuse in the high voltage circuit that contains the traction battery pack and the motor controller. Such breaker or fuse must be rated to interrupt the expected maximum current at or above the battery pack voltage;

3. An externally mounted switch to open the high voltage circuit in case of an emergency. Such switch must be located where the fuel tank filler cap was located prior to conversion. Any cover protecting the switch must be able to be opened from the outside of the vehicle;

4. Traction batteries mounted in secure nonconductive enclosures that provide for limited access. Multiple enclosures may be used but must be connected by high voltage cables encased in conduit made of metal, composite, or other materials of comparable strength, crush, and abrasion resistance to metal or composite;

5. If batteries other than lead acid batteries are used as traction batteries, a temperature monitoring system that monitors the temperature of at least one battery in each battery enclosure. Such system must warn the driver of the vehicle if the temperature of the battery is rising rapidly or is above safe levels;

6. Conduit made of metal, composite, or other materials of comparable strength, crush, and abrasion resistance to metal or composite, encasing any high voltage cables running under or outside of the

vehicle. Such conduit must be secured to the vehicle chassis and must not violate the ground clearance provisions of § 46.2-1063;

7. A vacuum system and pump, or comparable equipment, to maintain proper brake function and capacity, as required by this chapter; and

8. Labeling on three sides of the vehicle identifying such vehicle as "CONVERTED ELECTRIC." Each label shall be at least six inches long and consist of lettering at least three inches tall.

At such time as the federal government establishes minimum equipment and safety standards, including any related to synthetic vehicle sounds, for converted electric vehicles, to the extent that such standards are different from the standards established by this section, the federal standards shall apply to converted electric vehicles in the Commonwealth. If any federal standard conflicts with a standard set forth by this section, the stricter standard shall prevail.

2012, c. 177.

§ 46.2-1002. Illegal possession or sale of certain unapproved equipment.

It shall be unlawful for any person to possess with intent to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use or have as equipment on a motor vehicle operated on a highway any lighting device, warning device, signal device, safety glass, or other equipment for which approval is required by any provision of this chapter or any part or parts tending to change or alter the operation of such device, glass, or other equipment unless of a type that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, Incorporated or the federal Department of Transportation.

Code 1950, § 46-311; 1958, c. 541, § 46.1-308; 1960, c. 125; 1968, c. 172; 1970, c. 26; 1984, c. 426; 1989, c. 727.

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

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

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

1960, c. 125, § 46.1-308.1; 1989, c. 727; 2017, c. 670.

§ 46.2-1004. Trademark or name and instructions required.

Each device or other equipment mentioned in § 46.2-1002 and offered for sale in the Commonwealth shall bear a trademark or name or be identified in keeping with the Superintendent's regulations and shall be accompanied by printed instructions as to the proper mounting, use, and candlepower or lumens of any bulbs to be used therewith and any particular methods of mounting or adjustments necessary to meet the requirements of this title and any regulation of the Superintendent.

Code 1950, § 46-312; 1958, c. 541, § 46.1-309; 1989, c. 727; 2020, c. 393.

Article 2 - TESTING, EVALUATION, AND APPROVAL OF EQUIPMENT

§ 46.2-1005. Procedure for approval of equipment.

The Superintendent may establish a procedure for the approval of equipment required to be approved by him. Such procedure shall include the submission of a sample of the device for test and record purposes, submission of evidence that the device complies with this title and with recognized testing standards which the Superintendent is hereby authorized to adopt, and payment of the fee as provided by § 46.2-1008. The Superintendent shall then, within a reasonable time, either disapprove the device or issue a certificate of approval therefor.

The Superintendent may waive such approval and the issuance of a certificate of approval when the device or equipment required to be approved by this title is identified as complying with the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, Incorporated, or the regulations of the federal Department of Transportation.

Code 1950, § 46-313; 1954, c. 364; 1958, c. 541, § 46.1-311; 1960, c. 125; 1968, c. 172; 1970, c. 27; 1989, c. 727.

§ 46.2-1005.1. Auxiliary lights on motorcycles.

The Superintendent of State Police shall establish guidelines setting forth a procedure pursuant to § 46.2-1005 to allow for the submission and approval of auxiliary lights on motorcycles that are not approved by the Society of Automotive Engineers and shall publish such procedure on the Department of State Police's website by January 1, 2017. The approval of any lights or equipment shall also be published on the Department's website and the Department shall notify official safety inspection stations of such approved equipment.

2016, c. 701.

§ 46.2-1006. Approval of brake and head light testing methods and equipment.

The Superintendent shall approve methods of brake testing and head light testing. Approval of the use of mechanical brake and light testing equipment may be given by the Superintendent. When necessary, the Superintendent may call upon the United States Bureau of Standards or some other recognized testing agency to assist him in determining whether such mechanical testing equipment shall be approved for the purpose set forth in this chapter.

Code 1950, § 46-314; 1958, c. 541, § 46.1-312; 1989, c. 727.

§ 46.2-1007. Retesting of devices and revocation of approval certificates.

The Superintendent, when having reason to believe that an approved device or equipment for which a certificate of approval has been issued and which is being sold commercially does not, under ordinary conditions of use, comply with the requirements of this chapter, may, after notice to the manufacturer thereof, suspend or revoke the certificate of approval issued therefor, until or unless the device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter. If the certificate of approval for such device or equipment has been waived by the

Superintendent as provided in § 46.2-1005, the notice to the manufacturer as provided in this section shall have the effect of making further sales of such device or equipment unlawful in the Commonwealth until such device or equipment has been submitted to the Superintendent and a certificate of approval has been issued in accordance with the procedure established pursuant to § 46.2-1005. The Superintendent may, at the time of retest, purchase in the open market and submit to the testing agency one or more sets of the approved device, and if the device fails to meet the requirements of this title, the Superintendent may permanently revoke the certificate of approval of the device. In the discretion of the Superintendent, an approval for the sale and use of any such device may be amended to permit the continued use of such devices already sold but to prohibit further sales of the device.

Code 1950, § 46-315; 1958, c. 541, § 46.1-313; 1960, c. 125; 1962, c. 146; 1989, c. 727.

§ 46.2-1008. Fees for approval certificates.

Any person who applies to the Superintendent for a certificate of approval required by this article shall pay a fee not to exceed the following amounts:

1. For approval and recordation of headlights, warning devices, safety glass, signal devices, and other devices required by this title to be approved by the Superintendent and not provided for elsewhere in this section, $150.

2. For approval and recordation of taillights, spot lights or any other lighting devices, seventy-five dollars.

3. For approval and recordation of brake-testing and light-testing machines, $100 for each type approved.

4. For approval and recordation of safety lap belts and shoulder straps or harnesses or any combination lap belt and shoulder strap or harness, fifty dollars.

5. For approval and recordation of safety glasses, face shields, or goggles for motorcycle operators, fifty dollars.

Fees collected under this section shall be used by the Superintendent in examining and testing devices to be approved and for maintaining and publishing necessary records.

Code 1950, § 46-316; 1956, c. 36; 1958, c. 541, § 46.1-314; 1962, c. 146; 1966, c. 37; 1968, c. 171; 1970, c. 25; 1989, c. 727.

§ 46.2-1009. Exemptions for certain electrically powered vehicles; standards and permits for such vehicles.

The provisions of §§ 46.2-1002 through 46.2-1008 shall not apply to vehicles which are powered solely by electricity, capable of speeds of no more than fifteen miles per hour. The Superintendent may establish standards for safety equipment to be used on such vehicles. Upon the establishment of such standards, permits to use such vehicles may be issued to persons owning vehicles meeting such

standards by the officer in charge of the division of the Department of State Police having jurisdiction in the county, city, or town in which such person resides.

1973, c. 455, § 46.1-314.1; 1989, c. 727.

Article 3 - LIGHTS AND TURN SIGNALS

§ 46.2-1010. Equipment required.

Every vehicle driven or moved on a highway within the Commonwealth shall at all times be equipped with such lights as are required in this chapter for different classes of vehicles. The lights shall at all times be capable of being lighted, except as otherwise provided. This section shall not apply, however, to any vehicle for transporting well-drilling machinery licensed under § 46.2-700 when operated only between the hours of sunrise and sunset.

Code 1950, § 46-264; 1950, p. 690; 1958, c. 541, § 46.1-259; 1989, c. 727.

§ 46.2-1011. Headlights on motor vehicles.

Every motor vehicle other than a motorcycle, autocycle, road roller, road machinery, or tractor used on a highway shall be equipped with at least two headlights as approved by the Superintendent, at the front of and on opposite sides of the motor vehicle.

Code 1950, § 46-265; 1956, c. 639; 1958, c. 541, § 46.1-260; 1989, c. 727; 2014, cc. 53, 256.

§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, auxiliary lights, and illumination of license plates on motorcycles or autocycles.

Every motorcycle or autocycle shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle or autocycle to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles or autocycles. In addition, each motorcycle or autocycle may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent except as otherwise provided in this section.

Motorcycles or autocycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

Notwithstanding § 46.2-1002, motorcycles or autocycles may be equipped with standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. Such lighting shall be (i) either red or amber in color, (ii) directed toward the ground in such a manner that no part of the beam will strike the level of the surface on which the motorcycle or autocycle stands at a distance of more than 10 feet from the vehicle, and (iii) designed for vehicular use. Such lighting shall not (a) project a beam of light of an intensity greater than 25 candlepower or 314.25 lumens or its equivalent from a single

lamp or bulb; (b) be blinking, flashing, oscillating, or rotating; or (c) be attached to the wheels of the motorcycle or autocycle.

Every motorcycle or autocycle registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles or autocycles may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle or autocycle shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles or autocycles may be equipped with a means of varying the brightness of the vehicle's brake light upon application of the vehicle's brakes.

Code 1950, § 46-266; 1958, c. 541, § 46.1-261; 1983, c. 132; 1989, c. 727; 1991, c. 165; 2003, c. 964; 2009, c. 79; 2014, cc. 53, 256; 2015, c. 405; 2018, c. 763; 2020, c. 393.

§ 46.2-1013. Tail lights.

Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

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

Code 1950, § 46-267; 1952, c. 652; 1958, c. 541, § 46.1-262; 1964, c. 16; 1989, c. 727; 2003, c. 964.

§ 46.2-1014. Brake lights.

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

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

1970, c. 17, § 46.1-262.1; 1972, c. 6; 1989, c. 727; 2000, cc. 54, 63; 2003, c. 964; 2014, cc. 53, 256.

§ 46.2-1014.1. Supplemental high mount stop light.

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

1990, c. 955.

§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters.

A. Every bicycle, electric personal assistive mobility device, personal delivery device, electric power-assisted bicycle, moped, and motorized skateboard or scooter with handlebars when in use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be of types approved by the Superintendent.

In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with lights or reflectors. These lights may be steady burning or blinking.

B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such taillight shall be of a type approved by the Superintendent.

Code 1950, §§ 46-268, 46-270; 1958, c. 541, § 46.1-263; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2004, cc. 947, 973; 2005, c. 381; 2017, cc. 251, 788; 2019, c. 780; 2020, c. 1269.

§ 46.2-1016. Lights on other vehicles; reflectors.

All vehicles or other mobile equipment not otherwise in this article required to be equipped with specified lights shall carry at least one or more white lights to the front and a red light to the rear visible in clear weather from a distance of not less than 500 feet to the front and rear of such vehicles.

In lieu of or in addition to the lights, a reflector of a type, size, and color approved by the Superintendent may be permanently affixed to the rear and front of such vehicle.

Code 1950, §§ 46-269, 46-270; 1952, c. 652; 1958, c. 541, § 46.1-264; 1989, c. 727.

§ 46.2-1017. Dimension or marker lights and reflectors, generally.

All motor vehicles, trailers, or semitrailers exceeding seven feet in width or the widest portion of which extends four inches beyond the front fender extremes shall be equipped with amber lights mounted at the extreme right and left front top corners of such vehicle. Each such light shall be visible in clear weather for a distance of at least 500 feet to the front of such vehicle. Such vehicles shall also be equipped with red lights mounted at the extreme right and left rear top corners of such vehicle. Each such light shall be visible in clear weather for at least 500 feet to the rear of such vehicle. Any tractor truck, however, need not be equipped with rear red dimension or marker lights. If the front or the rear of such vehicle is not the widest portion of the vehicle, the dimension or marker lights required in this section shall be mounted on the widest portions of the vehicle with the amber lights herein required visible from the front as herein required and the red lights herein required visible from the rear as herein required. The lights herein required shall be of a type approved by the Superintendent.

In addition to the lights required in this section, each such vehicle shall be equipped with amber reflectors located on each side thereof, at or near the front. Red reflectors shall be used on the rear of each such vehicle. Such reflectors shall be securely fastened to the vehicle not less than fifteen inches and not more than sixty inches from the ground. For a vehicle that is less than fifteen inches tall, however, such reflectors shall be securely fastened thereto at the highest point the structure of a vehicle will permit. The reflectors shall be of a type approved by the Superintendent.

If any vehicle is so constructed as to make compliance with the requirements of this section impractical, the lights and reflectors shall be placed on the vehicle in accordance with the Superintendent's regulations.

If any vehicle required by this section to be equipped with dimension or marker lights has installed on its rear, as close as practicable to the top of the vehicle and as close as practicable to the vertical centerline of the vehicle, three red identification lights of a type approved by the Superintendent, with the light centers spaced not less than six inches or more than twelve inches apart, the rear dimension or marker lights may be mounted at any height but must indicate as nearly as practicable the extreme width of the vehicle.

Code 1950, § 46-271; 1952, c. 652; 1958, c. 541, § 46.1-265; 1960, c. 156; 1974, c. 218; 1977, c. 383; 1989, c. 727; 1997, c. 23.

§ 46.2-1018. Marker lights on vehicles or loads exceeding thirty-five feet.

Whenever any motor vehicle or combination of vehicles whose actual length, including its load, exceeds thirty-five feet and is not subject to the provisions of § 46.2-1017, such vehicle shall be equipped with reflectors of a type approved by the Superintendent when operated between sunset and sunrise. Such reflectors shall be mounted on the widest part of the vehicle or its load so as to be visible from the front and sides of the vehicle.

1958, c. 541, § 46.1-265.1; 1989, c. 727.

§ 46.2-1019. Spotlights.

Any motor vehicle or motorcycle may be equipped with one or two spotlights which, when lighted, shall be aimed and used so that no portion of the beam will be directed to the left of the center of the highway at any time or more than 100 feet ahead of the vehicle. Any such lights shall be of a type approved by the Superintendent. No such spotlights shall be used in conjunction with or as a substitute for required head lights, except in case of emergency.

Code 1950, § 46-272; 1954, c. 58; 1958, c. 541, § 46.1-266; 1989, c. 727.

§ 46.2-1020. Other permissible lights.

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower or 75.42 lumens, an interior light or lights of not more than 15 candlepower or 188.55 lumens each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower or 188.55 lumens shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer emergency medical services agencies, (b) professional firefighters, or (c) police chaplains. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device (i) is both covered and unlit or (ii) has a clear lens, any reflector in such lighting device is clear, and such lighting device is unlit, no motor vehicle that is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1991, c. 516; 1995, c. 122; 2003, c. 153; 2006, c. 122; 2015, cc. 502, 503; 2018, c. 72; 2020, c. 393.

§ 46.2-1021. Additional lights permitted on certain commercial vehicles.

In addition to other lights permitted in this article, buses operated as public carriers, taxicabs as defined in § 46.2-2000, and commercial motor vehicles as defined in § 52-8.4 may be equipped with (i) illuminated vacant or destination signs and (ii) single steady-burning white lights, emitting a dif-

fused light of such intensity as not to project a glaring or dazzling light, for the nighttime illumination of exterior advertising.

In addition to other lights authorized by this article, buses operated as public carriers may be equipped with flashing white warning lights of types authorized by the Superintendent of State Police. These warning lights shall be installed in a manner authorized by the Superintendent and shall be lighted while the bus is transporting passengers during periods of reduced visibility caused by atmospheric conditions other than darkness. These warning lights may also be lighted at other times while the bus is transporting passengers.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1998, c. 419.

§ 46.2-1021.1. Additional lights permitted on certain privately owned cars.

Privately owned passenger cars used for home delivery of commercially prepared food may be equipped with one steady-burning white light for the nighttime illumination of a sign identifying the business delivering the food. Such sign shall not utilize primarily green, red or blue colors. Such sign shall not exceed eighteen inches in height nor have more than four sides, no side of which shall exceed fifteen by twenty-four inches. Such light shall emit diffused illumination of such an intensity as not to project a glaring or dazzling light. Such light may only be illuminated during delivery.

1989, c. 262, § 46.1-267.

§ 46.2-1022. Flashing or steady-burning blue or red, flashing red and blue or blue and white, or red, white, and blue warning lights.

Certain Department of Military Affairs vehicles and certain Virginia National Guard vehicles designated by the Adjutant General, when used in state active duty to perform particular law-enforcement functions, Department of Corrections vehicles designated by the Director of the Department of Corrections, and law-enforcement vehicles may be equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

Law-enforcement vehicles may also be equipped with steady-burning blue or red warning lights of types approved by the Superintendent.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1992, c. 96; 1996, cc. 141, 347; 2004, c. 323; 2008, c. 181; 2018, c. 651.

§ 46.2-1023. Flashing red or red and white warning lights.

Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team and the Virginia National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1991, c. 105; 1992, c. 34; 1994, c. 178; 1995, c. 92; 2003, cc. 152, 217; 2005, c. 583; 2006, c. 86; 2008, c. 181; 2009, c. 595; 2014, cc. 171, 800; 2015, cc. 502, 503; 2018, c. 64.

§ 46.2-1024. Flashing or steady-burning red or red and white warning light units.

Any member of a fire department, volunteer fire company, or volunteer emergency medical services agency and any police chaplain may equip one vehicle owned by him with no more than two flashing or steady-burning red or red and white combination warning light units of types approved by the Superintendent. Warning light units permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with warning light units as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1992, c. 379; 2003, c. 153; 2015, cc. 502, 503; 2017, c. 244.

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;

8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;

12. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

16. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

17. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

18. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

19. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

20. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

21. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

22. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion;

23. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site;

24. Vehicles used or operated by federally licensed amateur radio operators, provided that the amber lights are not lit while the vehicle is in motion, (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) while providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted;

25. Publicly owned or operated transit buses; and

26. Vehicles used for hauling trees, logs, or any other forest products when hauling such products, provided that the amber lights are mounted or installed so as to be visible from behind the vehicle.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 1991, c. 465; 1992, cc. 93, 410, 805; 1995, c. 727; 1997, c. 149; 1998, cc. 134, 417; 1999, cc. 18, 72, 232; 2000, cc. 84, 121, 278; 2003, c. 93; 2005, c. 574; 2010, c. 127; 2011, c. 268; 2014, c. 54; 2015, cc. 41, 502, 503; 2016, cc. 198, 226; 2017, cc. 326, 333; 2019, cc. 112, 145.

§ 46.2-1026. Flashing high-intensity amber warning lights.

A. High-intensity flashing, blinking, or alternating amber warning lights visible for at least 500 feet, of types approved by the Superintendent, shall be used on any vehicle engaged in either escorting or towing over-dimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139. Such lights shall be mounted on the top of the escort and tow vehicles and on the upper rear end of the over-dimensional vehicles or loads for maximum visibility, front and rear. However, any vehicles operating under a permit issued pursuant to § 46.2-1139 shall be deemed to be in compliance with the requirements of this subsection if accompanied by escort vehicles.

The provisions of this subsection shall apply only to vehicles or loads that are either (i) more than 12 feet wide or (ii) more than 75 feet long.

B. Such amber warning lights may be used on any vehicle used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 2018, c. 263.

§ 46.2-1027. Warning lights on certain demonstrator vehicles.

Dealers or businesses engaged in the sale of fire, emergency medical services, or law-enforcement vehicles may, for demonstration purposes, equip such vehicles with colored warning lights.

Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7; 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727; 2015, cc. 502, 503.

§ 46.2-1028. Auxiliary lights on firefighting, Virginia Department of Transportation, and other emergency vehicles.

Any firefighting vehicle, emergency medical services vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with clear auxiliary lights, which shall be used exclusively for lighting emergency scenes. Such lights shall be of a type approved by the Superintendent and shall not be used in a manner that may blind or interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted while the vehicle is in motion.

1972, c. 385, § 46.1-267.1; 1989, c. 727; 1996, c. 403; 2006, cc. 874, 891; 2015, cc. 502, 503.

§ 46.2-1028.1. Illuminated identification systems on certain emergency vehicles.

Any firefighting vehicle, ambulance, rescue or life-saving vehicle, or vehicle used by police, fire-fighting, or rescue personnel as a command center at the scene of incidents may be equipped with and use an illuminated identification system of a type approved by the Superintendent to enable aircraft more easily to read number decals and other identifying markings on the roofs of such vehicle. Any such illuminated identification system may be used when the vehicle is in motion or stationary.

2015, c. 333.

§ 46.2-1028.2. Auxiliary lights on public utility vehicles.

Any electrical service utility vehicle owned and operated by a public utility, as defined in § 56-265.1, and having a gross vehicle weight rating greater than 15,000 pounds may be equipped with clear auxiliary lights that shall be mounted on the lower portion of the vehicle and aimed downward for the exclusive use of ground lighting. Such lights shall be of a type approved by the Superintendent and shall not be used in a manner that may blind or interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted while the vehicle is in motion.

2015, c. 341.

§ 46.2-1029. Auxiliary lights on law-enforcement vehicles.

Notwithstanding any other provision of this article, any government-owned law-enforcement vehicle may be equipped with clear auxiliary lights of a type approved by the Superintendent. Such lights may be used to light emergency scenes and other areas for the purpose of detecting offenders, apprehending violators of law, and in performing other reasonably necessary law-enforcement functions. Such lights may be used when the vehicle on which they are mounted is standing or proceeding at a speed of no more than fifteen miles per hour. Such lights shall not be used in a manner which may blind or interfere with the vision of the operators of approaching vehicles.

Any law-enforcement officer may also use spotlights, as authorized in § 46.2-1019, for the purpose and in the manner described herein.

1975, c. 291, § 46.1-267.2; 1980, c. 14; 1989, c. 727.

§ 46.2-1029.1. Flashing of headlights on certain vehicles.

Emergency vehicles as defined in subsection C of § 46.2-920 may be equipped with the means to flash their headlights when their warning lights are activated if (i) the headlights are wired to allow either the high beam or low beam to flash, but not both, and (ii) the headlight system includes a switch

or device which prevents flashing of headlights when headlights are required to be lighted under § 46.2-1030.

The provisions of clause (ii) above shall not apply in the City of Chesapeake, the City of Portsmouth, the City of Poquoson, or the County of York.

1989, c. 47; 1994, c. 69; 2003, c. 121; 2005, c. 209.

§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.

In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, and (iii) emergency medical services vehicle may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights of a type approved by the Superintendent of State Police.

2003, c. 115; 2015, cc. 502, 503.

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

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

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

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

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

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

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

Code 1950, § 46-275; 1956, c. 640; 1958, c. 541, § 46.1-268; 1960, c. 156; 1970, c. 165; 1983, c. 132; 1987, c. 381; 1989, c. 727; 1992, c. 364; 1997, cc. 25, 589; 2016, cc. 195, 206.

§ 46.2-1031. Requirements as to single-beam head lights.

Approved single-beam head lights shall be aimed in accordance with regulations promulgated by the Superintendent so as not to project a glaring or dazzling light to persons approaching such head lights and shall be of sufficient intensity to reveal persons and objects at a distance of at least 200 feet.

Code 1950, § 46-276; 1958, c. 541, § 46.1-269; 1989, c. 727.

§ 46.2-1032. Requirements as to multiple-beam headlights.

Approved multiple-beam headlights shall be aimed in accordance with regulations promulgated by the Superintendent, based on recommendations of the Society of Automotive Engineers. The high beam of any such lights shall be of sufficient intensity to reveal persons and objects at least 350 feet ahead. At least one nonglaring low beam shall be provided and shall be of such intensity as to reveal persons and objects at least 100 feet ahead.

Code 1950, § 46-277; 1958, c. 541, § 46.1-270; 1989, c. 727.

§ 46.2-1033. Indicator light required.

Every motor vehicle operated on a highway shall be equipped with a working indicator light that indicates to the driver when the high beam of the headlights is being used.

Code 1950, § 46-278; 1958, c. 541, § 46.1-271; 1989, c. 727.

§ 46.2-1034. When dimming headlights required.

Whenever a vehicle is being driven on a highway or a portion thereof which is sufficiently lighted to reveal any person or object upon such highway at a distance of 350 feet ahead, the operator of such vehicle shall use the low beam of his vehicle's headlights or shall dim the headlights if the vehicle has single-beam lights. Whenever a vehicle approaches an oncoming vehicle within 500 feet, the driver of such vehicle shall use the low beam of his vehicle's headlights so aimed that glaring rays are not projected into the eyes of the oncoming driver or dim the headlights, if the vehicle has single-beam lights. Whenever the driver of any motor vehicle approaches from the rear or follows within 200 feet of another vehicle proceeding in the same direction, the driver shall use the low beam of his vehicle's headlights or shall dim the headlights if the vehicle has single-beam lights.

Code 1950, § 46-279; 1954, c. 114; 1958, c. 541, § 46.1-272; 1989, c. 727.

§ 46.2-1035. Dimming headlights on parked vehicles.

Whenever a vehicle is parked so that the beam from its headlights will glare into the eyes of the driver of a vehicle approaching on a highway, the operator of the parked vehicle shall dim or use the low beam of such lights so that glaring rays are not projected into the eyes of an approaching driver.

Code 1950, § 46-279.1; 1950, p. 54; 1958, c. 541, § 46.1-273; 1989, c. 727.

§ 46.2-1036. Acetylene lights on antique motor vehicles.

Antique motor vehicles as defined in § 46.2-100 may be equipped with acetylene headlights, taillights, and lights to illuminate their rear license plates as provided in regulations promulgated by the Superintendent.

Code 1950, § 46-280; 1958, c. 541, § 46.1-274; 1989, c. 727.

§ 46.2-1037. Lights on parked vehicles.

Any vehicle parked or stopped on a highway, whether attended or unattended, between sunset and sunrise shall display at least one light projecting a white or amber light visible in clear weather from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear. No lights, however, need be displayed upon any such vehicle when legally parked.

Code 1950, § 46-282; 1958, c. 541, § 46.1-276; 1959, Ex. Sess., c. 86; 1989, c. 727.

§ 46.2-1038. When turn signals required; exceptions.

A. Any motor vehicle, trailer, or semitrailer which is so constructed or carries a load in such a manner as to prevent a hand and arm signal required in § 46.2-849 from being visible both to the front and rear of such motor vehicle, trailer, or semitrailer or any vehicle the driver of which is incapable of giving the required hand and arm signals, shall be equipped with electrical turn signals which meet the requirements of this title and are of a type that has been approved by the Superintendent. A tractor truck, however, need not be equipped with electrical turn signals on the rear if it is equipped with double faced signal lights mounted on the front fenders or on the sides near the front of the vehicle clearly visible to the rear.

B. It shall be unlawful for any person to drive on any highway a motor vehicle registered in the Commonwealth and manufactured or assembled after January 1, 1955, unless such vehicle is equipped with such turn signals on both front and rear.

C. Any such turn signal may be used in lieu of the hand and arm signal required by § 46.2-849.

D. Subsections A and B of this section shall not apply to any motorcycle. The provisions of this section shall not apply to motor vehicles, trailers, or semitrailers used for agricultural or horticultural purposes and exempted from registration under Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title.

Code 1950, § 46-302; 1954, c. 44; 1958, c. 541, § 46.1-298; 1962, c. 255; 1974, c. 217; 1989, c. 727.

§ 46.2-1039. Requirements of turn signals; regulations.

Every turn signal used to give a signal of intention to turn a vehicle shall be so constructed and so installed as to give a signal plainly visible in clear weather and under normal traffic conditions from a

distance of at least 100 feet to the rear and 100 feet to the front of the vehicle. No front turn signal, however, shall be required on vehicles manufactured before January 1, 1943.

The Superintendent may promulgate regulations not inconsistent with this section and § 46.2-1038 governing the construction, location, and operation of turn signals and the color of lights which may be used in any such signal device. Nothing contained herein, however, shall prohibit the requiring of turn signals on any vehicle whose driver is prevented by any reason from giving the hand and arm signal required in § 46.2-849.

Code 1950, § 46-303; 1958, c. 541, § 46.1-299; 1962, c. 89; 1968, c. 99; 1972, c. 445; 1974, c. 347; 1979, c. 44; 1989, c. 727.

§ 46.2-1040. Hazard lights.

Motor vehicles, trailers, and semitrailers, when temporarily stopped on the traveled or paved portion of the highway so as to create a traffic hazard, shall flash all four turn signals simultaneously to signal approaching motorists of the existing hazard whenever such vehicle is equipped with a device which will cause the four turn signals to flash simultaneously. All four turn signals may be flashed simultaneously on a vehicle slowed or stopped at the scene of a traffic hazard, when traveling as part of a funeral procession, or when traveling at a speed of thirty miles per hour or less. Except for vehicles traveling as part of a funeral procession, all four turn signals shall not be flashed simultaneously while the vehicle is traveling faster than thirty miles per hour.

School buses shall flash all four turn signals when approaching and stopping at railroad grade crossings.

Code 1950, § 46-303; 1958, c. 541, § 46.1-299; 1962, c. 89; 1968, c. 99; 1972, c. 445; 1974, c. 347; 1979, c. 44; 1989, c. 727; 2001, c. 359.

Article 4 - Tires

§ 46.2-1041. Restrictions as to solid rubber tires.

Every tire, other than a pneumatic tire, made of rubber on a motor vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No motor vehicle equipped with such tires shall be operated on any highway in the Commonwealth unless a permit therefor is first secured from the Department of Transportation.

Code 1950, § 46-299; 1958, c. 541, § 46.1-295; 1989, c. 727; 2013, cc. 585, 646; 2019, c. 780.

§ 46.2-1042. Standard for vehicle tire; sale of certain tires prohibited; penalty.

No person shall sell or offer for sale, or have in his possession with intent to sell any motor vehicle tire unless that tire (i) meets or exceeds standards established by the Society of Automotive Engineers, the American National Standards Institute, Inc., or the federal Department of Transportation and (ii) is marked in accordance with those standards.

No person shall knowingly operate on any highway in the Commonwealth a Virginia registered motor vehicle equipped with any regrooved or recut tire unless that tire (i) meets or exceeds standards

established by the Society of Automotive Engineers, the American National Standards Institute, Inc., or the federal Department of Transportation and (ii) is marked in accordance with those standards.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

1966, c. 490, § 46.1-295.2; 1989, c. 727; 1996, c. 92.

§ 46.2-1043. Tire tread depth.

A. No person shall operate a motor vehicle, trailer, or semitrailer on any highway in the Commonwealth if it is equipped with one or more tires which:

1. When measured in any two adjacent major tread grooves where the tread is thinnest, at three equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth gauge calibrated in thirty-seconds of an inch, are found to have tread depth of less than two thirty-seconds of an inch at such locations; or

2. When equipped with tread wear indicators, are found to have such indicators in contact with pavement at any two adjacent grooves at three equally spaced intervals around the circumference of the tire.

B. No motor vehicle, trailer, or semitrailer shall be issued a safety inspection approval sticker if equipped with any tire whose use is prohibited under the provisions of this section.

C. This section shall not apply to tires mounted on dual wheels installed on motor vehicles which have seats for more than seven passengers and are (i) operated wholly within a municipality, or (ii) operated by urban and suburban bus lines. For purposes of this section, "urban and suburban bus lines" are defined as bus lines operating over regular scheduled routes the majority of whose passengers use the buses for traveling one-way distances not exceeding forty miles on the same day between their residence and their place of work, shopping areas, or schools.

D. The foregoing exemptions shall not apply to buses owned or operated by any public school district, private school, or contract operator of school buses.

E. The provisions of this section shall not apply to any vehicle not required to be registered or licensed.

1968, c. 145, § 46.1-295.3; 1973, c. 162; 1983, c. 281; 1984, c. 125; 1989, c. 727.

§ 46.2-1043.1. Tire loading.

No person shall operate for a commercial purpose a truck, trailer, or semitrailer with tires on any highway in the Commonwealth if any officer authorized to enforce overweight vehicle laws determines upon weighing such truck, trailer, or semitrailer that any such tire carries a weight greater than 125 percent of that marked on the sidewall of the tire.

The provisions of this section shall not apply to:

1. Any vehicle that is being operated under the terms of a permit issued under Article 18 (§ 46.2-1139 et seq.) and is being operated at a reduced speed as required by the permit to compensate for the tire loading in excess of the manufacturer's rated capacity for the tire;

2. Any vehicle having a gross vehicle weight rating of 26,001 pounds or more;

3. Any manufactured home; or

4. Any vehicle not required to be registered.

2013, c. 430.

§ 46.2-1044. Cleats, etc., on tires; chains; tires with studs.

No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible, however, to use on the highways farm machinery having protuberances which will not injure the highway and to use tire chains of reasonable proportions when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use on any vehicle whose gross weight does not exceed 10,000 pounds tires with studs which project no more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed if the studs cover no more than three percent of the traction surface of the tire.

The use of studded tires shall be permissible only from October 15 to April 15.

The provisions of this section shall not apply to any (i) law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer; (ii) vehicle used to fight fire, including publicly owned state forest warden vehicles; (iii) emergency medical services vehicle; or (iv) vehicle owned or operated by the Virginia Department of Transportation or its contractors in maintenance and emergency response operations.

Code 1950, § 46-300; 1958, c. 541, § 46.1-296; 1968, c. 1; 1970, c. 263; 1972, c. 39; 1974, c. 368; 1976, c. 315; 1978, c. 259; 1989, c. 727; 2009, c. 118; 2015, cc. 502, 503.

§ 46.2-1045. Sale of tires having cleats, etc., prohibited; studded tires excepted.

No person shall sell to any resident of the Commonwealth a tire which shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire. Farm machinery having protuberances which will not injure the highway and tire chains of reasonable proportions may, however, be sold. It shall also be permissible to sell studded tires whose use is permitted under the provisions of this article. Violation of this section shall constitute a Class 1 misdemeanor.

1966, c. 592, § 46.1-296.1; 1968, c. 1; 1970, c. 263; 1989, c. 727.

§ 46.2-1046. Traction engines and tractors.

The Commissioner of Highways and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation on a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks.

Code 1950, § 46-301; 1958, c. 541, § 46.1-297; 1989, c. 727; 2013, cc. 585, 646.

Article 5 - EXHAUST SYSTEM

§ 46.2-1047. Muffler cutout, etc., illegal.

It shall be unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device or (ii) gutted muffler, muffler cutout, or straight exhaust. It shall be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust.

Code 1950, § 46-306; 1950, p. 54; 1958, c. 541, § 46.1-302; 1964, c. 628; 1989, c. 727; 2006, cc. 529, 538; 2013, c. 783.

§ 46.2-1048. Pollution control systems or devices.

No motor vehicle registered in the Commonwealth and manufactured for the model year 1973 or for subsequent model years shall be operated on the highways in the Commonwealth unless it is equipped with an air pollution control system, device, or combination of such systems or devices installed in accordance with federal laws and regulations.

It shall be unlawful for any person to operate a motor vehicle, as herein described, on the highways in the Commonwealth with its pollution control system or device removed or otherwise rendered inoperable.

It shall be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, as described in this section, equipped with any emission control system or device unless it is of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment.

No motor vehicle, as described in this section, shall be issued a safety inspection approval sticker unless it is equipped as provided under the foregoing provisions of this section or if it violates this section.

The provisions of this section shall not prohibit or prevent shop adjustments or replacements of equipment for maintenance or repair or the conversion of engines to low polluting fuels, such as, but not limited to, natural gas or propane, so long as such action does not degrade the antipollution capabilities of the vehicle power system.

The provisions of this section shall not apply to converted electric vehicles.

1972, c. 640, § 46.1-301.1; 1973, c. 5; 1989, c. 727; 2012, c. 177.

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

No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.

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

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

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

Code 1950, § 46-305; 1952, c. 455; 1956, c. 651; 1958, c. 541, § 46.1-301; 1960, c. 120; 1970, c. 266; 1972, c. 66; 1989, c. 727; 2006, cc. 529, 538; 2012, c. 177; 2015, cc. 77, 165; 2018, c. 655.

§ 46.2-1050. Mufflers on motorcycles.

It shall be unlawful for any person to operate or cause to be operated any motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.

No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motorcycle.

1976, c. 65, § 46.1-302.3; 1989, c. 727.

§ 46.2-1051. Certain local governments may impose restrictions on operations of certain vehicles.

The governing body of any county, city, or town which is located within the Northern Virginia Planning District may provide by ordinance that no person shall operate and no owner shall permit the operation of, either on a highway or on public or private property within 500 feet of any residential district, any motorcycle, moped, all-terrain vehicle as defined in § 46.2-100, not being used for agriculture or silviculture production as defined in § 3.2-300, electric power-assisted bicycle, motorcycle-like device commonly known as a trail-bike or mini-bike, off-road motorcycle, or motorized cart commonly known as a go-cart unless it is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise.

1983, c. 211, § 46.1-302.4; 1989, c. 727; 2004, cc. 947, 973; 2006, cc. 830, 896.

Article 6 - Windshields and Windows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code 1950, § 46-295; 1958, c. 541, § 46.1-291; 1970, c. 16; 1978, c. 233; 1981, cc. 17, 626; 1985, c. 160; 1987, cc. 298, 315; 1988, c. 751; 1989, c. 727; 1991, cc. 100, 328; 1993, c. 808; 1994, c. 118; 1997, cc. 744, 880; 1998, c. 133; 1999, c. 75; 2004, c. 613; 2008, c. 189; 2015, cc. 502, 503; 2017, c. 670; 2019, c. 623.

§ 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications. Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders him susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its windows, with sun-shading or tinting films or applications which reduce the transmission of light into the vehicle to levels not less than 35 percent. Such sun-shading or tinting film when applied to the windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less than 70 percent except for the upper five inches of such windshield or the AS-1 line, whichever is closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting films shall not be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle has in his

possession a written authorization issued by the Commissioner of the Department of Motor Vehicles authorizing such operation. The Commissioner shall issue such written authorization only upon receipt of a signed statement from a licensed physician or licensed optometrist (i) identifying with reasonable specificity the person seeking the written authorization and (ii) stating that, in the physician's or optometrist's professional opinion, the equipping of a vehicle with sun-shading or tinting films or applications is necessary to safeguard the health of the person seeking the written authorization. Written authorizations issued by the Commissioner under this section shall be valid so long as the condition requiring the use of sun-shading or tinting films or applications persists or until the vehicle is sold, whichever first occurs. Such written authorizations shall permit the approval of any such vehicle upon its safety inspection as required by this chapter if such vehicle otherwise qualifies for inspection approval. In the discretion of the Commissioner, one or more written authorizations may be issued to an individual or a family. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

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

1986, c. 67, § 46.1-291.01; 1987, c. 391; 1989, cc. 65, 727; 1990, c. 161; 1993, cc. 800, 808; 1996, cc. 943, 994; 2017, c. 670.

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

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

1960, c. 122, § 46.1-291.1; 1972, cc. 8, 844; 1987, c. 135; 1989, c. 727; 2003, c. 273; 2019, c. 510.

§ 46.2-1055. Windshield wipers.

Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning snow, rain, moisture, or other matter from the windshield directly in front of the driver. The device shall be so constructed as to be controlled or operated by the driver of the vehicle. Every such device on a school bus or a vehicle designed or used to carry passengers for compensation or hire or as a public conveyance shall be of a mechanically or electrically operated type. The device or devices on any motor vehicle manufactured or assembled after January 1, 1943, shall clean both the right and left sides of the windshield and shall be of a mechanically or electrically operated type.

Code 1950, § 46-296; 1958, c. 541, § 46.1-292; 1989, c. 727.

§ 46.2-1055.1. Windshield defroster or defogger.

Every Virginia-registered motor vehicle manufactured for the 1969 or subsequent model years and required to be equipped with a windshield shall be equipped with a windshield defroster or defogger. The defroster or defogger shall be in good working order at all times when the vehicle is operated on the highways.

1990, c. 955.

§ 46.2-1056. When safety glass required.

It shall be unlawful for any person to drive on any highway a motor vehicle registered in the Commonwealth and manufactured or assembled after January 1, 1935, and designed or used for the purpose of carrying persons for compensation or hire or as a public conveyance to transport school children and others, unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

It shall be unlawful to drive on any highway any motor vehicle registered in the Commonwealth, manufactured or assembled after January 1, 1936, unless the vehicle is equipped with safety glass approved by the Superintendent, or meets the standards and specifications of the American National Standards Institute, Incorporated, or the regulations of the federal Department of Transportation whenever glass is used in doors, windows, and windshields.

The term "safety glass" as used in this section shall mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken. The Commissioner shall maintain a list of types of glass approved by the Superintendent as conforming to the specifications and requirements for safety glass as set forth in this section and shall not issue a license for or relicense any motor vehicle subject to the provisions herein stated unless such motor vehicle is equipped as herein provided with the approved type of glass.

No glazing material other than safety glass shall be used in any motor vehicle registered in the Commonwealth, except that the Superintendent may permit safety glazing materials other than glass to be used in lieu of safety glass in portions of motor vehicles, trailers, and semitrailers designated by him, provided any such material bears a trade name or identifying mark, and has been submitted to and approved by the Superintendent.

If any person drives any vehicle in violation of this section while under a certificate issued by the State Corporation Commission, in addition to the penalty provided in § 46.2-113, the certificate of such person may, in the discretion of the State Corporation Commission, be suspended until this section is satisfactorily complied with.

Replacement safety glass installed in any part of a vehicle other than the windshield need not bear a trademark or name, provided (i) the glass consists of two or more sheets of glass separated by a glazing material, (ii) the glass is cut from a piece of approved safety glass, and (iii) the edge of the glass can be observed.

Code 1950, § 46-297; 1950, p. 698; 1958, c. 541, § 46.1-293; 1960, c. 125; 1968, c. 172; 1970, c. 18; 1989, c. 727.

§ 46.2-1057. Windshields.

It shall be unlawful for any person to drive on a highway in the Commonwealth any motor vehicle or reconstructed motor vehicle, other than a motorcycle or autocycle, registered in the Commonwealth that was manufactured, assembled, or reconstructed after July 1, 1970, unless the motor vehicle is equipped with a windshield.

1970, c. 22, § 46.1-293.1; 1989, c. 727; 2014, cc. 53, 256.

§ 46.2-1058. Replacement of glass in vehicle.

It shall be unlawful for any person to replace any glass in any vehicle with any material other than an approved type of safety glass. Safety glazing materials other than glass approved by the Superintendent as provided in § 46.2-1056 may, however, be used to replace safety glass in any portion of a motor vehicle which has been designated for such use by the Superintendent.

Code 1950, § 46-298; 1950, p. 699; 1958, c. 541, § 46.1-294; 1989, c. 727.

Article 7 - HORNS, SIRENS, AND WHISTLES

§ 46.2-1059. Horns.

Every motor vehicle driven on a highway shall be equipped with a working horn capable of emitting sound audible under normal conditions for at least 200 feet.

Code 1950, § 46-289; 1958, c. 541, § 46.1-283; 1989, c. 727.

§ 46.2-1060. Illegal sirens, whistles, etc.; unlawful use of warning devices; exceptions.

It shall be unlawful for any vehicle to be equipped with or for any person to use on any vehicle any siren or exhaust, compression or spark plug whistle, or horn except as may be authorized in this title. It shall be unlawful for any vehicle operated on a public highway to be equipped with any warning device that is not of a type that has been approved by the Superintendent. It shall further be unlawful for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. However, vehicles of common carriers or extraordinarily large and heavy vehicles may be equipped with such type of warning device as the Superintendent may require or permit.

Notwithstanding the provisions of this article, a siren, bell, or supplemental horn may be used on a vehicle as a noisemaker for an alarm system if the device is installed so as to prohibit actuation of the system by the driver while the vehicle is in motion.

Code 1950, § 46-290; 1958, c. 541, § 46.1-284; 1962, c. 146; 1970, c. 283; 1989, c. 727.

§ 46.2-1061. Sirens or exhaust whistles on emergency vehicles.
Every law-enforcement vehicle, every vehicle authorized to be equipped with warning lights pursuant to §§ 46.2-1022 and 46.2-1023 shall be equipped with a siren, exhaust whistle, or air horn designed to give automatically intermittent signals. Such devices shall be of types not prohibited by the Superintendent.

Code 1950, § 46-291; 1958, c. 541, § 46.1-285; 1960, c. 391; 1966, cc. 655, 664, 699; 1968, c. 89; 1980, c. 337; 1989, c. 727; 1990, c. 418.

§ 46.2-1062. Approval of warning devices.
The Superintendent may promulgate regulations relating to the construction, mounting, use, and number of warning devices for which there shall be an approval fee as prescribed in § 46.2-1008.

Code 1950, § 46-293; 1958, c. 541, § 46.1-286; 1989, c. 727.

Article 8 - STEERING AND SUSPENSION SYSTEMS

§ 46.2-1063. Alteration of suspension system; bumper height limits; raising body above frame rail.
No person shall drive on a public highway any motor vehicle registered as a passenger motor vehicle if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, are not within the range of fourteen inches to twenty-two inches above the ground. Notwithstanding the foregoing provisions of this section, the range of bumper heights for motor vehicles bearing street rod license plates issued pursuant to § 46.2-747 shall be nine to twenty-two inches.

No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation. No part of the original suspension system of a motor vehicle shall be disconnected to defeat the safe operation of its suspension system. However, nothing contained in this section shall prevent the installation of heavy duty equipment, including shock absorbers and overload springs. Nothing contained in this section shall prohibit the driving on a public highway of a motor vehicle with normal wear to the suspension system if such normal wear does not adversely affect the control of the vehicle.

No person shall drive on a public highway any motor vehicle registered as a truck if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, do not fall within the limits specified herein for its gross vehicle weight rating category. The front bumper height of trucks whose gross vehicle weight ratings are 4,500 pounds or less shall be no less than 14 inches

and no more than 28 inches, and their rear bumper height shall be no less than 14 inches and no more than 28 inches. The front bumper height of trucks whose gross vehicle weight ratings are 4,501 pounds to 7,500 pounds shall be no less than 14 inches and no more than 29 inches, and their rear bumper height shall be no less than 14 inches and no more than 30 inches. The front bumper height of trucks whose gross vehicle weight ratings are 7,501 pounds to 15,000 pounds shall be no less than 14 inches and no more than 30 inches, and their rear bumper height shall be no less than 14 inches and no more than 31 inches. Bumper height limitations contained in this section shall not apply to trucks with gross vehicle weight ratings in excess of 15,000 pounds. For the purpose of this section, "truck" includes pickup and panel trucks, and "gross vehicle weight ratings" means manufacturer's gross vehicle weight ratings established for that vehicle as indicated by a number, plate, sticker, decal, or other device affixed to the vehicle by its manufacturer.

In the absence of bumpers, and in cases where bumper heights have been lowered, height measurements under the foregoing provisions of this section shall be made to the bottom of the frame rail. However, if bumper heights have been raised, height measurements under the foregoing provisions of this section shall be made to the bottom of the main horizontal bumper bar.

No vehicle shall be operated on a public highway if it has been modified by any means so as to raise its body more than three inches, in addition to any manufacturer's spacers and bushings, above the vehicle's frame rail or manufacturer's attachment points on the frame rail.

This section shall not apply to specially designed or modified motor vehicles when driven off the public highways in races and similar events. Such motor vehicles may be lawfully towed on the highways of the Commonwealth.

1973, c. 498, § 46.1-282.1; 1978, c. 605; 1980, c. 342; 1986, c. 570; 1989, c. 727; 1991, c. 688; 1992, c. 864; 1993, c. 73.

§ 46.2-1064. Modification of front-end suspension by use of lift blocks.

No motor vehicle whose front-end suspension has been modified by the use of lift blocks shall be driven on any highway in the Commonwealth.

1985, c. 11, § 46.1-282.2; 1989, c. 727.

§ 46.2-1065. Steering gear; installation, sale, etc., of repair kit or preventive maintenance kit for use on part of steering gear prohibited.

Every motor vehicle driven on a highway shall be equipped with steering gear adequate to ensure the safe control of the vehicle. Such steering gear shall not show signs of weakness or breaking under ordinary conditions. The Superintendent may promulgate regulations establishing standards of adequacy of steering gear, which shall be the current standard specifications of steering gear adopted by the United States Bureau of Standards or the Society of Automotive Engineers, or the regulations of the federal Department of Transportation, for determining whether or not any motor vehicle operated on any highway conforms to the requirements of the Department of State Police.

No Virginia-registered motor vehicle shall be issued a safety inspection approval sticker or be operated on a highway in the Commonwealth if equipped with a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.

It shall be unlawful for any person to sell or offer for sale any repair kit or preventive maintenance kit for use on a tie rod end, idler arm, ball joint, or any other part of a vehicle's steering gear to prevent wear or to repair or remove play or looseness in the steering gear components.

Nothing contained in this section shall prohibit or prevent shop adjustments or the replacement of parts or complete components of a motor vehicle's steering gear that meet Society of Automotive Engineers standards of excellence, in order to correct deficiencies in the steering gear.

Code 1950, § 46-288; 1958, c. 541, § 46.1-282; 1968, c. 172; 1970, c. 23; 1983, c. 226; 1989, c. 727.

Article 9 - BRAKES

§ 46.2-1066. Brakes.

Every motor vehicle when driven on a highway shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle. The brakes shall be maintained in good working order and shall conform to the provisions of this article.

Every bicycle, electric power-assisted bicycle, and moped, when operated on a highway, shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement. Every electric personal assistive mobility device, when operated on a highway, shall be equipped with a system that, when activated or engaged, will enable the operator to bring the device to a controlled stop.

Code 1950, § 46-283; 1958, c. 541, § 46.1-277; 1974, c. 347; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254.

§ 46.2-1067. Within what distances brakes should stop vehicle.

On a dry, hard, approximately level stretch of highway free from loose material, the service braking system shall be capable of stopping a motor vehicle or combination of vehicles at all times and under all conditions of loading at a speed of 20 miles per hour within the following distances:

1. Passenger motor vehicles, except buses and antique vehicles, 25 feet.

2. Buses, trucks, and tractor trucks, 40 feet.

3. Motor vehicles registered or qualified to be registered as antique vehicles, when equipped with two-wheel brakes, 45 feet; four-wheel brakes, 25 feet.

4. All combinations of vehicles, 40 feet.

5. Motorcycles or autocycles, 30 feet.

Code 1950, § 46-284; 1958, c. 541, § 46.1-278; 1968, c. 164; 1970, c. 28; 1972, c. 3; 1989, c. 727; 2014, cc. 53, 256.

§ 46.2-1068. Emergency or parking brakes.

Every motor vehicle and combination of vehicles, except motorcycles or autocycles, shall be equipped with emergency or parking brakes adequate to hold the vehicle or vehicles on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material.

1968, c. 164, § 46.1-278.1; 1989, c. 727; 2014, cc. 53, 256.

§ 46.2-1069. Brakes on motorcycles.

Every motorcycle manufactured after July 1, 1974, and driven on a highway in the Commonwealth shall be equipped with either a split-service brake system or two independently actuated brake systems which shall act on the front as well as the rear wheel or wheels.

It shall be unlawful for any person to drive on a highway in the Commonwealth a motorcycle which was originally equipped with a brake system on both the front or rear wheel or wheels if the brake system has been altered by removing or disconnecting any of the brake-system components from any of the wheels.

1974, c. 219, § 46.1-279.1; 1989, c. 727.

§ 46.2-1070. Brakes on trailers.

Every semitrailer, trailer, or separate vehicle attached by a drawbar, chain, or coupling to a towing vehicle other than a farm tractor or a vehicle not required to obtain a registration certificate and having an actual gross weight of 3,000 pounds or more, shall be equipped with brakes controlled or operated by the driver of the towing vehicle, which shall conform to the specifications set forth in § 46.2-1067 and shall be of a type approved by the Superintendent. Farm trailers used exclusively for hauling raw agricultural produce from farm to farm or farm to packing shed or processing plant within the normal growing area of the packing shed or processing plant and trailers or semitrailers drawn by a properly licensed motor vehicle but exempt from registration, shall be exempt from the requirements of this section.

"Gross weight" for the purpose of this section includes weight of the vehicle and the load upon such semitrailer, trailer, or separate vehicle.

This section shall not apply to any vehicle being towed for repairs, repossession, in an emergency, or being moved by a tow truck when two wheels of the towed vehicle are off the ground.

Code 1950, § 46-286; 1958, c. 541, § 46.1-280; 1959, Ex. Sess., cc. 21, 90; 1962, c. 313; 1966, c. 654; 1968, c. 164; 1970, c. 169; 1989, c. 727; 2006, cc. 874, 891.

§ 46.2-1071. Requirements for parking.

No person having control of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the emergency or parking brake thereon, stopping the motor, and turning the front wheels into the curb or side of the roadway.

Code 1950, § 46-287; 1958, c. 541, § 46.1-281; 1989, c. 727.

Article 10 - MISCELLANEOUS EQUIPMENT

§ 46.2-1072. Operation of vehicle without serial or identification number; requirements for stamping, cutting, or embossing numbers; regulations.

It shall be unlawful to sell or to drive on any highway in the Commonwealth any motor vehicle which does not have stamped on or cut into its motor its motor number or which does not bear a permanent serial or other identification number assigned by the manufacturer or by the Commissioner, or any trailer or semitrailer which does not bear a permanent serial or other identification number assigned by its manufacturer or the Commissioner. The number shall be stamped, cut, embossed, or attached in such a manner that it cannot be changed, altered, or removed without plainly showing evidence which would be readily detectable or which would destroy the attached plate. The number shall be die stamped, cut, or embossed into or attached to a permanent part of the vehicle which is easily accessible for verification. However, nonresident owners who are permitted to operate motor vehicles, trailers, or semitrailers without registration, under the registration provision relating to nonresidents contained in §§ 46.2-655 through 46.2-661 shall not be required to comply with this section before operating a motor vehicle, trailer, or semitrailer on the highways in the Commonwealth.

The Commissioner may adopt regulations to carry out the provisions of this section.

Code 1950, § 46-11; 1952, c. 545; 1958, c. 541, § 46.1-84; 1978, c. 294; 1989, c. 727; 1997, c. 96.

§ 46.2-1072.1. Fees.

The Commissioner may charge a fee of $125 per vehicle, for the examination, verification, or identification of the serial or identification number of any vehicle, motor vehicle, trailer, or semitrailer. The Commissioner may also receive applications for the issuance of an identification number and investigate the circumstances of the application. When the Commissioner is satisfied that the applicant is entitled to the identification number, the fee for the issuance of such identification number shall be five dollars. If any inspection under this provision is done at the same time as an inspection under § 46.2-1605, then only one $125 fee shall be charged for both inspections. All fees collected under this section shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the expenses of the vehicle identification number and salvage vehicle inspection program.

1997, c. 96; 2006, c. 615.

§ 46.2-1073. Engine or serial number illegible, removed, or obliterated.

The owner of a motor vehicle, trailer, or semitrailer on which the engine, serial, or other identification number has become illegible or has been removed or obliterated shall immediately apply to the Department for a new identification number for such motor vehicle, trailer, or semitrailer. The Department, when satisfied that the applicant is the lawful owner or possessor of the motor vehicle, trailer, or semitrailer may assign a new identification number and shall require that such number, together with the name of the Commonwealth or a symbol indicating the Commonwealth and the date of such assignment, be stamped, inscribed or affixed upon such portion of the motor vehicle, trailer, or

semitrailer as shall be designated by the Department. Whenever a new identification number has been assigned to and stamped, inscribed or affixed on a motor vehicle, trailer, or semitrailer as provided in this section, the Department shall insert the number on the registration card and certificate of title or salvage/nonrepairable certificate issued the motor vehicle, trailer, or semitrailer.

Code 1950, § 46-6; 1958, c. 541, § 46.1-4; 1989, c. 727; 1996, cc. 591, 917.

§ 46.2-1074. Removing or altering serial or identification numbers, decals and devices without consent of Department.

Any person who, individually or in association with one or more others, knowingly removes, changes, alters, or conceals any motor number, serial, or other identification number, decal or device affixed to a motor vehicle, trailer, semitrailer or motor vehicle part as required by federal law without the consent of the Department, shall be guilty of a Class 6 felony.

Code 1950, § 46-9; 1958, cc. 391, 541, § 46.1-82; 1978, cc. 294, 605; 1979, c. 428; 1989, c. 727; 1996, cc. 591, 917.

§ 46.2-1075. Possession of vehicles with serial numbers removed or altered.

Any person who shall knowingly have in his possession a motor vehicle, motor vehicle part, trailer, or semitrailer whose motor number, serial number, identification number, decal or device as required by federal law has been removed, changed, or altered without the consent of the Department shall be guilty of a Class 6 felony.

Code 1950, § 46-10; 1958, c. 541, § 46.1-83; 1978, cc. 294, 605; 1979, c. 428; 1989, c. 727; 1996, cc. 591, 917.

§ 46.2-1075.1. Tampering with gross vehicle weight ratings; penalty.

It shall be unlawful for any person willfully to remove, alter, deface, or tamper with any number, plate, bracket, sticker, decal, indication, or other device indicating the manufacturer's gross vehicle weight rating of any vehicle which (i) has a manufacturer's gross vehicle weight rating of 15,000 pounds or less and (ii) has been modified by alteration of its height from the ground. Violation of this section shall constitute a Class 3 misdemeanor.

1991, c. 193.

§ 46.2-1076. Lettering on certain vehicles.

A. No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle on the highways in the Commonwealth unless the legal name or trade name of the motor carrier as defined in Chapter 20 (§ 46.2-2000 et seq.) or Chapter 21 (§ 46.2-2100 et seq.) operating the vehicle is plainly displayed on both sides of the vehicle. The letters and numerals in the display shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of 50 feet while the vehicle is not in motion. The display shall be kept legible and may take the form of a removable device which meets the identification and legibility requirements of this section.

B. This section shall not apply to any motor vehicle:

1. Having a registered gross weight of less than 10,000 pounds;

2. Which is used exclusively for weddings or funeral services;

3. Which is rented without chauffeur and operated under a valid lease which gives the lessee exclusive control of the vehicle; or

4. Which is used exclusively as an emergency medical services vehicle.

C. Subsection A shall also apply to tow trucks used in providing service to the public for hire. For the purposes of this section, "tow truck" means any motor vehicle which is constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles.

D. No person shall drive on the highways in the Commonwealth a pickup or panel truck, tractor truck, trailer, or semitrailer bearing any name other than that of the vehicle's owner or lessee. However, the provisions of this subsection shall not apply to advertising material for another, displayed pursuant to a valid contract.

Code 1950, § 46-63; 1950, p. 251; 1958, c. 541, §§ 46.1-64, 46.1-158.1; 1960, c. 79; 1972, cc. 77, 609; 1974, c. 400; 1975, c. 124; 1979, c. 620; 1989, c. 727; 2013, cc. 165, 582; 2015, cc. 502, 503.

§ 46.2-1077. Motor vehicles not to be equipped with television within view of driver; viewing motion pictures or similar displays while driving.

A. No motor vehicle registered in the Commonwealth shall be equipped with, nor shall there be used therein, a television receiver when the moving images are visible to the driver while the vehicle is in motion. The operator of a motor vehicle that is not required to be registered in the Commonwealth shall not operate a television receiver that violates the provisions of this section while driving in the Commonwealth.

The prohibitions contained in this subsection shall not, however, include:

1. Electronic displays used in conjunction with vehicle navigation and mapping systems, or as part of a digital dispatch system;

2. Closed circuit video monitors designed to operate only in conjunction with dedicated video cameras and used in rear-view systems on trucks, motor homes, and other motor vehicles;

3. Television receivers or monitors used in government-owned vehicles by law-enforcement officers and employees of the Department of Transportation in the course of their official duties;

4. Visual displays used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;

5. A vehicle information display;

6. A visual display used to enhance or supplement a driver's view of vehicle occupants;

7. Television-type receiving equipment used exclusively for safety or traffic engineering information; or

8. A television receiver, video monitor, television or video screen, or any other similar means of visually displaying a moving image, if that equipment is factory-installed and has an interlock device that, when the motor vehicle operator is performing one or more of the driving tasks, disables the equipment so that such moving images are not visible to the motor vehicle operator except as a visual display described in subdivisions 1 through 7. For the purposes of this subdivision, "driving task" means all of the real-time functions required to operate a vehicle in on-road traffic, excluding the selection of destinations and waypoints, and including steering, turning, lane keeping and lane changing, accelerating, and decelerating.

B. Except for displays explicitly authorized in subsection A, no driver of any motor vehicle shall view any motion picture or similar video display while driving.

Code 1950, § 46-219.1; 1950, p. 882; 1958, c. 541, § 46.1-202; 1989, c. 727; 1994, c. 117; 2005, cc. 210, 913; 2007, c. 110; 2011, c. 275; 2016, cc. 302, 707.

§ 46.2-1077.01. Display of certain visual material in motor vehicles prohibited; penalty.

It shall be unlawful for the operator of any motor vehicle on a public highway to display or permit the display within the vehicle of any image, motion picture, or video display that is obscene as defined in § 18.2-372 if such image, motion picture, or video display can be seen by persons outside the vehicle. Violation of this section shall constitute a Class 4 misdemeanor.

2005, c. 669.

§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.

A. It shall be unlawful for any person to operate a motor vehicle on the highways of the Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth, except for uses permitted under this section. In addition, the provisions of this section shall not apply to any law-enforcement, firefighting, or emergency medical services vehicle responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a violation of this section, or at that person's request and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. No demerit points shall be awarded by the Commissioner for violations of this section.

2004, c. 268; 2015, cc. 502, 503.

§ 46.2-1078. Unlawful to operate motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped while using earphones.

It shall be unlawful for any person to operate a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using earphones on or in both ears.

For the purpose of this section, "earphones" shall mean any device worn on or in both ears that converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include (i) any prosthetic device that aids the hard of hearing, (ii) earphones installed in helmets worn by motorcycle operators and riders and used as part of a communications system, or (iii) nonprosthetic, closed-ear, open-back, electronic noise-cancellation devices designed and used to enhance the hearing ability of persons who operate vehicles in high-noise environments, provided any such device is being worn by the operator of a vehicle with a gross vehicle weight rating of 26,000 pounds or more. The provisions of this section shall not apply to the driver of any emergency vehicle as defined in § 46.2-920.

Code 1950, § 46-219.1; 1950, p. 882; 1958, c. 541, § 46.1-202.1; 1989, c. 727; 1993, c. 126; 1997, c. 36; 2001, c. 834; 2002, c. 254.

§ 46.2-1078.1. (Repealed effective January 1, 2021) Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or

2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. It is unlawful for any person while driving a moving motor vehicle in a highway work zone to hold in his hand a handheld personal communications device.

C. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;

2. An operator who is lawfully parked or stopped;

3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or

4. Any person using a handheld personal communications device to report an emergency.

D. A violation of subsection A is a traffic infraction punishable, for a first offense, by a fine of $125 and, for a second or subsequent offense, by a fine of $250. A violation of subsection B is punishable by a mandatory fine of $250.

E. For the purposes of this section:

"Emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of emergency medical services where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

"Highway work zone" means a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

F. Distracted driving shall be included as a part of the driver's license knowledge examination.

2009, c. 661; 2013, cc. 752, 790; 2014, cc. 77, 803; 2015, cc. 502, 503; 2018, c. 606; 2019, c. 849.

§ 46.2-1079. Radar detectors; demerit points not to be awarded.

A. It shall be unlawful for any person to operate a motor vehicle on the highways of the Commonwealth when such vehicle is equipped with any device or mechanism, passive or active, to detect or purposefully interfere with or diminish the measurement capabilities of any radar, laser, or other device or mechanism employed by law-enforcement personnel to measure the speed of motor vehicles on the highways of the Commonwealth for law-enforcement purposes. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth. However, provisions of this section shall not apply to any receiver of radio waves utilized for lawful purposes to receive any signal from a frequency lawfully licensed by any state or federal agency.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a violation of this section, or at that person's request, and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B of this section, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. This section shall not apply to motor vehicles owned by the Commonwealth or any political subdivision thereof and used by law-enforcement officers in their official duties, nor to the sale of any such device or mechanism to law-enforcement agencies for use in their official duties.

D. No demerit points shall be awarded by the Commissioner for violations of this section. Any demerit points awarded by the Commissioner prior to July 1, 1992, for any violation of this section shall be rescinded and the driving record of any person awarded demerit points for a violation of this section shall be amended to reflect such rescission.

1962, c. 125, § 46.1-198.1; 1975, c. 108; 1976, c. 90; 1978, cc. 87, 91; 1981, c. 303; 1989, c. 727; 1992, c. 825; 1998, c. 300.

§ 46.2-1080. Speedometer in good working order.

It shall be unlawful for any person to possess with intent to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use or have as a part of the equipment of a motor vehicle, or to use or have as equipment on a motor vehicle operated on a highway any speedometer which is not in good working order.

Code 1950, § 46-311; 1958, c. 541, § 46.1-308; 1960, c. 125; 1968, c. 172; 1970, c. 26; 1984, c. 426; 1989, c. 727.

§ 46.2-1081. Slow-moving vehicle emblems.

A. Every farm tractor, self-propelled unit of farm equipment or implement of husbandry, and any other vehicle designed for operation at speeds not in excess of 25 miles per hour or normally operated at speeds not in excess of 25 miles per hour, shall display a triangular slow-moving vehicle emblem on the rear of the vehicle when traveling on a public highway at any time of the day or night.

B. Should a slow-moving vehicle tow a unit on a public highway, then the towing vehicle or the towed unit shall be equipped with the slow-moving vehicle emblem as follows:

1. If the towed unit or any load thereon obscures the slow-moving vehicle emblem on the towing vehicle, the towed unit shall be equipped with a slow-moving vehicle emblem, in which case the towing vehicle need not display such emblem.

2. If the slow-moving vehicle emblem on the towing vehicle is not obscured by the towed unit or any load thereon, then either or both such vehicles may be equipped with such emblem.

C. The standards and specifications for the slow-moving vehicle emblem and the position of mounting of the emblem shall conform to standards and specifications adopted by the American Society of Agricultural Engineers, the Society of Automotive Engineers, the American National Standards Institute, Inc., or the federal Department of Transportation.

D. The use of the slow-moving vehicle emblem shall be restricted to the uses specified in this title.

E. The provisions of this section shall not apply to bicycles, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters. Display of a slow-moving vehicle emblem on a bicycle, electric power-assisted bicycle, moped, or motorized skateboard or scooter shall not be deemed a violation of this section.

1970, c. 301, § 46.1-264.1; 1972, c. 146; 1978, c. 605; 1989, c. 727; 1996, c. 82; 2003, cc. 29, 46; 2019, c. 780.

§ 46.2-1082. Mirrors.

No person shall drive a motor vehicle on a highway in the Commonwealth if the vehicle is not equipped with a mirror which reflects to the driver a view of the highway for a distance of not less than 200 feet to the rear of such vehicle.

No motor vehicle registered in the Commonwealth, designed and licensed primarily for passenger vehicular transportation on the public highways and manufactured after 1968 shall be driven on the highways in the Commonwealth unless equipped with at least one outside and at least one inside rear view mirror meeting the requirements of this section.

Notwithstanding the other provisions of this section, no motor vehicle which either has no rear window, or which has a rear window so obstructed as to prevent rearward vision by means of an inside rear view mirror, shall be required to be equipped with an inside rear view mirror if such motor vehicle

has horizontally and vertically adjustable outside rear view mirrors installed on both sides of such motor vehicle in such a manner as to provide the driver of such motor vehicle a rearward view along both sides of such motor vehicle for at least 200 feet.

Code 1950, § 46-294; 1958, c. 541, § 46.1-289; 1968, c. 730; 1980, c. 13; 1989, c. 727.

§ 46.2-1083. Rear fenders, flaps, or guards required for certain motor vehicles.
No person shall operate on a highway any motor vehicle or combination of vehicles having a licensed gross weight in excess of 40,000 pounds unless the motor vehicle or combination of vehicles is equipped with rear fenders, flaps, or guards of sufficient size to substantially prevent the projection of rocks, dirt, water, or other substances to the rear. Vehicles used exclusively for hauling logs and tractor trucks shall be exempt from the provisions of this section.

Code 1950, § 46-294.1; 1954, c. 403; 1958, c. 541, § 46.1-290; 1960, c. 120; 1981, c. 304; 1989, c. 727.

§ 46.2-1084. Vehicle to have securely affixed seat for driver; location of such seat.
It shall be unlawful for any person to drive any motor vehicle on a highway in the Commonwealth unless it is equipped with a securely affixed seat for the driver. The seat shall be so located as to permit the driver to adequately control the steering and braking mechanisms and other instruments necessary for the safe operation of the motor vehicle.

1973, c. 56, § 46.1-302.1; 1989, c. 727.

§ 46.2-1085. Repealed.
Repealed by Acts 2003, c. 686.

§ 46.2-1086. Devices for emission of smoke screens, gas projectors or flame throwers; prohibited.
It shall be a Class 6 felony to install or to aid or abet in installing, in any manner, in or on any motor vehicle any device, appliance, equipment, or instrument of any kind, character, or description, or any part of such device, appliance, equipment, or instrument, designed for generating or emitting smoke, thereby creating what is commonly known as a "smoke screen," or of emitting any gas or flame which may be a hindrance or obstruction to traffic. It shall also be a Class 6 felony to knowingly possess or drive on the highways any motor vehicle so equipped.

Additionally, the driver's license of any person convicted of a violation of this section shall be suspended for six months from the date of conviction.

The provisions of this section shall not apply to vehicles used in applying herbicides, insecticides, or pesticides.

Code 1950, § 46-309; 1958, c. 541, § 46.1-305; 1962, c. 302; 1989, c. 727.

§ 46.2-1087. Forfeiture of vehicles equipped with smoke projectors, etc.
Any motor vehicle found to be equipped with any device, appliance, equipment, or instrument, as mentioned in § 46.2-1086, or equipped for the installation or attachment of any "smoke screen" or gas or flame emitting device, appliance, equipment, or instrument, as so mentioned, shall be forfeited to the

Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law. No such forfeiture, however, shall take place unless the owner or operator knows that such vehicle is so equipped.

Code 1950, § 46-310; 1958, c. 541, § 46.1-306; 1989, c. 727; 2012, cc. 283, 756.

§ 46.2-1088. Air conditioning units.

No motor vehicle operated on any highway shall be equipped with any air conditioning unit unless such device is of a type approved as to safety by the Superintendent. The Superintendent is authorized to promulgate regulations setting specifications relating to the design, construction, installation, maintenance, and use of such air conditioning units. No refrigerant used in such unit shall be explosive, flammable, or toxic, unless the refrigerant is included in the list published by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chloroflourocarbon-12, pursuant to 42 U.S.C. 7671 k (c).

Code 1950, § 46-310.1; 1954, c. 217; 1958, c. 541, § 46.1-307; 1989, c. 727; 2008, c. 443.

§ 46.2-1088.1. Hood scoops.

No motor vehicle shall be operated on a public highway in the Commonwealth if any hood scoop installed thereon exceeds any of the following dimensions:

1. For any hood scoop installed on any motor vehicle manufactured for the 1990 or earlier model year: thirty-eight inches wide at its widest point, two and one-quarter inches high at its highest point measured from the junction of the dashboard and the windshield, and fifty-two and one-quarter inches long at its longest point.

2. For any hood scoop installed on any motor vehicle manufactured for the 1991 or subsequent model year: thirty-eight inches wide at its widest point, one and one-eighth inches high at its highest point measured from the junction of the dashboard and the windshield, and fifty and one-half inches long at its longest point.

1991, c. 494.

§ 46.2-1088.2. Warning devices required on certain vehicles.

Any self-propelled vehicle used to sell ice cream, snacks and similar products at retail directly from the vehicle in residential neighborhoods shall be equipped with a device or devices, of a type approved by the Superintendent of State Police, in good working order, that, whenever the vehicle is operated in reverse gear, automatically display a light signal and emit an audible alarm signal. The provisions of this section shall not be construed to authorize such vehicles to be equipped with red, blue, or amber warning lights unless authorized under Article 3 (§ 46.2-1010 et seq.) of this chapter.

The provisions of this section shall not apply to vehicles commonly known as "concession trailers," "special events trailers" and similar equipment used to sell or dispense food, soft drinks, bottled water, fruit drinks, wine or malt beverages directly to consumers.

2001, c. 200.

§ 46.2-1088.3. Air bags; installation of other object in lieu of air bag prohibited; manufacture, sale, etc., of counterfeit or nonfunctional air bag prohibited; notice of installation of previously installed airbag required; penalties.

A. As used in this section:

"Counterfeit air bag" means a replacement air bag or a replacement air bag component displaying an unauthorized mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts for a motor vehicle manufacturer.

"Nonfunctional air bag" means a replacement air bag that has been previously deployed, damaged, or is otherwise inoperable or that has a fault that is detected by the vehicle diagnostic system after the installation procedure is complete and includes any object, including a counterfeit air bag, intended to deceive the vehicle's owner into believing the object is a functional air bag.

B. Any person who, without the knowledge of the vehicle's owner or the person requesting the installation, reinstallation, or replacement of a motor vehicle air bag, installs or reinstalls any air bag or other component of the vehicle's inflatable restraint system knowing that the air bag installation is not in accordance with federal safety regulations applicable to that specific line-make, model, and model year vehicle is guilty of a Class 1 misdemeanor.

C. Any person who, without the knowledge of the vehicle's owner or the person requesting the installation, reinstallation, or replacement of a motor vehicle air bag, installs, reinstalls, or replaces a motor vehicle air bag or other component of the vehicle's inflatable restraint system with an air bag or other component of a vehicle's inflatable restraint system knowing that the air bag was previously installed in another motor vehicle is guilty of a Class 2 misdemeanor.

D. Any person who knowingly manufactures, imports, sells, installs, or reinstalls a counterfeit airbag or nonfunctional air bag, or any device that is intended to conceal a counterfeit air bag or nonfunctional air bag, in a motor vehicle is guilty of a Class 1 misdemeanor.

E. The provisions of this section shall not apply to the sale, installation, reinstallation, or replacement of any motor vehicle air bag on vehicles used solely for police work, as described in § 46.2-750.1.

F. Any sale, installation, reinstallation, or replacement of a motor vehicle air bag in violation of this section shall not be construed as a superseding cause that limits the liability of any party in any civil action.

2002, c. 402; 2019, c. 392.

§ 46.2-1088.4. Devices used to supply nitrous oxide to the engines of motor vehicles.

It shall be unlawful for any person to operate any motor vehicle on the highways of the Commonwealth if such vehicle is equipped with any device that supplies the vehicle's engine with nitrous oxide, unless the device has been disabled such that the supply of nitrous oxide is disconnected and not readily accessible to the source of delivery.

Violation of any provision of this section shall constitute a Class 3 misdemeanor.

2004, c. 282.

§ 46.2-1088.5. Reflectors or reflectorized material required on rear end of certain trailers.
There shall be affixed to the rear end of every utility trailer that does not require state inspection either two or more reflectors of a type approved by the Superintendent or at least 100 square inches of solid reflectorized material. The reflectors or reflective material shall be applied so as to outline the rear end of the trailer. For the purposes of this section, "utility trailer" means a trailer whose body and tailgate consist largely or exclusively of a metal mesh.

2004, c. 785; 2005, c. 563.

§ 46.2-1088.6. Motor vehicle recording devices.
A. As used in this section:

"Accessed" means downloaded, extracted, scanned, read, or otherwise retrieved.

"Owner" means a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or a person entitled to possession of the vehicle as the lessee pursuant to a written lease agreement, provided such agreement at inception is for a period in excess of three months.

"Recorded data" means the data stored or preserved electronically in a recording device identifying performance or operation information about the motor vehicle including, but not limited to:

1. Speed of the motor vehicle or the direction in which the vehicle is traveling, or both;

2. Vehicle location data;

3. Vehicle steering performance;

4. Vehicle brake performance including, but not limited to, whether brakes were applied before a crash;

5. The driver's seatbelt status; and

6. Information concerning a crash in which the motor vehicle has been involved, including the ability to transmit such information to a central communications system.

"Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within the vehicle. "Recording device" includes event data recorders (EDRs), sensing and diagnostic modules (SDMs), electronic control modules (ECMs), automatic crash notification (ACN) systems, geographic information systems (GIS), and any other device that records and preserves data that can be accessed related to that vehicle.

B. Recorded data may only be accessed by the motor vehicle owner or with the consent of the motor vehicle owner or the owner's agent or legal representative; except under the following circumstances:

1. The owner of the motor vehicle or the owner's agent or legal representative has a contract with a third-party subscription service that requires access to a recording device or recorded data in order to perform the contract, so long as the recorded data is only accessed and used in accordance with the contract;

2. A licensed new motor vehicle dealer, or a technician or mechanic at a motor vehicle repair or servicing facility requires access to recorded data in order to carry out his normal and ordinary diagnosing, servicing, and repair duties and such recorded data is used only to perform such duties;

3. The recorded data is accessed by an emergency response provider and is used only for the purpose of determining the need for or facilitating an emergency response. Such persons are authorized to receive data transmitted or communicated by any electronic system of a motor vehicle that constitutes an automatic crash notification system and utilizes or reports data provided by or recorded by recording devices installed on or attached to a motor vehicle to assist them in performing their duties as emergency response providers;

4. Upon authority of a court of competent jurisdiction; or

5. The recorded data is accessed by law enforcement in the course of an investigation where constitutionally permissible and in accordance with any applicable law regarding searches and seizures upon probable cause to believe that the recording device contains evidence relating to a violation of the laws of the Commonwealth or the United States.

C. The consent of the motor vehicle owner or the owner's agent or legal representative for use of recorded data for purposes of investigating a motor vehicle accident or insurance claim shall not be requested or obtained until after the event giving rise to the claim has occurred, and shall not be made a condition of the defense, payment or settlement of an obligation or claim. For underwriting and rating purposes, the motor vehicle owner may provide his consent either directly to the insurer or through and as certified by a named insured.

D. If a person or entity accesses recorded data pursuant to subdivisions B 2 or B 3, such entity or person shall not transmit or otherwise convey the recorded data to a third party unless necessary to carry out their duties thereunder.

E. When the recording device and recorded data are not removed or separated from the motor vehicle, the ownership of the recording device and recorded data survives the sale of the motor vehicle to any nonbeneficial owner such as an insurer, salvage yard, or other person who does not possess and use the motor vehicle for normal transportation purposes.

F. The failure of an insurer to obtain access to the recorded data shall not create, nor shall it be construed to create, an independent or private cause of action in favor of any person.

2006, cc. 851, 889.

Article 11 - PAINT, LETTERING, AND SPECIAL EQUIPMENT FOR SCHOOL BUSES

§ 46.2-1089. Paint and lettering on school bus.

School buses shall be painted yellow with the words "School Bus" on the front and rear in letters at least eight inches high. All school buses shall be equipped with warning devices prescribed in § 46.2-1090. Only school buses as defined in § 46.2-100 may be painted yellow, identified by lettering as provided in this section, and equipped with the specified warning devices. A vehicle which merely transports pupils or residents at a school from one point to another without intermittent stops for the purpose of picking up or discharging pupils need not comply with the requirements of this section.

1968, c. 653, § 46.1-286.1; 1974, c. 455; 1989, c. 727.

§ 46.2-1089.1. Signs and markings on school buses using alternative fuels.

The State Board of Education may provide by regulation for the display of appropriate signs or other markings on school buses using alternative fuels. Such signs or markings shall conspicuously identify the vehicle as an alternatively fueled vehicle and indicate the type of alternative fuel used. No such sign or marking shall be more than 4 3/4 inches long or more than 3 1/4 inches high.

For the purposes of this section: (i) "alternative fuel" means a motor fuel used as an alternative to gasoline or diesel fuel; (ii) alcohol/gasoline blended fuels which contain less than eighty-five percent ethanol or methanol shall not be considered alternative fuels; and (iii) dual-fuel and bi-fuel vehicles equipped to operate on both a conventional fuel and an alternative fuel shall be considered alternatively fueled vehicles.

Signs and markings provided for under this section shall be in addition to other markings permitted or required by this title.

1993, c. 172.

§ 46.2-1090. Warning devices on school buses; other buses; use thereof; penalties.

Every bus used for the principal purpose of transporting school children shall be equipped with a warning device of such type as may be prescribed by the State Board of Education after consultation with the Superintendent of State Police. Such a warning device shall indicate when such bus is either (i) stopped or about to stop to take on or discharge children, the elderly, or mentally or physically handicapped persons or (ii) stopped or about to stop for another such bus, when approaching from any direction, that is stopped or about to stop to take on or discharge any such persons. Such warning device shall be used and in operation for at least 100 feet before any proposed stop of such bus if the lawful speed limit is less than thirty-five miles per hour, and for at least 200 feet before any proposed stop of such bus if the lawful speed limit is thirty-five miles per hour or more.

For any new bus placed into service on or after July 1, 2007, such warning devices, at a minimum, shall include a nonsequential system of red traffic warning lights, a warning sign with flashing lights,

and a crossing control arm such that when the bus door is opened, the red warning lights, warning sign with flashing lights, and crossing control arm are automatically activated.

Failure of a warning device to function on any school bus shall not relieve any person operating a motor vehicle from his duty to stop as provided in §§ 46.2-844 and 46.2-859.

Any person operating such bus who fails or refuses to equip such vehicle being driven by him with such equipment, or who fails to use such warning devices in the operation of such vehicle shall be guilty of a Class 3 misdemeanor.

Transit buses used to transport school children in the City of Hampton may be equipped with an advisory sign that extends from the left side of the bus and displays the words: "CAUTION-STUDENTS." Such sign may be equipped with not more than two warning lights of a type approved for use by the Superintendent of State Police.

Code 1950, § 22-280; 1956, c. 213; 1958, c. 541, § 46.1-287; 1960, c. 156; 1970, c. 521; 1975, c. 633; 1982, c. 681; 1989, c. 727; 1995, c. 106; 1996, c. 512; 2007, c. 421.

§ 46.2-1090.1. Warning lights on school buses.

In addition to other lights authorized by law, school buses may be equipped with flashing white or amber warning lights of types authorized by the Board of Education after consultation with the Superintendent of State Police. These warning lights shall be installed in a manner authorized by the Board after consultation with the Superintendent and shall be lighted while the bus is transporting school children during periods of reduced visibility caused by atmospheric conditions other than darkness. These warning lights may also be lighted at other times while the bus is transporting school children. Drivers of motor vehicles approaching school buses displaying lighted warning lights authorized in this section shall not be required to stop except as required in §§ 46.2-844 and 46.2-859.

1992, c. 159; 1997, c. 65.

Article 12 - SAFETY BELTS

§ 46.2-1091. Safety belts to be worn by certain bus drivers.

Any person operating a school bus shall wear the appropriate safety belt system when the bus is in motion.

Violation of this section shall constitute a Class 3 misdemeanor.

1973, c. 66, § 46.1-287.2; 1989, c. 727; 1994, c. 104.

§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be installed in certain motor vehicles.

No passenger car or autocycle registered in the Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of types approved by the Superintendent.

Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.

No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be issued a safety inspection approval sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the time of manufacture by the federal Department of Transportation have been either removed from the motor vehicle or rendered inoperable.

No autocycle registered in the Commonwealth shall be issued a safety inspection sticker if any lap belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed under this section have been either removed from the autocycle or rendered inoperable.

No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No passenger car, including convertibles, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation.

Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes, registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types required to be installed at the time of manufacture by the federal Department of Transportation for each forward-facing rear outboard seating position on a readily removable seat.

For the purposes of this section, forward-facing rear outboard seats are defined as those designated seating positions for passengers in outside front facing seats behind the driver and front passenger seats, except any designated seating position adjacent to a walkway that is located between the seat and the near side of the vehicle and is designed to allow access to a more rearward seating position.

The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in the foregoing provisions of this section.

Such regulations shall also include a listing of the exact devices which are required to be installed in each motor vehicle classification and the model year of each motor vehicle classification on which the standards of the federal Department of Transportation first became applicable.

1962, c. 357, § 46.1-309.1; 1964, c. 334; 1966, c. 37; 1968, c. 171; 1970, c. 19; 1980, c. 486; 1982, c. 434; 1989, c. 727; 1992, c. 553; 2014, cc. 53, 256.

§ 46.2-1093. Requirements for safety lap belts, shoulder harnesses and combinations thereof.
Any safety lap belt or shoulder harness or any combination of lap belt and shoulder harness installed in a vehicle shall be designed and installed in such manner as to prevent or materially reduce movement of any person using the same in the event of collision or upset of the vehicle.

The Superintendent shall establish specifications or requirements for approved type safety lap belts and shoulder harnesses or any combination of lap belt and shoulder harness, attachments, and installation, in accordance with the provisions of this section. Such specifications or requirements may be the same as those specifications or requirements for safety lap belts or shoulder harnesses or any combination of lap belt and shoulder harness established by the Civil Aeronautics Administration Technical Standard Orders or regulations established by the Society of Automotive Engineers or the standards of the federal Department of Transportation, for safety lap belts and shoulder harnesses or combination of lap belts and shoulder harnesses.

No person shall sell or offer for sale any safety lap belt, shoulder harness, or any combination of lap belt and shoulder harness or attachments thereto for use in a vehicle, unless of a type which has been approved by the Superintendent.

Code 1950, § 46-312.1; 1956, c. 36; 1958, c. 541, § 46.1-310; 1966, c. 37; 1968, c. 171; 1970, c. 20; 1989, c. 727.

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.
A. Any driver, and any other person at least 18 years of age and occupying the front seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

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

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

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

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

5. Drivers of and passengers in taxicabs; or

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

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

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

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

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

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

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

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

1987, c. 538, § 46.1-309.2; 1988, cc. 326, 344; 1989, c. 727; 1993, c. 591; 1997, c. 793; 2007, c. 813; 2010, c. 661.

Article 13 - Child Restraints

§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for passengers less than 18 years old required.

A. Any person who drives on the highways of Virginia any motor vehicle manufactured after January 1, 1968, shall ensure that any child, up to age eight, whom he transports therein is provided with and properly secured in a child restraint device of a type which meets the standards adopted by the United States Department of Transportation. Such child restraint device shall not be forward-facing until at least (i) the child reaches two years of age or (ii) the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. Further, child restraint devices shall be placed in the back seat of a vehicle. In the event the vehicle does not have a back seat, the child restraint device may be placed in the front passenger seat only if the vehicle is either not equipped with a passenger side airbag or the passenger side airbag has been deactivated.

B. Any person transporting another person less than 18 years old, except for those required pursuant to subsection A to be secured in a child restraint device, shall ensure that such person is provided with and properly secured by an appropriate safety belt system when driving on the highways of Virginia in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

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 in a civil action.

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

E. Nothing in this section shall apply to any person operating taxicabs, school buses, executive sedans, or limousines. The provisions of (i) subsection B shall not apply to any person operating an emergency medical services agency vehicle, fire company vehicle, fire department vehicle, or law-enforcement agency vehicle while in the performance of his official duties and (ii) subsection A shall not apply to any person operating any such vehicle in the performance of his official duties, under exigent circumstances, provided that no child restraint device is readily available.

1982, c. 634, § 46.1-314.2; 1984, c. 280; 1986, c. 283; 1989, c. 727; 1992, cc. 119, 405; 1997, c. 793; 2000, c. 736; 2002, cc. 358, 616, 660; 2007, cc. 91, 935; 2010, c. 661; 2018, c. 402; 2019, cc. 196, 319.

§ 46.2-1096. Exceptions for certain children.

Whenever any physician licensed to practice medicine in the Commonwealth or any other state determines, through accepted medical procedures, that use of a child restraint system by a particular

child would be impractical by reason of the child's weight or height, physical unfitness, or other medical reason, the child shall be exempt from the provisions of this article. Any person transporting a child so exempted shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds therefor.

1982, c. 634, § 46.1-314.3; 1983, c. 296; 1989, c. 727; 2018, c. 402.

§ 46.2-1097. Child restraint devices; special fund created.

The Department of Health shall operate a program to promote, purchase, and distribute child restraint devices to applicants who need a child restraint device but are unable to acquire one because of financial inability. A special fund, known as the Child Restraint Device Special Fund, shall fund the program. The Department of Health shall determine the number of child restraint devices that can be purchased by the program, based upon the amount of funds in the Child Restraint Device Special Fund, provided, however, that the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to child restraint device purchases by the Department of Health pursuant to this section. The Child Restraint Device Special Fund shall consist of all civil penalties that are collected pursuant to § 46.2-1098 and other funds that may be appropriated for that purpose.

1982, c. 634, § 46.1-314.4; 1984, c. 778; 1986, c. 283; 1989, c. 727; 1996, c. 145.

§ 46.2-1098. Penalties; violations not negligence per se.

Any person, including those subject to jurisdiction of a juvenile and domestic relations district court, found guilty of violating this article shall be subject to a civil penalty of $50, which shall not be suspended in whole or in part, for a violation of § 46.2-1095; however, any person found guilty of violating § 46.2-1095 a second or subsequent time when the violations occurred on different dates shall be subject to a civil penalty of up to $500. An additional civil penalty of $20 shall be imposed for failure to carry a statement as required by § 46.2-1096. Notwithstanding the foregoing provisions of § 46.2-1095, the court may waive or suspend the imposition of the penalty for a violation of § 46.2-1095 if it finds that the failure of the defendant to comply with the section was due to his financial inability to acquire a child restraint system. All civil penalties collected pursuant to this section shall be paid into the Child Restraint Device Special Fund as provided for in § 46.2-1097.

No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of this title and no court costs shall be assessed for violation of § 46.2-1095.

Violations of this article shall not constitute negligence per se; nor shall violation of this article constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident.

1982, c. 634, § 46.1-314.5; 1989, c. 727; 1992, cc. 119, 405; 2002, c. 358; 2008, c. 714.

§ 46.2-1099. Further exemptions.

This article shall not apply to:

The transporting of any child in a vehicle having an interior design which makes the use of such device impractical; or

The transporting of children by public transportation, bus, school bus, or farm vehicle.

For the purposes of this section, "farm vehicle" means a vehicle which is either (i) exempt from registration pursuant to §§ 46.2-664, 46.2-665, 46.2-666, 46.2-667, 46.2-670, or § 46.2-672, (ii) registered as a farm vehicle pursuant to § 46.2-698, or (iii) owned by a resident of another state under whose laws the vehicle is either registered as a farm vehicle or exempt from registration by virtue of its use as a farm vehicle.

1982, c. 634, § 46.1-314.6; 1989, c. 727; 1992, cc. 119, 405; 1993, c. 181.

§ 46.2-1100. Use of standard seat belts permitted for certain children.
The use of a seat belt of the type which is standard equipment shall not violate this article if (i) the affected child is at least four years old but less than eight years old and (ii) any physician licensed to practice medicine in the Commonwealth or any other state determines that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds for the determination.

1982, c. 634, § 46.1-314.7; 1989, c. 727; 2002, cc. 616, 660; 2007, cc. 91, 935.

Article 14 - MAXIMUM VEHICLE SIZE, GENERALLY

§ 46.2-1101. Limitations applicable throughout Commonwealth; alteration by local authorities.
The maximum size and weight of vehicles specified in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall apply throughout the Commonwealth. Local authorities shall not alter such limitations except as expressly authorized in this title.

Code 1950, § 46-325; 1958, c. 541, § 46.1-327; 1989, c. 727.

§ 46.2-1102. Size and weight limitations inapplicable to farm machinery, agricultural multipurpose drying units, and firefighting equipment; amber warning lights.
A. Except when restricted by bridge capacity in § 46.2-1104, the vehicle size and weight limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to (i) any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business or (ii) firefighting equipment of any county, city, town, or firefighting company or association. Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

No firefighting equipment of any county, city, or town, or firefighting company or association may be operated on any Interstate Highway System component if it exceeds the weight limitations in § 46.2-1127.1. No overweight farm machinery or agricultural multipurpose drying unit under this section shall be operated on any Interstate Highway System component if the vehicle has:

1. A single axle weight in excess of 20,000 pounds;

2. A tandem axle weight in excess of 34,000 pounds;

3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1126; or

4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

B. Notwithstanding subsection A, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in addition to the safety light described in subsection A. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, 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 any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

Code 1950, § 46-326; 1950, p. 982; 1952, c. 403; 1956, c. 483; 1958, c. 541, § 46.1-332; 1962, c. 197; 1973, c. 183; 1974, c. 361; 1989, c. 727; 1993, c. 151; 1997, c. 149; 2011, c. 331; 2020, c. 975.

§ 46.2-1103. Greater size, weight, and load limits permitted by interstate commerce regulations.
If a federal regulation of interstate commerce permits the use in interstate commerce over the highways of Virginia or any of them, of a greater size, weight, or load limit than prescribed in this title, the Board shall prescribe a similar size, weight, and load limit for vehicles in intrastate commerce operated over the same highways.

1958, c. 541, § 46.1-344; 1989, c. 727.

§ 46.2-1104. Reduction of limits by Commissioner of Highways and local authorities; penalties.
The Commissioner of Highways, acting through employees of the Department of Transportation, may prescribe the weight, width, height, length, or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the interstate, primary, or secondary system of highways. Any limitations thus prescribed may be less than those prescribed in this title whenever an engineering study discloses that it would promote the safety of travel or is necessary for the protection of any such highway.

If the reduction of limits as provided in this section is to be effective for more than 90 days, a written record of this reduction shall be kept on file at the central office of the Department of Transportation. In instances where the limits, including speed limits, are to be temporarily reduced, the representative of the Department of Transportation in the county wherein such highway is located shall immediately

notify the Chief Engineer for the Department of Transportation of such reduction. The Chief Engineer shall either affirm or rescind the action of reducing such limits within five days from the date the limits have been posted as hereinafter provided. A list of all highways on which there has been a reduction of limits as herein provided shall be kept on file at the central office of the Department of Transportation. Anyone aggrieved by such reduction of limits may appeal directly to the Commissioner of Highways for redress, and if he affirms the action of reducing such limits, the Commonwealth Transportation Board shall afford any such aggrieved person the opportunity of being heard at its next regular meeting.

The local authorities of counties, cities, and towns, where the highways are under their jurisdiction, may adopt regulations or pass ordinances decreasing the weight limits prescribed in this title for a total period of no more than 90 days in any calendar year, when an engineering study discloses that operation over such highways or streets by reason of deterioration, rain, snow, or other climatic conditions will seriously damage such highways unless such weights are reduced.

In all instances where the limits for weight, size, or speed have been reduced by the Commissioner of Highways or the weights have been reduced by local authorities pursuant to this section, signs stating the weight, height, width, length, or speed permitted on such highway shall be erected at each end of the section of highway affected and no such reduced limits shall be effective until such signs have been posted.

Notwithstanding any other provision of law to the contrary, it shall be unlawful to operate a vehicle or combination of vehicles on any public highway or section thereof when the weight, size, or speed thereof exceeds the maximum posted by authority of the Commissioner of Highways or local authorities pursuant to this section.

Any violation of any provision of this section shall constitute a Class 2 misdemeanor. Furthermore, the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

Code 1950, §§ 46-340, 46-341; 1952, cc. 137, 237; 1958, c. 600, § 46.1-345; 1966, c. 85; 1968, c. 218; 1989, c. 727; 2005, c. 645; 2013, c. 118.

Article 15 - MAXIMUM VEHICLE WIDTHS AND HEIGHTS

§ 46.2-1105. Width of vehicles generally; exceptions.

A. No vehicle, including any load thereon, but excluding the mirror required by § 46.2-1082 and any warning device installed on a school bus pursuant to § 46.2-1090, shall exceed a total outside width as follows:

1. Passenger bus operated in an incorporated city or town when authorized under § 46.2-1300 -- 102 inches;

2. School buses -- 100 inches;

3. Vehicles hauling boats or other watercraft -- 102 inches;

4. Other vehicles -- 102 inches.

B. Notwithstanding subsection A, a travel trailer as defined in § 46.2-1500 or a motor home may exceed 102 inches if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. For the purposes of this subsection, "appurtenance" includes (i) an awning and its support hardware and (ii) any appendage that is installed by the manufacturer or dealer intended to be an integral part of a motor home or travel trailer, but does not include any item that is temporarily attached to the exterior of the vehicle by the vehicle's owner for the purposes of transporting the item from one location to another.

Code 1950, § 46-326; 1950, p. 982; 1952, c. 403; 1956, c. 483; 1958, c. 541, § 46.1-328; 1960, c. 591; 1968, c. 333; 1973, c. 183; 1979, c. 70; 1983, c. 515; 1985, c. 426; 1986, c. 72; 1989, c. 727; 1994, c. 819; 1996, cc. 446, 506; 2001, c. 151; 2015, c. 615.

§§ 46.2-1106, 46.2-1107. Repealed.

Repealed by Acts 2020, c. 707, cl. 1.

§ 46.2-1108. Bus widths to comply with federal law.

If federal law permits the operation of passenger buses wider than 96 inches on the interstate highway system, the Commissioner of Highways may permit the operation of passenger buses of a total outside width, excluding the mirror required by § 46.2-1082, of more than 96 inches, but not exceeding more than 102 inches, on interstate and defense highways or any other four lane divided highways under the jurisdiction of the Commonwealth Transportation Board. The use of any other state highways between the aforesaid highways and the passenger bus terminals may be permitted upon application to the Commissioner of Highways by the governing body of any county, city, or town in which such other highways are located. Any such increase in width of passenger buses or designation of highways to be used by them shall not exceed the federal law which may hereafter be adopted, or jeopardize the Commonwealth's allotment of or qualification for federal aid highway funds.

Code 1950, § 46-326; 1950, p. 982; 1952, c. 403; 1956, c. 483; 1958, c. 541, § 46.1-328; 1960, c. 591; 1968, c. 333; 1973, c. 183; 1979, c. 70; 1983, c. 515; 1985, c. 426; 1986, c. 72; 1989, c. 727; 2013, cc. 585, 646.

§ 46.2-1109. Widths of commercial vehicles.

No commercial vehicle shall exceed 102 inches in width when operating on any interstate highway or on any highway designated by the Commonwealth Transportation Board. The width limitation in this section shall not include rear view mirrors, turn signal lights, handholds for cab entry and egress, splash suppressant devices, and load-induced tire bulge. Safety devices, with the exception of rear view mirrors, shall not extend more than three inches on each side of a vehicle. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs, and rest. Household goods carriers and any tractor truck semitrailer combination in which the semitrailer has a length of no more than twenty-eight and one-half feet shall not be denied reasonable access to points of loading and unloading, except as designated, based on safety considerations, by the

Commissioner of Highways. No reasonable access designation shall be made, however, until notice of any proposed designation has been provided by the Commissioner of Highways to the governing body of every locality wherein any highway affected by the proposed designation is located.

For the purposes of this section, a commercial vehicle is defined as a loaded or empty motor vehicle, trailer, or semitrailer designed or regularly used for carrying freight, merchandise, or more than ten passengers, including buses, but not including vehicles used for vanpools.

1986, c. 72, § 46.1-328.1; 1989, cc. 645, 727; 1994, c. 456; 1997, c. 773; 2013, cc. 585, 646.

§ 46.2-1110. Height of vehicles; damage to overhead obstruction; penalty.

No loaded or unloaded vehicle shall exceed a height of 13 feet, six inches.

Nothing contained in this section shall require either the public authorities or railroad companies to provide vertical clearances of overhead bridges or structures in excess of 12 feet, six inches, or to make any changes in the vertical clearances of existing overhead bridges or structures crossing highways. The driver or owner of vehicles on highways shall be held financially responsible for any damage to overhead bridges or structures that results from collisions therewith.

The driver or owner of any vehicle colliding with an overhead bridge or structure shall immediately notify, either in person or by telephone, a law-enforcement officer or the public authority or railroad company, owning or maintaining such overhead bridge or structure of the fact of such collision, and his name, address, driver's license number, and the registration number of his vehicle. Failure to give such notice immediately, either in person or by telephone, shall constitute a Class 1 misdemeanor.

On any highway maintained by the Department of Transportation over which there is a bridge or structure having a vertical clearance of less than 14 feet, the Commissioner of Highways shall have at least two signs erected setting forth the height of the bridge or structure. Such signs shall be located at least 1,500 feet ahead of the bridge or structure.

On any highway maintained by a county, city, or town over which a bridge or structure has a vertical clearance of less than 14 feet, the local governing body shall have at least two signs erected setting forth the height of the bridge or structure. Such signs shall be located at least 1,500 feet ahead of the bridge or structure.

The Department of Transportation may install and use overheight vehicle optical detection systems to identify vehicles that exceed the overhead clearance of the westbound tunnel of the Hampton Roads Bridge Tunnel on Interstate 64. When the optical system sensor located closest to the westbound tunnel entrance is used in identifying such vehicles, the system shall be installed at the specified height as determined by measurement standards that have been certified by the Commissioner of the Department of Agriculture and Consumer Services, and are traceable to national standards of measurement. Such identification by such system shall, for all purposes of law, be equivalent to having measured the height of the vehicle with a tape measure or other measuring device. When an employee of the Department of Transportation or the Department of State Police identifies a vehicle whose height exceeds 13

feet, six inches and whose driver is driving or attempting to drive through the westbound tunnel of the Hampton Roads Bridge Tunnel on Interstate 64, the driver of such vehicle may elect to wait until the end of peak traffic periods, as determined by the Department of Transportation, so that the Department of Transportation or Department of State Police may safely stop traffic and allow such vehicle to proceed in the opposite direction. If the driver does not elect to wait, he shall be subject to the penalties under this section.

Any person who drives or attempts to drive any vehicle or combination of vehicles into or through any tunnel when the height of such vehicle, any vehicle in a combination of vehicles, or any load on any such vehicle exceeds that permitted for such tunnel, shall be guilty of a misdemeanor and, in addition, shall be assessed three driver demerit points. In addition, the driver of any such vehicle shall be fined $1,000, of which $1,000 shall be a mandatory minimum. For subsequent offenses, the owner of any such vehicle shall be fined $2,500, of which $2,500 shall be a mandatory minimum.

A violation of this section shall be deemed for all purposes a moving violation.

Code 1950, § 46-327; 1950, p. 480; 1958, c. 541, § 46.1-329; 1962, c. 85; 1984, c. 780; 1989, c. 727; 2001, c. 94; 2005, cc. 542, 543; 2006, Sp. Sess. I, c. 6; 2011, c. 620; 2015, c. 181.

§ 46.2-1111. Extension of loads beyond line of fender or body.

No vehicle shall carry any load extending more than six inches beyond the line of the fender or body. Nor shall such load exceed a total outside width as prescribed by §§ 46.2-1105 through 46.2-1109.

Notwithstanding the foregoing provisions of this section, watercraft carried on vehicles may extend more than six inches beyond the line of the fender or body of such vehicle if the total width of watercraft and the carrier upon which it is carried does not exceed seventy-six inches.

Code 1950, § 46-330; 1958, c. 541, § 46.1-334; 1960, c. 280; 1979, c. 526; 1989, c. 727.

Article 16 - MAXIMUM VEHICLE LENGTHS

§ 46.2-1112. Length of vehicles, generally; special permits; vehicle combinations, etc., operating on certain highways; penalty.

No motor vehicle longer than 40 feet shall be operated on any highway in the Commonwealth except for buses and motor homes. The actual length of any combination of vehicles, including motor homes and buses, coupled together including any load thereon shall not exceed a total of 65 feet. However, the length of a tractor truck semitrailer combination may exceed 65 feet in length, provided the semitrailer does not exceed 53 feet in length and the distance between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles does not exceed 41 feet. The Commissioner of Highways may impose restrictions on the operation of vehicles exceeding 65 feet in length on certain roads, based on a safety and engineering analysis. No bus or motor home longer than 45 feet shall be operated on any highway in the Commonwealth. No tolerance shall be allowed that exceeds 12 inches.

The Commissioner, however, when good cause is shown, may issue a special permit for combinations either in excess of 65 feet, including any load thereon, or where the object or objects to be carried cannot be moved otherwise. Such permits may also be issued by the Department when the total number of otherwise overdimensional loads of modular housing of no more than two units may be reduced by permitting the use of an overlength trailer not exceeding 54 feet. No permit shall be issued by the Commissioner until an engineering analysis of a proposed routing has been conducted by the Commissioner of Highways to assess the ability of the roadway to be traversed to sustain the vehicle's size.

No overall length restrictions, however, shall be imposed on any tractor truck semitrailer combinations drawing one trailer or any tractor truck semitrailer combinations when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. No such designation shall be made, however, until notice of any proposed designation has been provided by the Commissioner of Highways to the governing body of every locality wherein any highway affected by the proposed designation is located.

No individual semitrailer or trailer being drawn in a tractor truck semitrailer trailer combination, however, shall exceed 28 1/2 feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed 48 feet in length, except when semitrailers have a distance of not more than 41 feet between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles, such semitrailer shall be allowed not more than 53 feet in length.

The length limitations on semitrailers and trailers in the foregoing provisions of this section shall be exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber dock guards, flexible fender extensions, mudflaps, refrigeration units, and air compressors. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs and rest. Household goods carriers and any tractor truck semitrailer combination in which the semitrailer has a length of no more than 28 1/2 feet shall not be denied reasonable access to points of loading and unloading, except as designated, based on safety considerations, by the Commissioner of Highways.

Any person operating a vehicle whose length is not in conformity with the provisions of this chapter on a two-lane highway where passing is permitted shall be guilty of a traffic infraction and fined $250.

Code 1950, § 46-328; 1950, p. 665; 1952, c. 342; 1956, cc. 476, 483; 1958, c. 541, § 46.1-330; 1962, c. 113; 1966, c. 59; 1972, c. 446; 1974, c. 664; 1975, c. 104; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 417; 1989, cc. 644, 645, 727; 1993, c. 984; 1994, c. 456; 1995, c. 71; 1997, c. 773; 2001, c. 151; 2003, c. 314; 2005, c. 262; 2006, cc. 210, 232; 2013, cc. 585, 646; 2016, c. 122.

§ 46.2-1113. Length exceptions for certain passenger buses and motor homes.

Passenger buses and motor homes longer than thirty-five feet, but not longer than forty-five feet, may be operated on the streets of cities and towns when authorized pursuant to § 46.2-1300. Passenger buses and motor homes may exceed the forty-five-foot limitation when such excess length is caused

by the projection of a front or rear safety bumper or both. Such safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one foot in the front and one foot in the rear. "Safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured to absorb energy upon impact.

Code 1950, § 46-328; 1950, p. 665; 1952, c. 342; 1956, cc. 476, 483; 1958, c. 541, § 46.1-330; 1962, c. 113; 1966, c. 59; 1972, c. 446; 1974, c. 664; 1975, c. 104; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 417; 1989, c. 727; 1993, c. 984; 2001, c. 151.

§ 46.2-1114. Length of watercraft transporters; operation on certain highways.

Watercraft transporters shall not exceed a length of 65 feet when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. Stinger-steered watercraft transporters shall not exceed a length of 75 feet when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board. In addition, watercraft may be transported on a truck/trailer combination no more than 65 feet long when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board. Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. However, an additional three-foot overhang shall be allowed beyond the front and a four-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

1986, c. 72, § 46.1-330.1; 1989, cc. 645, 727; 1994, c. 456; 2013, cc. 585, 646; 2017, c. 554.

§ 46.2-1114.1. Length of automobile transporters; operation on certain highways.

Automobile transporters shall not exceed a length of 65 feet when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board and stinger-steered automobile transporters shall not exceed a length of 80 feet when operated on the national network of interstate and primary highways as defined in 23 CFR 658.5, as amended. Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. Notwithstanding the provisions of § 46.2-1120, a four-foot overhang shall be allowed beyond the front and a six-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

2017, c. 554.

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

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

Code 1950, § 46-328.1; 1956, c. 86; 1958, c. 541, § 46.1-331; 1985, c. 426; 1989, c. 727; 1996, cc. 39, 146; 1999, c. 77.

§ 46.2-1116. Vehicles having more than one trailer, etc., attached thereto; exceptions.

Except as provided in this section and § 46.2-1117, no motor vehicle shall be driven on a highway while drawing or having attached thereto more than one motor vehicle, trailer, or semitrailer unless such vehicle is being operated under a special permit from the Commissioner of Highways. This limitation, however, shall not apply between sunrise and sunset to farm trailers or semitrailers being moved from one farm to another farm owned or operated by the same person within a radius of 10 miles. This limitation also shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service when not more than two saddle mounts are used. Vehicles coupled together by not more than three saddle mounts shall not exceed 75 feet when operated on any primary highway as designated by the Commonwealth Transportation Board and shall not exceed 97 feet when operated on the National Network of interstate and primary highways as designated under 23 CFR 658.5, as amended. Use of saddle mounts as provided in this section shall be in conformity with safety regulations adopted by the federal Department of Transportation.

The Commissioner of Highways shall designate reasonable access to terminals and facilities for food, fuel, repairs, and rest.

The governing body of any city may by ordinance permit motor vehicles to be driven on the highways of their respective cities while drawing or having attached thereto more than one other vehicle, trailer, or semitrailer.

Code 1950, § 46-331; 1958, c. 541, § 46.1-335; 1962, c. 575; 1964, c. 286; 1966, c. 373; 1974, c. 580; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 72; 1989, c. 727; 1994, c. 456; 1996, c. 340; 2010, c. 24; 2013, cc. 585, 646.

§ 46.2-1117. Tractor truck semitrailer combinations operating on certain highways; access to certain facilities.

A tractor truck semitrailer combination may draw one trailer when operating on any interstate highway and any highway as designated by the Commonwealth Transportation Board. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for carriers of household goods.

1983, c. 515, § 46.1-335.1; 1989, c. 727; 1994, c. 456; 2013, cc. 585, 646.

§ 46.2-1117.1. Commercial delivery of towaway trailers.

A. For the purposes of this section:

"Towaway trailer transporter combination" means a combination of vehicles consisting of a trailer transporting towing unit and two trailers or semitrailers that carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

"Trailer transporting towing unit" means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

B. Notwithstanding the provisions of §§ 46.2-1116 and 46.2-1117, a towaway trailer transporter combination may operate with a length of not more than 82 feet and a gross weight of not more than 26,000 pounds. When operating on a highway other than an interstate highway, the operator shall comply with flashing high-intensity amber warning light requirements of § 46.2-1026 if such combination exceeds 75 feet long.

2017, c. 554.

§ 46.2-1118. Connection between vehicles; tow trucks towing vehicles by means of a wheel lift apparatus.

The connection between any two vehicles, one of which is towing or drawing the other on a highway, shall consist of a fifth wheel, drawbar, trailer hitch, or other similar device not to exceed 15 feet in length from one vehicle to the other. Any such two vehicles shall, in addition to such drawbar or other similar device, be equipped at all times when so operated on the highway with an emergency chain or cable that is structurally adequate to securely stop and hold the trailer being towed.

The fifth wheel, drawbar, trailer hitch, or similar device must (i) be structurally adequate for the weight being drawn, (ii) be properly and securely mounted, (iii) provide for adequate articulation at the connection without excessive slack at that location, and (iv) be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the fifth wheel, drawbar, trailer hitch, or similar device on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.

The foregoing provisions of this section shall not apply to (i) any farm tractor, as defined in § 46.2-100, when such farm tractor is towing any farm implement or farm machinery by means of a drawbar coupled with a safety hitch pin or manufacturer's coupling device or (ii) any tow truck towing a vehicle by means of a wheel lift apparatus that employs a safety strap to hold two of the towed vehicle's wheels within a wheel lift cradle in a manner consistent with instructions of the manufacturer of such wheel lift apparatus.

For the purposes of this section, "tow truck" means any motor vehicle that is constructed and used primarily for towing, lifting, or otherwise moving illegally parked or disabled vehicles.

Code 1950, § 46-332; 1958, c. 541, § 46.1-336; 1982, c. 189; 1985, c. 426; 1989, c. 727; 2003, c. 414; 2010, c. 614.

§ 46.2-1119. Tow dolly and converter gear.

No axle-like device, commonly called a "tow dolly," used to support the front or rear wheels of a passenger vehicle or pick-up or panel truck for towing purposes, and no axle-like device, commonly called "converter gear," on which is mounted a fifth wheel used to convert a semitrailer to a full trailer, shall be considered vehicles. Either such device, when used on the public highways, shall be equipped with a safety chain or chains of a strength to restrain the device and vehicle being towed, should the connection fail. In addition, either device, when moved on the public highway, shall be equipped with rear marker lights or reflectors when towed without a load. When a tow dolly or

converter gear is used to tow a vehicle, the towed vehicle must comply with all requirements of law pertaining to towed vehicles.

1984, c. 182, § 46.1-336.1; 1989, c. 727.

§ 46.2-1120. Extension of loads beyond front of vehicles.

A. As used in this section, "self-propelled pole carrier" means a motor vehicle that is (i) operated by a public utility company as defined in § 56-265.1, or its agents, (ii) designed to carry a pole at a height of at least five feet when measured from the bottom of the brace used to carry the pole, and (iii) carrying no more than two utility poles.

B. Except as provided in subsection C, no vehicle shall carry any load extending more than three feet beyond the front of such vehicle.

C. Any utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set by this section if the pole is no more than 55 feet in length, the pole cannot be dismembered and does not extend more than 10 feet beyond the front bumper of the vehicle, and either:

1. Between sunrise and sunset, the front of the pole is marked by a flag of the type required under § 46.2-1121 on the rear of certain loads; or

2. Between sunset and sunrise, operation of the vehicle is required to make emergency repairs to utility service, and the front of the pole is marked by a light of the type required under § 46.2-1121 on the rear of certain loads.

Code 1950, § 46-329; 1958, c. 541, § 46.1-333; 1989, c. 727; 2013, cc. 242, 385.

§ 46.2-1121. Flag or light at end of load.

Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of the load, in such a position as to be clearly visible at all times from the rear of the load, a red flag, not less than twelve inches, both in length and width. Between sunset and sunrise, however, there shall be displayed at the end of the load a red light plainly visible in clear weather at least 500 feet to the sides and rear of the vehicle.

Code 1950, § 46-304; 1958, c. 541, § 46.1-300; 1989, c. 727.

Article 17 - MAXIMUM VEHICLE WEIGHTS

§ 46.2-1122. Definitions.

For the purposes of this article the following terms shall have the following meanings, unless the context clearly indicates otherwise:

"Single axle" means an assembly of two or more wheels whose centers are in one transverse vertical plane or may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

"Tandem axle" means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart, and are individually attached to and/or articulated from a

common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

"Single axle weight" means the total weight transmitted to the highway by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

"Tandem axle weight" means the total weight transmitted to the highway by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

"Group of axles" means any two or more consecutive axles located under a vehicle or combination.

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727.

§ 46.2-1123. Weight of vehicles and loads.

The maximum gross weight and axle weight to be permitted on the road surface of any highway shall be in accordance with the provisions of this article. Any notice by the Department of Transportation to truckers as to the provisions of this article shall include all limits as provided in this article.

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727.

§ 46.2-1124. Maximum single axle weight, generally; maximum weight per inch of tire width.

The single axle weight of any vehicle or combination shall not exceed 20,000 pounds, nor shall it exceed 650 pounds per inch, width of tire, measured in contact with the surface of the highway.

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727.

§ 46.2-1125. Maximum tandem axle weight, generally.

The tandem axle weight of any vehicle or combination shall not exceed 34,000 pounds, and no one axle of such tandem unit shall exceed the weight permitted for a single axle. Furthermore, the weight imposed on the highway by two or more consecutive axles, individually attached to the vehicle and spaced not less than forty inches nor more than ninety-six inches apart, shall not exceed 34,000 pounds and no one axle of such unit shall exceed the weight permitted for a single axle.

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727.

§ 46.2-1126. Maximum gross weight, generally.

Except as provided in § 46.2-1128, the gross weight imposed on the highway by a vehicle or combination shall not exceed the maximum weight given for the respective distance between the first and last axle of the vehicle or combination, nor shall any two or more consecutive axles exceed the maximum weight given, when measured longitudinally with any fraction of a foot rounded to the next highest as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles	or Maximum weight in pounds on any group of axles					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,000	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	

38	67,500	72,000	77,000
39	68,000	72,500	77,500
40	68,500	73,000	78,000
41	69,500	73,500	78,500
42	70,000	74,000	79,000
43	70,500	75,000	80,000
44	71,500	75,500	
45	72,000	76,000	
46	72,500	76,500	
47	73,500	77,500	
48	74,000	78,000	
49	74,500	78,500	
50	75,500	79,000	
51	76,000	80,000	

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727; 1994, c. 456.

§ 46.2-1127. Weight limits for vehicles using interstate highways.

No motor vehicle or combination of vehicles shall travel on an interstate highway in the Commonwealth with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds, unless otherwise permitted by the proper authority. If such weights on interstate highways are increased, the Governor, upon recommendation of the Department of Transportation, may authorize the axle and gross weights set forth in this section to be used on interstate highways in the Commonwealth.

Code 1950, § 46-334; 1952, c. 454; 1956, cc. 141, 476; 1958, c. 541, § 46.1-339; 1962, c. 84; 1964, c. 354; 1974, c. 145; 1981, c. 187; 1982, c. 671; 1983, c. 515; 1987, c. 695; 1989, c. 727.

§ 46.2-1127.1. Weight limit exception for certain emergency vehicles using the interstate highways.

A. For purposes of this section, "emergency vehicle" means a vehicle designed to be used under emergency conditions to (i) transport personnel and equipment and (ii) support the suppression of fires and mitigation of other hazardous situations.

B. An emergency vehicle shall not exceed the following weight limitations when operated on any interstate highway: (i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 52,000 pounds on a tandem rear drive steer axle; and (iv) 62,000 pounds on a tandem axle that is not a tandem rear drive steer axle. However, the maximum gross weight of such emergency vehicle shall not exceed 86,000 pounds.

2017, c. 554.

§ 46.2-1128. Extensions of weight limits; fees.

The owner of any motor vehicle may obtain an extension of single axle, tandem axle, and gross weight set forth in this article by purchasing an overload permit for such vehicle. The permit shall extend the single axle weight limit of 20,000 pounds, tandem axle weight limit of 34,000 pounds, and gross weight limit based on axle spacing and number of axles on such vehicle by a maximum of five percent. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds, nor shall any such permit authorize any extension of the limitations provided in § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and the fee shall be $250.

Such fee shall be allocated as follows: (i) $245 deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $5 administrative fee paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1129, no weights in excess of those authorized by law shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section without a permit or the payment of any fee; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1129, such vehicle shall be required to apply for and receive a permit and pay the permit fee to operate as authorized in this section.

1987, c. 695, § 46.1-339.01; 1988, c. 669; 1989, c. 727; 1997, c. 283; 2002, c. 265; 2006, c. 534; 2012, c. 443.

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products.

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.2-4709, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner an extension for such vehicle of the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle, tandem axle, and gross weight limits based on axle spacing and number of axles on such vehicle by five percent, respectively. However, no such permit shall authorize the operation of a motor vehicle whose gross weight exceeds 84,000 pounds.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-

1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner may promulgate regulations governing such permits.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1128, such vehicle shall no longer be permitted to operate as authorized in this section.

1988, c. 669, § 46.1-339.02; 1989, c. 727; 1997, c. 283; 2006, c. 534; 2012, c. 443.

§ 46.2-1129.1. Further extension of weight limits for certain vehicles utilizing an auxiliary power unit or other idle reduction technology.

Any motor vehicle that utilizes an auxiliary power unit or other idle reduction technology in order to promote reduction of fuel use and emissions due to engine idling shall be allowed up to an additional 550 pounds total in gross, single axle, tandem axle, or bridge formula weight limits.

To be eligible for this exception, the operator of the vehicle must be able to prove (i) by written certification, the weight of the auxiliary power unit or other idle reduction technology unit and (ii) by demonstration or written certification, that such idle reduction technology is fully functional at all times.

Certification of the weight of the auxiliary power unit must be available to law-enforcement officials if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed 550 pounds or the weight certified, whichever is less.

For purposes of this section, "auxiliary power unit" means a mechanical or electrical device affixed to a motor vehicle that is designed to be used to generate an alternative source of power for any of the motor vehicle's systems other than the primary propulsion engine, and "idle reduction technology" refers to a technology that allows engine operators to refrain from long-duration idling of the main propulsion engine by using an alternative technology.

2009, c. 92; 2013, c. 118.

§ 46.2-1129.2. Further extension of weight limits for vehicles fueled by natural gas.

A. On any highway other than an interstate highway, any motor vehicle that is fueled, wholly or partially, by natural gas shall be allowed up to an additional 2,000 pounds total in gross, single axle, tandem axle, or bridge formula weight limits.

To be eligible for this exception, the operator of the vehicle must be able to demonstrate that the vehicle is a natural gas vehicle, a bi-fuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle.

B. On an interstate highway, any motor vehicle that is fueled primarily by natural gas may exceed the weight limits provided in § 46.2-1127 by an amount equal to the difference between (i) the weight of

the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and (ii) the weight of a comparable diesel fuel tank and fueling system. However, the gross weight of such vehicle shall not exceed 82,000 pounds.

2014, c. 64; 2017, c. 554.

§ 46.2-1130. Crossing bridge or culvert by vehicle heavier than allowed; where weight signs to be erected.

No vehicle shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity.

Signs stating the carrying capacity shall be erected and maintained near each end of the bridge or culvert on the approaches to such bridge or culvert. Whenever the weight capacity of any structure on the interstate or primary system is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure shall be placed in advance of the last alternate route on the road upon which there is a restricted structure. Whenever the weight capacity of any structure is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure, shall be placed in advance of the last alternate route on the road upon which there is a restricted structure.

Code 1950, § 46-335; 1958, c. 541, § 46.1-340; 1974, c. 347; 1989, c. 727.

§ 46.2-1130.1. Overweight permits granted to cross bridges and culverts by certain emergency response vehicles responding to an emergency call.

Notwithstanding the provisions of §§ 46.2-1104 and 46.2-1130, emergency response vehicles, including fire and emergency medical apparatus responding to and returning from an emergency call, may be permitted to exceed the gross weight limit posted on a bridge or culvert, except those maintained by a railroad, provided that a determination has been made by a licensed professional engineer, qualified in the appropriate discipline, that the emergency response vehicle can safely cross that bridge or culvert and that determination has been documented by the issuance of a written permit or letter of authorization by the agency or entity responsible for the maintenance of that bridge or culvert.

The permitting agency or entity shall not be held liable for any damage or injury caused as a result of an emergency response vehicle crossing a bridge or culvert while responding to or returning from an emergency call under the conditions specified in the overweight permit pursuant to this section.

2007, cc. 177, 540.

§ 46.2-1131. Penalty for violation of weight limits.

Any person violating any weight limit as provided in this chapter or any permit issued by the Department or its designee or by local authorities pursuant to this article shall be subject to a civil penalty of $25 and a processing fee of $20 in addition to any liquidated damages and weighing fees imposed by this article. Upon collection by the Department, except as provided in § 46.2-1138, civil penalties shall be paid to the Literary Fund, but processing fees shall be paid to the state treasury and, beginning July 1, 1990, shall be set aside as a special fund to be used to meet the expenses of the Department

of Motor Vehicles. In addition, liquidated damages and weighing fees shall be distributed as provided in §§ 46.2-1135 and 46.2-1137, respectively, except as provided in § 46.2-1138.

The penalties, damages, and fees specified in this section shall be in addition to any other liability which may be legally fixed against the owner, operator, or other person charged with the weight violation for damage to a highway or bridge attributable to such weight violation.

Code 1950, § 46-335.1; 1956, c. 215; 1958, c. 541, § 46.1-341; 1972, c. 439; 1978, cc. 294, 605; 1986, c. 588; 1987, c. 372; 1988, c. 11; 1989, c. 727; 1990, c. 418; 2003, c. 314.

§ 46.2-1132. Service of process in weight violation cases.

Any person, whether resident or nonresident, who permits the operation of a motor vehicle in the Commonwealth by his agent or employee shall be deemed to have appointed the operator of such motor vehicle his statutory agent for the purpose of service of process in any proceeding against such person growing out of any weight violation involving such motor vehicle. Acceptance by a nonresident of the rights and privileges conferred by §§ 46.2-655 through 46.2-661 shall have the same effect under this section as operation of such motor vehicle by such nonresident, his agent, or his employee.

1986, c. 588, § 46.1-341.01; 1989, c. 727.

§ 46.2-1133. Special processing provisions for overweight violations.

Notwithstanding any other provision of law, all violations of any weight limit as provided in this article or any permit issued by either the Department or its designee or by local authorities pursuant to this chapter shall be processed in the following manner:

1. The officer or size and weight compliance agent charging the violation shall serve a citation on the operator of the overweight vehicle. The citation shall be directed to the owner, operator, or other person responsible for the overweight violation as determined by the officer or size and weight compliance agent. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the weight violation as provided in § 46.2-1136.

2. The officer or size and weight compliance agent charging the violation shall cause the citation to be delivered or mailed by first-class mail to the Department within 24 hours after it is served.

3. The owner, operator, or other person charged with the weight violation shall, within 21 days after the citation is served upon the vehicle operator, either make full payment to the Department of the civil penalty, liquidated damages, weighing fee, and processing fee as stated on the citation, or deliver to the Department a written notice of his election to contest the overweight charge in court.

4. Failure of the owner, operator, or other person charged with the weight violation to timely deliver to the Department either payment in full of the uncontested civil penalty, liquidated damages, weighing fee, and processing fee or a notice of contest of the weight violation shall cause the Department to issue an administrative order of assessment against such person. A copy of the order shall be sent by first-class mail to the person charged with the weight violation. Any such administrative order shall have the same effect as a judgment for liquidated damages entered by a general district court.

5. Upon timely receipt of a notice of contest of an overweight charge, the Department shall:

a. Forward the citation to the general district court named in the citation, and

b. Send by first-class mail to the person charged with the weight violation, and to the officer or size and weight compliance agent who issued the citation, confirmation that the citation has been forwarded to the court for trial.

6. Notices and pleadings may be served by first-class mail sent to the address shown on the citation as the address of the person charged with the weight violation or, if none is shown, to the address of record for the person to whom the vehicle is registered.

7. An alleged weight violation which is contested shall be tried as a civil case. The attorney for the Commonwealth shall represent the interests of the Commonwealth. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the Department in lieu of any record which may be otherwise required by § 46.2-383. If judgment is for the Commonwealth, payment shall be made to the Department.

8. Notwithstanding any other provisions of this section, any and all citations and notices required by this section to be provided to the person charged with a violation or received from the person charged with a violation, with the exclusion of the citation as set out in subdivision 1, may be served or provided in an electronic manner if the Department and the person charged with the violation have agreed to utilize electronic notification.

1986, c. 588, § 46.1-341.02; 1987, c. 372; 1989, c. 727; 2003, c. 314; 2011, cc. 62, 73.

§ 46.2-1134. Special overweight seizure provisions; penalty.

Any officer or size and weight compliance agent authorized to serve process or weigh vehicles under the provisions of this chapter may hold an overweight vehicle without an attachment summons or court order, but only for such time as is reasonably necessary to promptly petition for an attachment summons to attach the vehicle.

After finding reasonable cause for the issuance of an attachment summons, the judicial officer conducting the hearing shall inform the operator of the vehicle of his option to either pay the liquidated damages, civil penalty, weighing fee, and processing fee, or contest the charge through the attachment proceeding. If the operator chooses to make payment, he shall do so to the judicial officer who shall transmit the citation, liquidated damages, civil penalty, weighing fee, and processing fee to the Department for distribution in accordance with § 46.2-1131.

The Commonwealth shall not be required to post bond in order to attach a vehicle pursuant to this section. The officer or size and weight compliance agent authorized to hold the overweight vehicle pending a hearing on the attachment petition shall also be empowered to execute the attachment summons if issued. Any bond for the retention of the vehicle or for release of the attachment shall be given in accordance with § 8.01-553 except that the bond shall be taken by a judicial officer. The judicial

officer shall return the bond to the clerk of the appropriate court in place of the officer serving the attachment as otherwise provided in § 8.01-554.

In the event the civil penalty, liquidated damages, weighing fee, and processing fee are not paid in full, or no bond is given by or for the person charged with the weight violation, the vehicle involved in the weight violation shall be stored in a secure place, as may be designated by the owner or operator of the vehicle. If no place is designated, the officer or size and weight compliance agent executing the attachment summons shall designate the place of storage. The owner or operator shall be afforded the right of unloading and removing the cargo from the vehicle. The risk and cost of the storage shall be borne by the owner or operator of the vehicle.

Whenever an attachment summons is issued for a weight violation, the court shall forward to the Department both a copy of the order disposing of the case and the weight violation citation prepared by the officer or size and weight compliance agent but not served.

Upon notification of the judgment or administrative order entered for such weight violation and notification of the failure of such person to satisfy the judgment or order, the Department or the Department of State Police or any law-enforcement officer or size and weight compliance agent shall thereafter deny the offending person the right to operate a motor vehicle or vehicles upon the highways of the Commonwealth until the judgment or order has been satisfied and a reinstatement fee of $50 has been paid to the Department. Reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

When informed that the right to operate the motor vehicle has been denied, the driver shall drive the motor vehicle to a nearby location off the public highways and not move it or permit it to be moved until such judgment or order has been satisfied. Failure by the driver to comply with this provision shall constitute a Class 4 misdemeanor.

All costs incurred by the Commonwealth and all judgments, if any, against the Commonwealth due to action taken pursuant to this section shall be paid from the fund into which liquidated damages are paid.

Police officers of the Department of State Police and all other law-enforcement officers are vested with the same powers with respect to the enforcement of this chapter as they have with respect to the enforcement of the criminal laws of the Commonwealth.

1986, c. 588, § 46.1-341.03; 1987, c. 372; 1989, c. 727; 2011, cc. 62, 73.

§ 46.2-1135. (Contingent expiration date -- see note*) Liquidated damages for violation of weight limits.

A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local authorities

pursuant to this chapter shall be assessed liquidated damages. The amount of those damages shall be:

Excess weight over the prescribed or permitted axle weight limits	Assessed amount per pound	Excess weight over the prescribed gross weight limit	Assessed amount per pound
2,000 pounds or less	1¢ per pound	2,000 pounds or less	1¢ per pound
2,001 to 4,000 pounds	3¢ per pound	2,001 to 4,000 pounds	3¢ per pound
4,001 to 8,000 pounds	12¢ per pound	4,001 to 8,000 pounds	7¢ per pound
8,001 to 12,000 pounds	22¢ per pound	8,001 to 12,000 pounds	12¢ per pound
12,001 pounds or more	35¢ per pound	12,001 pounds or more	20¢ per pound

All gross permit violations shall be assessed $.20 per pound over the permitted weight limit.

In addition to all damages assessed herein, for every violation of any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall be assessed additional liquidated damages of $20.

If a person has no prior violations under the motor vehicle weight laws, and the excess weight does not exceed 1,500 pounds, the general district court may waive the liquidated damages against such person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to the fund appropriated for the construction and maintenance of state highways.

B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or panel trucks.

C. The increases in the liquidated damages under subsection A pursuant to enactments of the 2007 Session of the General Assembly shall not be applicable to any motor vehicle hauling forest or farm products from the place where such products are first produced, cut, harvested, or felled to the location where they are first processed. The amount of liquidated damages assessed against such motor vehicles shall be:

Excess weight over the prescribed or permitted axle weight limits	Assessed amount per pound	Excess weight over the prescribed gross weight limit	Assessed amount per pound
4,000 pounds or less	1¢ per pound	4,000 pounds or less	1¢ per pound
4,001 to 8,000 pounds	10¢ per pound	4,001 to 8,000 pounds	5¢ per pound

8,001 to 12,000 pounds	20¢ per pound	8,001 to 12,000 pounds	10¢ per pound
12,001 pounds or more	30¢ per pound	12,001 pounds or more	15¢ per pound

Code 1950, § 46-338.2; 1956, c. 215; 1958, cc. 541, 612, § 46.1-342; 1968, c. 184; 1974, c. 331; 1977, c. 644; 1981, c. 187; 1986, c. 588; 1987, c. 372; 1989, c. 727; 1994, c. 922; 1997, c. 479; 2001, cc. 411, 433; 2003, c. 314; 2007, c. 896.

§ 46.2-1135. (Contingent effective date -- see note*) Liquidated damages for violation of weight limits.

A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages shall be:

	Excess weight over the prescribed or permitted axle weight limits	Assessed amount per pound	Excess weight over the prescribed gross weight limit	Assessed amount per pound
a				
b	4,000 pounds or less	1¢ per pound	4,000 pounds or less	1¢ per pound
c	4,001 to 8,000 pounds	10¢ per pound	4,001 to 8,000 pounds	5¢ per pound
d	8,001 to 12,000 pounds	20¢ per pound	8,001 to 12,000 pounds	10¢ per pound
e	12,001 pounds or more	30¢ per pound	12,001 pounds or more	15¢ per pound

All gross permit violations shall be assessed $.20 per pound over the permitted weight limit.

If a person has no prior violations under the motor vehicle weight laws, and the excess weight does not exceed 2,500 pounds, the general district court may waive the liquidated damages against such person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to the fund appropriated for the construction and maintenance of state highways.

B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or panel trucks.

Code 1950, § 46-338.2; 1956, c. 215; 1958, cc. 541, 612, § 46.1-342; 1968, c. 184; 1974, c. 331; 1977, c. 644; 1981, c. 187; 1986, c. 588; 1987, c. 372; 1989, c. 727; 1994, c. 922; 1997, c. 479; 2001, cc. 411, 433; 2003, c. 314; 2007, c. 896.

*This section is set out twice because the 22nd enactment of Chapter 896 of the Acts of Assembly of 2007 states: "That the provisions of this act which generate additional revenue for the Transportation Trust Fund, established under § 33.1-23.03:1 of the Code of Virginia, or the Highway Maintenance and Operating Fund shall expire on December 31 of any year in which the General Assembly appropriates any of the revenues designated under general law to the Highway Maintenance and Operating Fund or the Transportation Trust Fund for any non-transportation related purpose."

§ 46.2-1136. Procedures for issuing and serving process in overweight vehicle cases.

Any officer or size and weight compliance agent authorized to enforce overweight vehicle laws may issue a citation for a violation of such laws. Such officer may also serve an attachment summons issued by a judge or magistrate in connection with a weight violation.

Service of any such citation shall be made upon the driver of the motor vehicle involved in the violation. Such service on the driver shall have the same legal force and validity as if served within the Commonwealth personally upon the owner, operator, or other person charged with the weight violation, whether such owner, operator, or other person charged is a resident or nonresident.

1986, c. 588, § 46.1-179.02; 1989, c. 727; 2011, cc. 62, 73.

§ 46.2-1137. Weighing vehicles; procedure; shifting loads; unloading excess load; weighing fee; certificate as to accuracy of scales admissible in evidence; penalties.

A. For the purposes of this section, a permanent weighing station includes any location equipped with fixed, permanent scales for weighing motor vehicles.

B. Any officer or size and weight compliance agent authorized to enforce the law under this title, having reason to believe that the weight of a vehicle and load is unlawful, is authorized to weigh the load and the vehicle. If the place where the vehicle is stopped is 10 road miles or less from a permanent weighing station, the officer may, and upon demand of the driver shall, require the vehicle to proceed to such station. If the distance to the nearest permanent weighing station is more than 10 road miles such vehicle may be weighed by wheel load weighers. Any driver who fails or unreasonably refuses to drive his vehicle to such permanent weighing station or such scales or wheel load weighers upon the request and direction of the officer to do so is guilty of a Class 4 misdemeanor. The penalty for such violation shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation.

C. Any person operating a vehicle with a gross vehicle weight or registered gross weight of more than 10,000 pounds shall drive into a permanent weighing station for inspection when directed to do so by highway signs. Any person who fails or refuses to comply with this subsection is guilty of a Class 4

misdemeanor, which shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation.

D. Notwithstanding the provisions of subsection C, a person instructed by a bypass system to bypass a permanent weighing station may do so unless directed to drive onto the scales for weight inspection by an officer or size and weight compliance agent pursuant to the provisions of subsection B. For purposes of this subsection, a "bypass system" means any system approved by the Commissioner that (i) communicates information about a vehicle to a permanent weighing station, (ii) is capable of receiving return communications from the permanent weighing station indicating whether the driver may bypass the weighing station or must drive onto the scales, and (iii) is capable of instructing the driver in accordance with the communication received.

E. In the event the operator of a vehicle fails or unreasonably refuses to submit a vehicle required to be inspected for an inspection, where the officer has reason to believe the vehicle is overweight, the officer may use whatever reasonable means are available to have the vehicle weighed, including the employment of a tow truck to move the vehicle to the weighing area. He may also use whatever means are necessary to reload the vehicle if the load is intentionally dumped. In such a case, any expenses incurred in having the vehicle weighed may be taxed as costs to be imposed upon the operator who failed or unreasonably refused to submit his vehicle for inspection, when he has been convicted of such failure or refusal and an overweight violation. In all cases where such failure or refusal or overweight charges are dismissed or the defendant acquitted, payment shall be made from highway funds.

F. Should the officer or size and weight compliance agent find that the weight of any vehicle and its load is greater than that permitted by this title or that the weight of the load carried in or on such vehicle is greater than that which the vehicle is licensed to carry under the provisions of this title, he may require the driver to unload, at the nearest place where the property unloaded may be stored or transferred to another vehicle, such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor permitted by this title. Any property so unloaded shall be stored or cared for by the owner or operator of the overweight vehicle at the risk of such owner or operator.

G. Notwithstanding the provisions of §§ 46.2-1122 through 46.2-1127, should the officer or size and weight compliance agent find that the gross weight of the vehicle and its load is within limits permitted under this title and does not exceed the limit for which the vehicle is registered, but that the axle weight of any axle or axles of the vehicle exceeds that permitted under this title, the driver shall be allowed one hour to shift his load within or on that same vehicle in order to bring the axle weight or axle weights within proper limits. However, liquidated damages shall be assessed under § 46.2-1135 based on the weight prior to shifting the load, unless the load can be successfully shifted to bring the vehicle's axle weight within limits permitted under this title by (i) sliding the axle or axles of the semitrailer or the fifth wheel of the tractor truck, (ii) repositioning the load if the motor vehicle is transporting off-the-road mobile construction equipment, or (iii) adjusting the load if the vehicle is operating

on non-interstate highways and qualifies for weight extensions pursuant to § 46.2-1129. Such load shifting shall be performed at the site where the vehicle was weighed and found to exceed allowable axle weight limits. No such load shifting shall be allowed if such load is required to be placarded as defined in § 10.1-1450 and consists of hazardous material as defined in § 10.1-1400.

H. If the driver of an overloaded vehicle is convicted, forfeits bail, or purchases an increased license as a result of such weighing, the court in addition to all other penalties shall assess and collect a weighing fee of two dollars from the owner or operator of the vehicle and shall forward such fee to the State Treasurer. Upon receipt of the fee, the State Treasurer shall allocate the same to the fund appropriated for the administration and maintenance of the Department of State Police.

I. In any court or legal proceedings in which any question arises as to the calibration or accuracy of any such scales at permanent weighing stations or wheel load weighers, a certificate, executed and signed under oath by the inspector calibrating or testing such device as to its accuracy as well as to the accuracy of the test weights used in such test, and stating the date of such test, type of test and results of testing, shall be admissible when attested by one such inspector who executed and signed it as evidence of the facts therein stated and the results of such testing.

Code 1950, § 46-342; 1954, c. 312; 1956, c. 698; 1958, c. 541, § 46.1-347; 1972, c. 292; 1981, c. 187; 1982, c. 681; 1983, c. 577; 1986, c. 589; 1989, c. 727; 1996, c. 422; 2001, cc. 411, 433; 2002, cc. 99, 431; 2011, cc. 62, 73; 2017, c. 554.

§ 46.2-1138. County ordinances fixing weight limits on roads that have been withdrawn from secondary system.

A. The governing bodies of Arlington and Henrico Counties may adopt ordinances providing weight limits in accordance with the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any such highway under the county's jurisdiction. Any such ordinance shall provide for the assessment of liquidated damages as to overweight vehicles at rates and amounts not exceeding those applicable to the liquidated damages under § 46.2-1135.

B. Such ordinances may also provide that:

1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner, operator, or other person causing the operation of such overweight vehicle at such rate and amount as is provided in the ordinance;

2. The assessment shall be entered by the court as a judgment for such county;

3. The entry of such judgment shall constitute a lien upon the overweight vehicles;

4. Such sums shall be paid into the treasury of such county, and allocated to the fund appropriated by such county for the construction and maintenance of such roads under its jurisdiction.

C. Such ordinances may include additional provisions relating to payment of such assessment and enforcement powers applicable to such county and corresponding to the provisions of §§ 46.2-1131, 46.2-1133, 46.2-1134, and 46.2-1135, except that civil penalties, liquidated damages, and the

weighing fees collected pursuant to such ordinances shall be paid to the county, and the county attorney or his designee shall represent the county in any court proceeding.

1989, c. 727.

§ 46.2-1138.1. City ordinances fixing weight limits on certain roads.

The governing body of any city may adopt ordinances providing weight limits in accordance with the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any such roads under the jurisdiction of such city, and providing further for the assessment of liquidated damages as to overweight vehicles at rates and amounts not exceeding those applicable to the liquidated damages under § 46.2-1135. Such ordinances may provide:

Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner, operator or other person causing the operation of such overweight vehicle at such rate and amount as may be provided in such ordinance;

The assessment shall be entered by the court as a judgment for such city;

The entry of such judgment shall constitute a lien upon the overweight vehicles;

Such sums shall be paid into the treasury of such city, and allocated to the fund appropriated by such city for the construction and maintenance of such roads under its jurisdiction.

Such ordinances may include additional provisions relating to payment of such assessment and enforcement powers applicable to such city and corresponding to the provisions of §§ 46.2-1131, 46.2-1133, 46.2-1134 and 46.2-1135, except that civil penalties, liquidated damages and weighing fees collected pursuant to such ordinances shall be paid to the city, and the city attorney or his designee shall represent the city in any court proceeding.

1960, c. 218, § 46.1-342.1; 1986, c. 588; 1987, c. 372; 1989, cc. 685, 727.

§ 46.2-1138.2. Town ordinances concerning weight limits on certain roads.

A. The governing body of any town that provided, on January 1, 1993, town-owned and -maintained weight scales for the purpose of enforcing the weight limits established by §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any roads in the town may adopt ordinances for the assessment of liquidated damages as to overweight vehicles in accordance with the liquidated damages under § 46.2-1135. Such ordinances may provide that:

1. Upon a finding of a violation of any weight limit prescribed therein, the court shall assess the owner, operator or other person causing the operation of such overweight vehicle at such rate and amount as may be provided in such ordinance;

2. The assessment shall be entered by the court as a judgment for such town;

3. The entry of such judgment shall constitute a lien upon the overweight vehicle; and

4. Such sum shall be paid into the treasury of the town and allocated to the fund appropriated by the town for the construction and maintenance of roads under its jurisdiction.

B. Such ordinances may include additional provisions relating to the payment of such assessment and the enforcement powers applicable to such town and corresponding to the provisions of §§ 46.2-1131, 46.2-1133, 46.2-1134 and 46.2-1135, except that civil penalties, liquidated damages and weighing fees collected pursuant to such ordinances shall be paid to the town, and the town attorney or his designee shall represent the town in any court proceeding.

1993, c. 511.

Article 18 - PERMITS FOR EXCESSIVE SIZE AND WEIGHT

§ 46.2-1139. Permits for excessive size and weight generally; penalty.

A. The Commissioner and, unless otherwise indicated in this article, local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, and pursuant to the requirements of subsection A1, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads from the secondary system of state highways that opts to issue permits under this article shall enter into a memorandum of understanding with the Commissioner that:

1. Allows the Commissioner to issue permits on behalf of that locality; and

2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:

a. The locality shall have applications for each permit type available online.

b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.

c. The locality shall have at least one staff member whose primary function is to issue permits.

d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections and provide analysis for overweight vehicles.

e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations and limitations.

f. The locality shall provide to the Department an emergency contact phone number and assign a staff person who is authorized to issue the permit or authorized to make a decision regarding the permit request at all times (24 hours a day, seven days a week).

g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day after receiving the completed permit application. Each locality shall define "standard vehicle" and "standard permit" and provide the Department with those definitions. All other requests for permits shall be processed within 10 business days.

h. The locality shall retain for at least 36 months all permit data it collects.

i. The locality shall maintain an updated list of all maintenance and construction projects within that locality. The list shall provide starting and ending locations and dates for each project, and shall be updated as those dates change.

j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.

If the locality satisfies the requirements in the memorandum of understanding, the locality may issue permits under this article.

B. Except for permits issued under § 46.2-1141 and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or

2. A tandem axle weight in excess of 34,000 pounds; or

3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or

4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in § 46.2-1500 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer or size and weight compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title may be transferred to another vehicle no more than two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an administrative fee of $10 for each transfer.

E. Any permit issued by the Commissioner or local authorities pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such highway would

result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

F. When application is made for permits issued by the Commissioner as well as local authorities, any fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the Department of Transportation or local authority, shall be conducted of a proposed routing before the Commissioner or local authority issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner or local authority shall not issue a permit when the Department of Transportation or local authority determines that the roadway and bridges to be traversed cannot sustain a vehicle's size and weight.

Code 1950, § 46-339; 1956, c. 476; 1958, c. 541, §§ 46.1-343, 46.1-343.2; 1959, Ex. Sess., c. 91; 1960, c. 223; 1962, cc. 35, 162; 1966, c. 502; 1968, c. 203; 1972, c. 521; 1974, cc. 145, 252, 556; 1975, c. 599; 1976, c. 744; 1977, c. 632; 1979, c. 263; 1980, c. 328; 1981, c. 187; 1982, c. 256; 1983, cc. 170, 515; 1985, c. 7; 1987, cc. 321, 406, 420, 721; 1988, c. 82; 1989, c. 727; 1993, c. 68; 1996, cc. 36, 87; 1997, c. 70; 2001, c. 151; 2003, c. 314; 2009, c. 456; 2011, cc. 62, 73; 2012, c. 443; 2013, c. 118; 2015, c. 615; 2017, c. 554.

§ 46.2-1139.1. Delegation of permitting authority.

The Commissioner may authorize an agent, including a state agency, to issue designated permits pursuant to this article.

2002, c. 265; 2003, c. 314.

§ 46.2-1140. Authority to use certain streets and highways in cities and towns.

When the Commissioner issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commissioner may also include within such permit, after coordinating with or notifying the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commissioner so long as such person travels upon the highways specified in the permit.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 2003, c. 314; 2012, c. 443.

§ 46.2-1140.1. Annual overweight permits; fees.

A. Except as otherwise provided, the annual fee for overweight permits issued under §§ 46.2-1141 through 46.2-1149.5 shall be $130, to be allocated as follows: (i) $120 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable

localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $10 administrative fee to the Department.

Unless otherwise prohibited, overweight permits issued under §§ 46.2-1141 through 46.2-1149.5 shall be valid on all unrestricted state and local highways.

B. Notwithstanding any other provision of law, the owner or operator of any emergency vehicle as defined in § 46.2- 1127.1, including firefighting equipment, that requires a permit to be operated on the Interstate Highway System because such emergency vehicle exceeds the weight limits set forth in § 46.2-1127.1 shall be exempt from the payment of any fees otherwise charged by the Department for the issuance of such permit if such emergency vehicle is registered to a federal, state, or local agency or a fire company as defined in § 27-6.01.

2012, c. 443; 2020, c. 975.

§ 46.2-1141. Overweight permits for containerized freight and fluid milk.

Permits to operate on the highways a vehicle exceeding the maximum weight specified in this title shall be granted for a vehicle hauling containerized cargo in a sealed, seagoing container bound to or from a seaport and has been or will be transported by marine shipment and for a tank vehicle hauling fluid milk. In order for a vehicle hauling containerized cargo in a sealed, seagoing container bound to or from a seaport to qualify for such a permit, the contents of such seagoing container shall not be changed from the time it is loaded by the consignor or his agents to the time it is delivered to the consignee or his agents. Cargo moving in vehicles conforming to specifications shown in this section shall be considered irreducible and eligible for permits under regulations of the Commissioner.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

For purposes of this section "tank vehicle" has the same meaning ascribed to it in § 46.2-341.4.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1991, 1st Sp. Sess., c. 17; 1995, c. 146; 1996, cc. 36, 87; 2003, c. 314; 2012, c. 443; 2017, c. 554.

§ 46.2-1142. Overweight permits for concrete haulers.

The Commissioner, upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles used to haul concrete. Permits under this section shall be issued only for vehicles that are used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components in a compartmentalized vehicle to produce concrete immediately upon arrival at a project site and either have (i) four axles with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single axle. The fee for such permits shall be as provided in § 46.2-1140.1. Such permit shall not

designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed. The reduced speed limit is to be 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1994, c. 154; 1996, cc. 36, 87; 2000, c. 265; 2003, c. 314; 2012, c. 443.

§ 46.2-1142.1. Extensions of overweight limits authorized under § 46.2-1142 for vehicles used to haul concrete; fees.

Owners or operators of vehicles used exclusively to haul concrete may apply for permits to extend the single axle weight limit of 20,000 pounds, the tandem axle weight limit of 40,000 pounds, the four axle weight of 70,000 pounds, the tri-axle grouping weight of 50,000 pounds, and the three-axle weight of 60,000 pounds provided for in § 46.2-1142, by a maximum of five percent. The fee for such permits shall be $250, to be allocated as follows: (i) $245 deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $5 administrative fee to the Department.

Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. Permits issued under this section shall authorize extensions of the limitation provided for in § 46.2-1128 for vehicles operating on interstate highways only to the extent that any such extension (i) is not inconsistent with federal law and (ii) will not jeopardize or require the withholding or reduction of federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions.

The Commissioner shall make the permit available to vehicles registered outside the Commonwealth under the same conditions and restrictions which are applicable to vehicles registered within the Commonwealth. The Commissioner may promulgate regulations governing such permits. Except as provided in this section and § 46.2-1142, no weights in excess of those authorized by law shall be tolerated.

1990, c. 195; 1997, c. 283; 2000, c. 265; 2001, cc. 822, 857; 2012, c. 443.

§ 46.2-1143. Overweight permits for coal haulers; trucks hauling gravel, sand, asphalt, crushed stone, or liquids produced from gas or oil wells in certain counties; penalties.

A. The Commissioner upon written application by the owner or operator of vehicles used exclusively for hauling coal or coal byproducts from a mine or other place of production to a preparation plant, electricity-generation facility, loading dock, or railroad shall issue, without a fee, a permit authorizing those vehicles to operate with gross weights in excess of those established in § 46.2-1126 on the conditions set forth in this section.

B. Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight of not more than 24,000 pounds and a tandem axle weight of no more than 45,000 pounds. Vehicles with four axles may have a maximum gross weight, when loaded, of no more than 70,000 pounds, a single axle weight of no more than 24,000 pounds, and a tri-axle weight of no more than 50,000 pounds. Vehicles with five axles having no less than 35 feet of axle space between extreme axles may have a maximum gross weight, when loaded, of no more than 90,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 40,000 pounds. Vehicles with six axles may have a maximum gross weight, when loaded, of no more than 110,000 pounds, a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 44,000 pounds, and a tri-axle weight of no more than 54,500 pounds.

C. No load of any vehicle operating under a permit issued according to this section shall rise above the top of the bed of such vehicle, not including extensions of the bed. Three-axle vehicles shall not carry loads in excess of the maximum bed size in cubic feet for such vehicle which shall be computed by a formula of 60,000 pounds minus the weight of the empty truck divided by the average weight of coal. For the purposes of this section, the average weight of coal shall be 52 pounds per cubic foot. Four-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle which shall be computed by a formula of 70,000 pounds minus the weight of the truck empty divided by the average weight of coal. Five-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 90,000 pounds minus the weight of the truck empty divided by the average weight of coal. Six-axle vehicles shall not carry loads in excess of the maximum bed size for such vehicle, which shall be computed by a formula of 110,000 pounds minus the weight of the truck empty divided by the average weight of coal.

D. For the purposes of this section, "bed" means that part of the vehicle used to haul coal. Bed size shall be based on its interior dimensions, which may be determined by measuring the exterior of the bed, with volume expressed in cubic feet. In order to ensure compliance with this section by visual inspection, if the actual bed size of the vehicle exceeds the maximum as provided above, the owner or operator shall be required to paint a horizontal line two inches wide on the sides of the outside of the bed of the vehicle, clearly visible to indicate the uppermost limit of the maximum bed size applicable to the vehicle as provided in this section. In addition, one hole two inches high and six inches long on each side of the bed shall be cut in the center of the bed and at the top of the painted line. Any vehicle in violation of this section shall subject the vehicle's owner or operator or both to a penalty of $250 for a first offense, $500 for a second offense within a 12-month period, and $1,000 and revocation of the permit for a third offense within a 12-month period from the first offense.

E. If the bed of any vehicle is enlarged beyond the maximum bed size for which its permit was granted, or if the line or holes required are altered so that the vehicle exceeds the bed size for which its permit was granted, the owner, operator, or both shall be subject to a penalty of $1,000 for each offense and revocation of the permit. Upon revocation, a permit shall not be reissued for six months. The penalties provided in this section shall be in lieu of those imposed under § 46.2-1135.

F. For any vehicle with a valid permit issued pursuant to the conditions required by this section, when carrying loads which do not rise above the top of the bed or the line indicating the bed's maximum size, if applicable, it shall be, in the absence of proof to the contrary, prima facie evidence that the load is within the applicable weight limits. If any vehicle is stopped by enforcement officials for carrying a load rising above the top of the bed or the line indicating the bed's maximum size, the operator of the vehicle shall be permitted to shift his load within the bed to determine whether the load can be contained in the bed without rising above its top or above the line.

G. No such permit shall be valid for the operation of any such vehicle for a distance of more than 85 miles within the Commonwealth of Virginia from the preparation plant, loading dock, or railroad.

H. In counties that impose a severance tax on gases as authorized by § 58.1-3712 or a severance license tax on coal producers as authorized by § 58.1-3741, the Commissioner, upon written application by the owner or operator of vehicles used exclusively for hauling gravel, sand, asphalt, or crushed stone no more than 50 miles from origin to destination, shall issue a permit authorizing those vehicles to operate with the weight limits prescribed in subsection B. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation hauling sand, gravel, asphalt, or crushed stone under this subsection shall be subject to the penalties authorized by § 46.2-1135.

The fee for a permit issued under this subsection shall be $70, to be allocated as follows: (i) $65 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $5 administrative fee to the Department.

I. In counties that impose a severance tax on gases as authorized by § 58.1-3712 or a severance license tax on coal producers as authorized by § 58.1-3741, the weight limits prescribed in subsection B shall also apply to motor vehicles hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation involving hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well under this subsection shall be subject to the penalties authorized by § 46.2-1135.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 1999, c. 915; 2001, c. 417; 2002, c. 264; 2003, cc. 314, 315; 2005, c. 556; 2007, c. 523; 2008, c. 716; 2009, c. 188; 2010, c. 361; 2011, c. 131; 2012, cc. 443, 569; 2013, cc. 305, 618; 2017, c. 550.

§ 46.2-1143.1. Overweight permits for haulers of excavated material.

The Commissioner, upon written application made by the owner or operator, shall issue overweight permits for operation of certain vehicles hauling excavated material from construction-related land-clearing operations. Permits shall be issued under this section only for vehicles that have either (i) four axles with more than 22 feet between the first and last axle of the vehicle or (ii) three axles. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 60,000 pounds for three-axle vehicles and 70,000 pounds for four-axle vehicles, a single axle weight of no more than 20,000 pounds, tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds, with no single axle of such tri-axle grouping exceeding the weight permitted for a single axle. The fee for such permits shall be as provided in § 46.2-1140.1.

No permit issued under this section shall authorize the operation of any vehicle hauling excavated material for a distance of more than 25 miles from the land-clearing operation. However, such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

For purposes of this section, the term "excavated material" shall mean natural earth materials, which includes stumps, brush, leaves, soil, and rocks, removed by any mechanized means.

2002, c. 265; 2003, c. 314; 2012, c. 443.

§ 46.2-1144. Overweight permits for solid waste haulers.

The Commissioner, upon written application by the owner or operator of vehicles used exclusively for hauling solid waste other than hazardous waste, shall issue a permit authorizing the operation on the highway of such vehicles at gross weights in excess of those set forth in § 46.2-1126.

No permit issued under this section shall authorize a single axle weight of more than 20,000 pounds or a tandem axle weight of more than 40,000 pounds. No such permit shall be issued for a total gross weight in excess of 40,000 pounds for a two-axle vehicle, or of more than 60,000 pounds for a three-axle vehicle. Such permit shall be obtained annually at the time the vehicle is registered. The Commissioner may promulgate regulations governing such permits.

No such permit shall authorize the operation of any vehicle enumerated in this section beyond the boundary of the county or city where it is principally garaged or for a distance of more than 25 miles from the place where it is principally garaged, whichever is greater. However, the permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.

For the purposes of this section, the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10.1-1400.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 2003, c. 314; 2012, c. 443.

§ 46.2-1144.1. Overweight permits for tank wagons.

The Commissioner, upon written application and payment of a fee by the owner of tank wagon vehicles as defined in § 58.1-2201, shall issue overweight permits for operation of said vehicles.

The fee for such permit shall be as provided in § 46.2-1140.1.

No permit issued under this section shall authorize a single axle weight of more than 24,000 pounds and a total gross weight in excess of 40,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall authorize violation of any weight limitation, promulgated and posted in accordance with § 46.2-1130, applicable to bridges or culverts. This permit shall not be combined with any other overweight permit or extension of weight limits.

2007, c. 738; 2008, c. 33; 2012, c. 443.

§ 46.2-1144.2. Overweight permits for haulers of farm animal feed.

The Commissioner, upon written application by the owner or operator of certain vehicles used exclusively for hauling farm animal feed, shall issue overweight permits for operation of such vehicle. Permits shall be issued under this section only for specially designed five-axle semi-trailer combinations with bulk feed compartments and at least 51 feet of axle spacing between the first and last axle. Such permits shall not be combined with any other overweight permits or extension of weight limits.

No permits issued under this section shall authorize a tandem axle weight of more than 37,400 pounds or a total gross weight in excess of 84,000 pounds. Permits issued under this section shall be valid for one year from the date of issuance. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

The fee for a permit issued under this section shall be as provided in § 46.2-1140.1.

2012, c. 443.

§ 46.2-1145. Overweight permits for certain trucks operated by Arlington County.

The Commissioner, upon written application by Arlington County, shall issue without a fee to such county a permit authorizing the county's operation of vehicles used for hauling household waste and vehicles used for highway or utility construction, operation, or maintenance upon the highways of such county at gross weights exceeding those set forth in § 46.2-1126. Permits issued hereunder shall specify that vehicles with two axles may have a maximum gross weight of no more than 48,000 pounds

and a single axle weight of not more than 24,000 pounds and that vehicles with three axles may have a maximum gross weight of not more than 60,000 pounds and a single axle weight of not more than 24,000 pounds and a tandem axle weight of not more than 40,000 pounds.

The permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit in 55, 45, and 35 miles per hour speed limit zones.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 2012, c. 443.

§ 46.2-1146. Excess height and length permits for haulers of certain imported goods.

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owners or operators of motor vehicles used to transport items arriving at a Virginia port by ship from overseas points of origin and consigned to an assembly plant in this Commonwealth, shall issue without cost permits for the operation of such motor vehicles on the highways if those vehicles do not exceed the height limitation set forth in § 46.2-1110 by more than one and one-half feet and not exceeding the length limitation as set forth in §§ 46.2-1112 and 46.2-1113 by more than three feet. The Commissioner and local authorities may designate the routes such permittees shall use from the port to the assembly plant.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 2003, c. 314.

§ 46.2-1147. Permits for excessive size and weight for articulated buses.

The Commissioner, upon written application by the owner or operator of passenger buses having three or more axles consisting of two sections joined together by an articulated joint with the trailer being equipped with a mechanically steered rear axle, and having a gross weight of no more than 60,000 pounds, a single axle weight of no more than 25,000 pounds, and a width of no more than 102 inches, shall issue to such owner or operator a written permit authorizing the operation of such vehicles on the highways. The fee for such permit shall be as provided in § 46.2-1140.1.

1973, c. 62, § 46.1-343.3; 1989, c. 727; 1996, cc. 36, 87; 2003, c. 314; 2012, c. 443.

§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.

In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling farm produce grown in Virginia from the point of origin to the first place of delivery, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having no less than 42 feet of axle space between extreme axles may have a gross weight of no more than 90,000 pounds, any four-axle combination, may have a gross weight of not more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle to violate any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

The fee for a permit issued under this section shall be $45, to be allocated as follows: (i) $40 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $5 administrative fee to the Department.

1962, c. 192, § 46.1-343.1; 1974, c. 145; 1983, c. 169; 1987, c. 372; 1989, c. 727; 1996, cc. 36, 87; 2003, c. 314; 2012, c. 443; 2013, c. 118; 2017, c. 693; 2018, cc. 501, 612.

§ 46.2-1148.1. Overweight permit for hauling forest products.

A. For purposes of this section, "forest products" means raw logs to market, rough-sawn green lumber, and wood residuals, including wood chips, wood pellets, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

2015, cc. 40, 72; 2018, c. 12; 2020, cc. 268, 409.

§ 46.2-1149. Unladen, oversize and overweight, rubber-tired, self-propelled haulers and loaders; permits; engineering analysis; costs.

The Commissioner and local authorities of cities and towns in their respective jurisdictions, upon written application by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled hauler or loader used in the construction and coal mining industries, may issue to such owner or operator a permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in §§ 46.2-1105 through 46.2-1108. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the Virginia Department of Transportation or local authorities of counties, cities, and towns in their respective jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. The fee for a permit issued under this section shall be based on the costs assessed against the applicant to cover engineering analysis, not to exceed three hours.

No permit issued under this section shall be valid for the operation of the equipment for a distance of more than 75 miles.

1983, c. 311, § 46.1-343.4; 1989, c. 727; 1996, cc. 36, 87; 2000, c. 129; 2003, c. 314; 2012, c. 443; 2013, c. 354.

§ 46.2-1149.1. Excess tandem axle weight permits for cotton module haulers.

The Commissioner, upon application made by the owner or operator of vehicles used exclusively to transport seed cotton modules, shall issue a permit authorizing the operation on the highway of such vehicles, from September 1 through December 31 of each year, at tandem axle weights in excess of that authorized in § 46.2-1125. The Commissioner may promulgate regulations governing such permits. Such permits shall allow the vehicles to have tandem axle weights of no more than 44,000 pounds. No permit issued under this section shall authorize a single axle weight in excess of that authorized in § 46.2-1124 or a gross weight in excess of 56,000 pounds.

The fee for a permit issued under this section shall be $45, to be allocated as follows: (i) $40 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a $5 administrative fee to the Department.

1995, c. 419; 1996, cc. 29, 36, 87; 2003, c. 314; 2012, c. 443.

§ 46.2-1149.2. Permit authorizing transportation of tree-length logs.

The Commissioner, upon application made by the owner or operator of vehicles used to transport tree-length logs, shall issue a permit authorizing the operation on the highways of such vehicles in excess of lengths authorized in Article 16 (§ 46.2-1112 et seq.) of this chapter. Such permit shall be issued in accordance with regulations promulgated as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, and §§ 33.2-210 and 33.2-300.

1997, c. 283; 2003, c. 314.

§ 46.2-1149.3. Payment of fees into special fund.

Except as otherwise provided, all fees collected by the Commissioner under this article shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

2003, c. 314; 2007, c. 738; 2012, c. 443.

§ 46.2-1149.4. Overweight permits for specialized mobile equipment.

The Commissioner, upon written application made by the owner or operator, shall issue an overweight permit for the operation of specialized mobile equipment. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. The fee for such permit shall be as provided in § 46.2-1140.1.

For purposes of this section, "specialized mobile equipment" means a self-propelled motor vehicle manufactured for the specific purpose of supporting well-drilling machinery on the job site and whose movement on any highway is incidental to the purpose for which it was designed and manufactured.

2003, c. 1002; 2012, c. 443.

§ 46.2-1149.5. Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting equipment.

The Commissioner, upon written application made by the owner or operator, shall issue an overweight permit for the operation of underground pipe cleaning, hydroexcavating, and water blasting equipment. Any vehicle operating under a permit issued pursuant to this section shall have a gross weight of no more than 64,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 44,000 pounds. Such permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. The fee for such permit shall be as provided in § 46.2-1140.1.

For purposes of this section, "underground pipe cleaning equipment" means a self-propelled motor vehicle manufactured for the specific purpose of vacuuming and cleaning underground sanitary and

storm pipe. "Hydroexcavating equipment" means a self-propelled motor vehicle manufactured for the specific purpose of digging with water and vacuuming of debris. "Water blasting equipment" means a self-propelled motor vehicle manufactured for the specific purpose of waterblasting flat concrete surfaces and vacuuming spent water for reuse.

2007, c. 429; 2012, c. 443.

§ 46.2-1149.6. Permits for truck cranes.

The Commissioner and local authorities of cities and towns, in their respective jurisdictions, may, upon written application made by an owner or operator and subject to the requirements of § 46.2-1139, issue permits authorizing the operation over the highways of truck cranes that exceed the maximum weight specified in this title. Truck cranes that have been mounted with counterweights and other manufactured equipment that enable a single person to assemble and operate the truck crane shall be considered irreducible, and no application for a permit under this section shall be denied because of the applicant's refusal to remove such counterweights or other manufactured equipment.

2014, cc. 68, 258.

§ 46.2-1149.7. Specialized construction equipment; permits; engineering analysis; costs.

A. For the purpose of this section, "specialized construction equipment" means (i) rubber-tracked, or tracked when protective matting is used, self-propelled equipment being used in highway maintenance and construction projects and (ii) tracked, self-propelled equipment being used in emergency operations, including snow removal.

B. The Commissioner of Highways, upon written application made by the owner or operator of specialized construction equipment, may issue a single trip or multi-trip permit allowing such equipment to be driven across structures maintained by the Department of Transportation within, or to gain access to, a highway construction or maintenance work zone of the Department of Transportation, as defined in the most recent version of the Department of Transportation's Virginia Work Area Protection Manual, or to access any road or structure maintained by the Department of Transportation when needed by the Department for snow removal or other emergency operations. The permits shall be issued only after an engineering analysis of a proposed routing has been conducted by the Department of Transportation to assess the ability of the roads and structures to be traversed to sustain the equipment's size and weight. Such permit shall designate the route to be traversed and contain restrictions or conditions regarding the specialized construction equipment's operation across structures. The fee for a permit issued under this section shall be based on the costs assessed against the applicant to cover engineering analysis, not to exceed three hours.

2014, c. 70.

§ 46.2-1149.8. Excess width permits for vehicles transporting watercraft.

The Commissioner shall issue a permit authorizing the operation of vehicles hauling boats or other watercraft that exceed a total outside width of 102 inches but do not exceed a total outside width of 108 inches upon application by the owner of such vehicle. Such permit shall authorize the operation

of such vehicle on all unrestricted state and local highways. The annual fee for a permit issued pursuant to this section and the allocation of such fee shall be the same as provided for overweight permits in § 46.2-1140.1.

2016, cc. 115, 533.

Article 19 - TOWING AND TOWED VEHICLES

§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.

Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle which has not been inspected pursuant to Article 21 (§ 46.2-1157 et seq.) or 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title.

Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a construction site as an office or for storage or a trailer or semitrailer which has been used on a construction site as an office or for storage, but which has not been inspected pursuant to Article 21 of Chapter 10 of this title, provided that any such unlicensed or uninspected trailer or semitrailer (i) is towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents, of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v) is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of a tractor truck except for the purpose of having such trailer or semitrailer inspected as provided in § 46.2-1157.

Code 1950, § 46-333.1; 1956, c. 47; 1958, c. 541, § 46.1-338; 1989, c. 727; 1991, c. 106; 2006, cc. 874, 891.

§ 46.2-1151. Weight limit exception as to vehicles designed for towing disabled vehicles.

The provisions of §§ 46.2-1122 through 46.2-1127 shall not apply to a vehicle designed for towing disabled vehicles, when towing such vehicle in an emergency in such manner that a part of the combined weight of the two vehicles rests upon an axle or axles of the towing vehicle, provided the towed and towing vehicles each are within the weight limits prescribed in §§ 46.2-1122 through 46.2-1127. This section shall not permit the violation of any lawfully established load limit on any bridge. For the purpose of this section, "emergency" includes towing disabled inoperative vehicles to places designated by owners.

1958, c. 541, § 46.1-339.1; 1977, c. 472; 1989, c. 727.

§ 46.2-1151.1. Weight limit exception for covered heavy duty tow and recovery vehicles.

The provisions of §§ 46.2-1126 and 46.2-1127 shall not apply to a covered heavy duty tow and recovery vehicle when operating on an interstate highway.

This section shall not permit the violation of any lawfully established load limit on any bridge. Covered heavy duty tow and recovery vehicles shall have reasonable access to terminals and facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

For purposes of this section, "covered heavy duty tow and recovery vehicle" means a vehicle that is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility and has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

2017, c. 554.

§ 46.2-1152. Certain tow trucks need not be weighed.

Notwithstanding any other provision of law, no truck designed and equipped for the towing of inoperative or disabled motor vehicles shall be required to be weighed at state-operated permanent weighing stations when not actually engaged in towing another vehicle.

1984, c. 98, § 46.1-339.2; 1989, c. 727.

§ 46.2-1153. Permissible lengths of combination vehicles being towed in emergencies.

In an emergency as provided in § 46.2-1149, the towing of disabled vehicles which cannot be separated for safety, physical, or mechanical reasons and which exceed length limits established in Article 16 (§ 46.2-1112 et seq.) of this chapter, shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than fifty miles from the point such vehicle was disabled.

Code 1950, §§ 46-328, 46-331; 1950, p. 665; 1952, c. 342; 1956, cc. 476, 483; 1958, c. 541, §§ 46.1-330, 46.1-335; 1962, cc. 113, 575; 1964, c. 286; 1966, cc. 59, 373; 1972, c. 446; 1974, cc. 580, 664; 1975, c. 104; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, cc. 72, 417; 1989, c. 727.

§ 46.2-1154. Length of vehicles; exceptions in case of breakdown.

The provisions of § 46.2-1118 shall not apply to vehicles which, because of a mechanical breakdown or an accident, are towed to the nearest repair facility which can furnish the required service. In any such case such connection may consist solely of a chain, rope, or cable of no more than fifteen feet long. A licensed driver shall be at the controls of the towed vehicle to brake, steer and control its lights.

Code 1950, § 46-333; 1958, c. 541, § 46.1-337; 1989, c. 727.

Article 20 - LOADS AND CARGOES

§ 46.2-1155. Fastening load of logs, barrels, etc.

No vehicle which is designed or used for the purpose of hauling logs, poles, lumber, barrels, hogsheads, or other materials or containers which by their nature may shift or roll, shall be operated or moved on any highway unless its load is securely fastened by adequate log chains, metal cables, nylon webbing, steel straps or other restraining devices so as to prevent the load from shifting or falling from the vehicle. Tobacco hogsheads may, however, be secured by manila or hemp rope, at least

five-eighths inch in diameter, of sufficient strength securely to fasten the hogshead against shifting, falling, or rolling.

Nothing in this section shall release the owner or operator from liability for failure to use reasonable care to prevent the load from shifting or falling.

Code 1950, § 46-308; 1954, c. 34; 1958, c. 541, § 46.1-304; 1972, c. 64; 1989, c. 727.

§ 46.2-1156. Construction, maintenance and loading must prevent escape of contents; load covers; exemptions.

A. No vehicle shall be operated or moved on any highway unless it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping. No provision of this section, however, shall apply to any (i) motor vehicle that is used exclusively for agricultural purposes as provided in § 46.2-698 and is not licensed in any other state; (ii) agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title; or (iii) motor vehicle transporting forest products, poultry, or livestock.

B. The loads of all trucks, trailers and semitrailers carrying gravel, sand, coal or other nonagricultural and nonforestry products on interstate, primary, or secondary highways or roads maintained by cities, counties or incorporated towns shall be either (i) secured to the vehicle in which they are being transported or (ii) covered. Covers used to prevent the escape of material from commercial vehicles used to transport solid waste shall be of such design, installation, and construction as to contain the vehicle's cargo within the vehicle, regardless of the vehicle's speed or weather conditions. Public service company vehicles, pickup trucks, and emergency snow removal equipment while engaged in snow removal operations shall be excluded from the provisions of this subsection.

Code 1950, § 46-307; 1958, c. 541, §§ 46.1-303, 46.1-401; 1975, c. 553; 1979, c. 213; 1980, c. 21; 1986, c. 639; 1988, cc. 662, 897; 1989, cc. 526, 727; 1992, c. 149; 1997, c. 283; 2001, c. 180.

§ 46.2-1156.1. Transportation of persons less than sixteen years old in pickup truck beds prohibited; exception.

No person under sixteen years of age shall be transported in the rear cargo area of any pickup truck on the highways of Virginia. The provisions of this section shall not apply to transportation of persons in the bed of any pickup truck being operated (i) as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted or (ii) on or across a highway from one field or parcel of land to another field or parcel of land in connection with farming operations.

2000, c. 736.

Article 21 - SAFETY INSPECTIONS

§ 46.2-1157. Inspection of motor vehicles required.

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

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

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

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

Code 1950, § 46-317; 1950, p. 691; 1958, c. 541, § 46.1-315; 1962, c. 246; 1978, cc. 275, 605; 1982, c. 646; 1989, c. 727; 1991, cc. 107, 717; 1993, c. 134; 1995, c. 670; 1997, c. 283; 2004, cc. 267, 796; 2007, cc. 75, 137; 2009, cc. 115, 514, 756; 2011, c. 283; 2014, cc. 53, 256.

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of § 46.2-1157 shall be reinspected within 12 months of the month of the first inspection and at least once every 12 months thereafter.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection sticker shall be valid for 15 calendar days beyond the day of issuance, during which time the operator of the vehicle shall not be charged for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle. A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

The completion of the conversion process for a converted electric vehicle shall invalidate any inspection of such vehicle conducted in accordance with this section prior to the conversion. Following the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of this chapter, such vehicle shall be reinspected in accordance with this section.

1977, c. 655, § 46.1-315.2; 1978, cc. 302, 748; 1982, c. 646; 1989, c. 727; 2012, c. 177; 2020, cc. 1230, 1275.

§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;

2. Boat, utility, or travel trailers that are not equipped with brakes;

3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;

5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;

6. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business; dealers or distributors may take delivery and operate upon the highways of the Commonwealth new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;

7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license operated for test purposes by the manufacturer;

8. Motor vehicles, trailers, or semitrailers operated for test purposes by a certified inspector during the performance of an official inspection;

9. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth over the most direct route to a location for installation of a permanent body;

10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth driven to the purchaser's place of residence or the dealer's or distributor's designated place of business;

11. Prior to purchase from auto auctions, motor vehicles, trailers, or semitrailers operated upon the highways not to exceed a 10-mile radius of such auction by prospective purchasers only for the purpose of road testing and motor vehicles, trailers, or semitrailers purchased from auto auctions operated upon the highways from such auction to (i) an official safety inspection station provided that (a) the inspection station is located between the auto auction and the purchaser's residence or place of business or within a 10-mile radius of such residence or business and (b) the vehicle is taken to the

inspection station on the same day the purchaser removes the vehicle from the auto auction or (ii) the purchaser's place of residence or business;

12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, (i) operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station or (ii) parked on a highway and that have been submitted for a motor vehicle safety inspection to an official inspection station, for the purpose of having the same inspected pursuant to a prior appointment with such station;

13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;

14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;

15. Logtrailers as exempted under § 46.2-1159;

16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as exempted under § 46.2-1160;

17. Any tow dolly or converter gear as defined in § 46.2-1119;

18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163;

19. Mopeds;

20. Low-speed vehicles;

21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6; and

22. Military surplus motor vehicles as defined in § 46.2-100 and licensed pursuant to § 46.2-730.1.

B. The following shall be exempt from inspection as required by § 46.2-1157 provided that (i) the commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program; (iii) the inspection has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. § 396.3(b) is available for review by law-enforcement officials to verify that the inspection is current:

1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations;

2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations.

2011, c. 283; 2016, cc. 128, 702; 2018, c. 555; 2019, c. 69.

§ 46.2-1158.1. Extension of validity of vehicle safety inspection approval stickers issued for vehicles whose registered owners are persons in the armed services of the United States.

Notwithstanding any contrary provision of law, any vehicle safety inspection approval sticker issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States shall be held not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. Should the armed services member be domiciled in another state of the United States, nothing in this section shall be construed to absolve such person from obtaining a current inspection sticker from his state of domicile, if required by such state. In cases where a vehicle's owner has been officially absent from the Commonwealth because of service in the armed services of the United States but returns to Virginia following such official absence and the vehicle becomes operational in the Commonwealth, the vehicle's owner will have 14 calendar days following such return, Sundays and holidays excepted, to have the vehicle inspected. Furthermore, no penalty shall be imposed on any such owner or operator for operation of a motor vehicle, trailer, or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having it inspected pursuant to an appointment with such station.

Motor vehicles owned and operated by persons on active duty with the United States armed forces who are Virginia residents stationed outside the Commonwealth at the time the inspection expires may be operated on the highways of the Commonwealth while persons on active duty are on leave, provided such vehicle displays a valid inspection sticker issued by another state.

For the purposes of this section, "service in the armed services of the United States" includes active duty service with the regular armed forces of the United States or the National Guard or other reserve component.

2005, c. 582; 2008, c. 722; 2009, c. 523; 2011, c. 283; 2014, cc. 67, 250.

§ 46.2-1158.02. Penalty for failure to have motor vehicle inspection.

A. Notwithstanding the penalty provisions of § 46.2-1171, a violation of § 46.2-1158 constitutes a traffic infraction. The court may, in its discretion, dismiss a summons issued under § 46.2-1158 where correction of vehicle or safety equipment defects or proof of compliance with § 46.2-1158 is provided to the court subsequent to the issuance of the summons.

B. The operator of a motor vehicle who is cited for a violation of § 46.2-1158 shall not be cited during the same occurrence for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-

1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle, nor shall the operator of the motor vehicle that is subject to the citation be cited for a violation of such vehicle equipment requirements for such vehicle for a period of 15 calendar days.

2011, c. 283; 2020, cc. 1230, 1275.

§ 46.2-1159. Logtrailers defined; exempt from inspection under certain conditions.
For the purpose of this section, a "logtrailer" shall be any vehicle designed and used solely as an implement for hauling logs, lumber, or other forest products from the forest to the mill or loading platform. Log trailers shall be exempt from the requirements of § 46.2-1157 if operation on the highways in the Commonwealth does not exceed two miles and is made during daylight hours.

Code 1950, § 46-317.1; 1954, c. 436; 1958, c. 541, § 46.1-316; 1989, c. 727.

§ 46.2-1160. Towed vehicle defined; exempt from inspection requirement.
For the purpose of this section a towed vehicle shall be any motor vehicle designed or altered and used exclusively for racing or other exhibition purposes at places other than the highways in the Commonwealth where such vehicle does not operate under its own power on the highways in the Commonwealth in going to or from such places. A towed vehicle as defined in this section shall be exempt from the requirements of § 46.2-1157.

Code 1950, § 46-317.2; 1956, c. 128; 1958, c. 541, § 46.1-317; 1989, c. 727.

§ 46.2-1161. Repealed.
Repealed by Acts 2011, c. 283, cl. 2.

§ 46.2-1161.1. Inspections of trailers and semitrailers equipped with heating or cooking appliances.
If any trailer or semitrailer subject to the periodic safety inspections required by this article is equipped with a heating or cooking appliance, the safety inspection of such trailer or semitrailer shall include a visual inspection of the venting of such cooking or heating appliance to the outside of the trailer or semitrailer. No safety inspection approval sticker shall be issued to any such trailer or semitrailer unless any such heating or cooking appliance is adequately vented to prevent the asphyxiation of occupants of any such trailer or semitrailer by the operation of the heating or cooking appliance.

1991, c. 169.

§ 46.2-1162. Inspection of certain trailers.
Any trailer required to be inspected under the provisions of this article may, only if the size or configuration of the trailer and the size and configuration of the facilities of the inspection station prevent the trailer from being inspected inside the inspection station, be inspected outside the inspection station. The provisions of this section shall apply only to trailers as defined in § 46.2-100 and shall not apply to recreational vehicles commonly known as "motor homes" or to any vehicle required to be equipped with head lights.

1982, c. 159, § 46.1-317.2; 1989, c. 727.

§ 46.2-1163. Official inspection stations; safety inspection approval stickers; actions of Superintendent subject to the Administrative Process Act.

The Superintendent may designate, furnish instructions to, and supervise official inspection stations for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the making of inspections required by this chapter. The Superintendent may at any time, after five days' written notice, revoke the designation of any official inspection station designated by him.

If no defects are discovered or when the equipment has been corrected in accordance with this title, the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by the Department of State Police, a duplicate of which is retained by such station, a certificate showing the date of correction, registration number of the vehicle, and the official designation of such station. On or before December 1, 2010, any information an official inspection station is required to provide to the Department of State Police shall be accepted by the Department in electronic form. There also shall be placed on the windshield of the vehicle at a place to be designated by the Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is not equipped with a windshield, the approval sticker shall be placed on the vehicle in a location designated by the Superintendent. If the vehicle is a motorcycle, the approval sticker may, at the discretion of the motorcycle owner, be placed on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or affixed to the motorcycle. The Superintendent shall designate the location on which such plate shall be fastened or such sticker shall be affixed to the motorcycle. This sticker shall be displayed on the windshield of such vehicle or at such other designated place upon the vehicle at all times when it is operated or parked on the highways in the Commonwealth and until such time as a new inspection period shall be designated and a new inspection sticker issued. Common carriers, operating under certificate from the State Corporation Commission or the Department of Motor Vehicles, who desire to do so may use with the approval of the Superintendent private inspection stations for the inspection and correction of their equipment.

The Superintendent shall provide motor vehicle safety inspection information upon the written request of an individual or corporate entity or such entity's agent. Any information provided shall not include personal information. The Superintendent may make a reasonable charge for furnishing information under this section but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government self-insurance pools; or the court, police, or licensing officials of other states or of the federal government, provided that the information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. Vehicle information, including all descriptive vehicle data, submitted to or received from the Department of State Police related to such a request shall not be considered a public record for the purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the Superintendent pursuant to this section shall be paid into

the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of State Police's motor vehicle safety inspection program.

Actions of the Superintendent relating to official inspection stations shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

Code 1950, § 46-318; 1954, c. 57; 1956, c. 381; 1958, c. 541, § 46.1-318; 1989, c. 727; 1996, c. 573; 2003, c. 138; 2006, c. 620; 2007, cc. 75, 137; 2009, c. 241; 2017, cc. 322, 332; 2018, c. 333.

§ 46.2-1164. Reinspection not required when windshield replaced; transfer of inspection sticker to new windshield; replacement of lost or damaged stickers.

When any vehicle requires the replacement of a windshield pursuant to § 46.2-1058, it shall not be necessary to inspect such vehicle at the time of replacement if a valid state inspection sticker is displayed on the windshield being replaced.

The sticker found on the broken windshield may be removed and placed on the new windshield.

The Superintendent may designate certain State Police officers to issue safety inspection approval stickers to vehicles from which the original valid safety inspection approval sticker has been lost, stolen or damaged without causing the vehicle to be reinspected, provided the vehicle owner or operator produces the original safety inspection approval sticker receipt issued to the vehicle within the past eleven months. Such replacement safety inspection approval stickers shall be issued in accordance with regulations promulgated by the Superintendent.

1978, c. 266, § 46.1-294.1; 1989, c. 727; 1993, c. 94; 1994, c. 396.

§ 46.2-1165. Regulations for inspection of vehicles; posting.

The Superintendent shall promulgate regulations for the inspection of motor vehicles under this title and shall furnish each official inspection station with a printed set of such regulations suitable for posting. Such station shall post the regulations in a conspicuous place in the portion of its premises where inspections are made and shall cause its employees making official inspections to be conversant with such regulations.

Code 1950, § 46-323; 1958, c. 541, § 46.1-319; 1960, c. 391; 1970, c. 21; 1989, c. 727.

§ 46.2-1166. Minimum standards required for inspection stations; appointments.

A. The Superintendent shall not designate any person, firm, or corporation as an official inspection station unless and until such person, firm or corporation satisfies the Superintendent, under such regulations as the Superintendent shall prescribe, that such person, firm, or corporation has met and will continue to meet the following standards:

1. The station has sufficient mechanical equipment and skilled and competent mechanics to make a complete inspection in accordance with the provisions of this article;

2. Adequate means are provided by the station to test the brakes, headlights, and steering mechanism of motor vehicles and to ascertain that motor vehicles inspected by the station meet the safety standards prescribed by the Superintendent under the terms of this title;

3. The person making the actual inspection or under whose immediate supervision such inspection is made shall have at least one year's practical experience as an automotive mechanic, or has satisfactorily completed a training program in automotive mechanics approved by the Superintendent of State Police;

4. No person shall be designated by such station to make such inspections unless the person has been approved for that purpose by the Department of State Police;

5. The Superintendent of State Police may, at his discretion, waive the experience and training requirements of this section for inspections of motorcycles and trailers when, in the Superintendent's opinion, the person performing such inspections is otherwise qualified to perform such inspections; and

6. The station has garage liability insurance in the amount of at least $500,000 with an approved surplus lines carrier or insurance company licensed to write such insurance in this Commonwealth, provided this requirement shall not apply to inspection stations that inspect only their company-owned or leased or government-owned or leased vehicles.

B. Any official inspection station may, at the discretion of the inspection station, accept vehicles on a first-come, first-served basis or by prescheduled appointments for the safety inspection of a motor vehicle pursuant to § 46.2-1157.

Code 1950, § 46-319; 1958, c. 541, § 46.1-320; 1962, c. 246; 1980, cc. 31, 168; 1989, c. 727; 2004, c. 383; 2005, c. 179; 2017, c. 525; 2018, c. 400.

§ 46.2-1167. Charges for inspection and reinspection; exemption.

A. Each official safety inspection station may charge no more than:

1. Fifty-one dollars for each inspection of any (i) tractor truck, (ii) truck that has a gross vehicle weight rating of 26,000 pounds or more, or (iii) motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver, $0.50 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program;

2. Twelve dollars for each inspection of any motorcycle, $10 of which shall be retained by the inspection station and $2 of which shall be transmitted to the Department of State Police who shall retain $0.50 to support the Department's costs in administering the motor vehicle safety inspection program and deposit the remaining $1.50 into the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191;

3. Twelve dollars for each inspection of any autocycle, $10 of which shall be retained by the inspection station and $2 of which shall be transmitted to the Department of State Police to be used to support the Department's costs in administering the motor vehicle safety inspection program; and

4. Twenty dollars for each inspection of any other vehicle, $0.70 of which shall be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program.

No such charge shall be mandatory, however, and no such charge shall be made unless the station has previously contracted therefor.

B. Each official safety inspection station may charge $1 for each reinspection of a vehicle rejected by the station, as provided in § 46.2-1158, if the vehicle is submitted for reinspection within the validity period of the rejection sticker. If a rejected vehicle is not submitted to the same station within the validity period of the rejection sticker or is submitted to another official safety inspection station, an amount no greater than that permitted under subsection A may be charged for the inspection.

Code 1950, § 46-320; 1958, c. 541, § 46.1-321; 1968, c. 163; 1973, c. 386; 1976, c. 501; 1982, c. 646; 1985, c. 450; 1989, c. 727; 1990, c. 39; 2001, c. 791; 2002, cc. 322, 337; 2005, c. 628; 2006, c. 620; 2014, cc. 53, 256; 2019, c. 307.

§ 46.2-1167.1. Repealed.

Repealed by Acts 2009, cc. 864 and 871, cl. 5.

§ 46.2-1168. Additional registration fee.

In addition to any other fees imposed, at the time of registration the owner of every motor vehicle, trailer, or semitrailer required to be registered in this Commonwealth shall pay to the Department of Motor Vehicles one dollar and fifty cents per year of registration or, in the case of trailers and semitrailers, such other fee as is provided in § 46.2-694.1, to be paid into the state treasury and set aside for the payment of the administrative costs of the official motor vehicle safety inspection program as appropriated by the General Assembly.

1985, c. 450, § 46.1-321.2; 1988, c. 704; 1989, c. 727; 1990, cc. 418, 496; 1992, c. 597; 1997, c. 283.

§ 46.2-1169. Inspection defined; making of repairs or adjustments.

The term "inspection" as herein used shall not include repairs or adjustments. Repairs or adjustments necessary to bring the vehicle into conformity with this title may be made by agreement between the owner and such station or whatever repair station the owner may select. If such adjustments or repairs are made by anyone other than an official inspection station, such vehicle shall again be inspected by an official inspection station.

Code 1950, § 46-321; 1958, c. 541, § 46.1-322; 1989, c. 727.

§ 46.2-1170. Advertising, etc., of official inspection station when not authorized.

No person, firm, or corporation, unless designated as such in accordance with the provisions of this article, shall, either directly or indirectly, display, advertise, or represent that such person, firm or corporation is an official inspection station.

Code 1950, § 46-321; 1958, c. 541, § 46.1-323; 1989, c. 727.

§ 46.2-1171. Penalties for violation of article.

Any person violating this article shall be guilty of a Class 3 misdemeanor for the first offense and guilty of a Class 1 misdemeanor for each subsequent offense except as otherwise provided in this article. If the violation of this article or regulations of the Superintendent made pursuant thereto is by an official

inspection station in addition to or in lieu of such fine imposed by a court the Superintendent may, whether or not the violation is a first offense against this article or regulation of the Superintendent, suspend the appointment of the inspection station or, if in his opinion after a hearing, the facts warrant such action, the Superintendent may revoke the designation of such inspection station.

Code 1950, § 46-322; 1958, c. 541, § 46.1-324; 1989, c. 727.

§ 46.2-1172. Unauthorized taking, possession, or use of inspection stickers, etc.; penalty.

No person shall remove any inspection sticker or any paper issued by the Superintendent in connection with vehicle safety inspections from the custody of any person to whom the same has been issued by or under the authority of the Superintendent of State Police. Nor shall any person have any such sticker or paper in his possession or use otherwise than as authorized by the Superintendent. In any case where the Superintendent has suspended or revoked the designation of any official inspection station designated by him, such station shall surrender possession to the Superintendent or his duly authorized representative all inspection stickers and other forms and papers used in connection with safety inspection of vehicles on or before the effective date of such suspension or revocation. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

Code 1950, § 46-322.1; 1956, c. 35; 1958, c. 541, § 46.1-325; 1989, c. 727; 1998, c. 299.

§ 46.2-1173. Imitation or counterfeit inspection stickers.

No person shall make, issue, or knowingly use any imitation or counterfeit of an official safety inspection sticker.

No person shall display or cause or permit to be displayed upon any vehicle any safety inspection sticker knowing it to be fictitious or issued for another vehicle.

Code 1950, § 46-322.2; 1952, c. 466; 1958, c. 541, § 46.1-326; 1989, c. 727.

§ 46.2-1174. Superintendent authorized to enter into Uniform Vehicle Inspection Reciprocity Agreement.

The Superintendent is authorized to enter into the Uniform Vehicle Inspection Reciprocity Agreement, adopted by the American Association of Motor Vehicles Administrators on January 1, 1967.

1968, c. 148, § 46.1-326.1; 1989, c. 727.

§ 46.2-1175. Operators of certain commuter buses to maintain certain records; inspection of records and buses by employees of Department of State Police; penalty.

Persons, firms, corporations, and other business entities operating commuter buses for compensation in intrastate commerce shall maintain records of all maintenance performed on such buses. Such records shall include the dates of service, the odometer reading of the bus on that date, the maintenance performed, and the name of the person or persons performing the maintenance. Such records shall be open to inspection during the operator's normal business hours by employees of the Department of State Police specifically designated by the Superintendent. Employees of the Department of State Police designated for that purpose by the Superintendent shall also be authorized with the

consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2 to go onto the property of business entities operating commuter buses for compensation in intrastate commerce to inspect buses directly on such property or on the property where such buses are principally garaged at any time during normal business hours. Such inspections may be either for the purpose of determining the safe condition of the buses or to verify the accuracy of the maintenance logs or for both purposes.

A violation of any provision of this section shall constitute a Class 3 misdemeanor.

The provisions of this section shall not apply to local or regional governments, to authorities created to provide local or regional mass transit service, or to buses which those governments or authorities own or operate.

For the purpose of this section, "commuter bus" means a motor vehicle which has a seating capacity of more than seventeen passengers, is used primarily to transport workers directly to and from factories, plants, offices, or other places where they work, and is registered with the Department for such operation.

1983, c. 203, § 46.1-326.1:1; 1989, c. 727; 1997, c. 283.

§ 46.2-1175.1. Inspection of certain refuse collection and highway maintenance vehicles.

No safety inspection approval sticker shall be issued under this article to any publicly or privately owned vehicle (i) used for garbage and refuse collection and disposal or (ii) having a manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily for highway repair or maintenance unless any such vehicle is equipped with a device, in good working order, which automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Any such device shall be of a type approved by the Superintendent of State Police.

1989, cc. 297, 317, § 46.1-326.1:2.

Article 22 - EMISSIONS INSPECTIONS

§ 46.2-1176. Definitions.

The following words and phrases when used in this article shall have the following meanings except where the context clearly indicates a different meaning:

"Basic, test and repair program" means a motor vehicle emissions inspection system established by regulations of the Board which shall designate the use of an OBD-II (on-board diagnostic system) with wireless capability, and a two-speed idle analyzer as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with the applicable provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be approvable for motor vehicle manufacturers' warranty repairs.

"Board" means the State Air Pollution Control Board.

"Certificate of emissions inspection" means a document, device, or symbol, prescribed by the Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this article; (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor vehicle has failed such emissions inspection.

"Director" means the Director of the Department of Environmental Quality.

"Emissions inspection station" means any facility or portion of a facility that has obtained an emissions inspection station permit from the Director authorizing the facility to perform emissions inspections in accordance with this article.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection system established by regulations of the Board that shall designate, as the only authorized testing equipment for emissions inspection stations, (i) the use of the ASM 50-15 (acceleration simulation mode or method) together with an OBD-II (on-board diagnostic system) with wireless capability, (ii) the use of the ASM 50-15 together with the use of a dynamometer, and (iii) two-speed tailpipe testing equipment. Possession and availability of a dynamometer shall be required for enhanced emissions inspection stations. Only those computer software programs and emissions testing procedures necessary to comply with applicable provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be approvable for motor vehicle manufacturers' warranty repairs. An enhanced emissions inspection program shall include remote sensing and an on-road clean screen program as provided in this article.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Director.

"Motor vehicle" means any vehicle that:

1. Is designed for the transportation of persons or property; and

2. Is powered by an internal combustion engine.

"On-road clean screen program" means a program that allows a motor vehicle owner to voluntarily certify compliance with emissions standards by means of on-road remote sensing.

"On-road emissions inspector" means the entity or entities authorized by the Department of Environmental Quality to perform on-road testing, including on-road testing in accordance with the on-road clean screen program.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Program coordinator" means any person or corporation that has entered into a contract with the Director to provide services in accordance with this article.

"Qualified hybrid motor vehicle" means a motor vehicle that (i) meets or exceeds all applicable regulatory requirements, (ii) meets or exceeds the applicable federal motor vehicle emissions standards for gasoline-powered passenger cars, and (iii) can draw propulsion energy both from gasoline or diesel fuel and a rechargeable energy storage system.

"Referee station" means an inspection facility operated or used by the Department of Environmental Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support and information, as appropriate, to emissions inspection stations and vehicle owners.

"Remote sensing" means the measurement of motor vehicle emissions through electronic or light-sensing equipment from a remote location such as the roadside. Remote sensing equipment may include devices to detect and record the vehicle's registration or other identification numbers.

"Test and repair" means motor vehicle emissions inspection facilities that perform official motor vehicle emissions inspections and may also perform vehicle repairs. No regulation of the Board pertaining to test and repair shall bar inspection facilities from also performing vehicle repairs. Emissions inspections and vehicle safety inspections may be performed in the same service bay, provided that the facility is both an emissions inspection station and an official safety inspection station pursuant to §§ 46.2-1163 and 46.2-1166. Emissions inspections may be performed in any service bay of the emissions inspection station or, if by wireless means, in any other area on the premises of the emissions inspection station.

"Validation program" or "program validation" means a program approved by the Director by which vehicles are randomly identified and provided a free emissions inspection for the purpose of monitoring the effectiveness of the emissions inspection program. A "validation program" may be conducted at an emissions inspection station, as defined by § 46.2-1176, in conjunction with a state safety inspection or using on-road testing.

1980, c. 469, § 46.1-326.2; 1982, c. 92; 1984, c. 256; 1988, cc. 81, 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1994, c. 838; 1995, cc. 836, 851; 2000, c. 311; 2002, c. 710; 2004, c. 915; 2012, cc. 216, 824.

§ 46.2-1177. Emissions inspection program.

The Director shall administer an emissions inspection program. Such program shall require biennial inspections of motor vehicles at official emissions inspection stations in accordance with this article and may require additional inspections of motor vehicles that have been shown by on-road testing to exceed emissions standards established by the Board.

The emissions inspections required in § 46.2-1178 shall not apply to any:

1. Vehicle powered by a clean special fuel as defined in § 46.2-749.3, provided provisions of the federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;

2. Motorcycle or autocycle, unless such autocycle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency;

3. Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or approved by the federal government;

4. Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

5. Vehicle for which no testing standards have been adopted by the Board; or

6. Vehicle manufactured for the current model year or any of the three immediately preceding model years unless identified by the remote sensing program as violating the emissions standards established for that program.

1980, c. 469, § 46.1-326.3; 1981, c. 624; 1988, c. 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851; 2006, c. 729; 2015, cc. 95, 161.

§ 46.2-1177.1. Inspection program coordinator; agreement for services.

The Director may enter into an agreement to designate a program coordinator for all inspection programs pursuant to this article, except that no on-road clean screen program or any program or inspection process that utilizes remote sensing shall be included in the agreement. The Director shall determine the services to be provided by the program coordinator and the amount to be paid to the program coordinator for such services by the Department. Such agreement shall include a provision that the program coordinator shall provide and maintain inspection stations as defined in § 46.2-1176 with equipment, as set forth in this article, as required for a station to provide inspections. In addition to the amount the Director agrees for the Department to pay the program coordinator, the agreement shall permit the program coordinator to be paid up to $3,500 per year from each inspection station for each set of required equipment for the provision and maintenance of such equipment by the program coordinator.

2012, cc. 216, 824.

§ 46.2-1178. Administration and scope of emissions inspection program.

A. Except as otherwise provided in this section, the emissions inspection program provided for in this article shall apply to motor vehicles having actual gross weights of 8,500 pounds or less that are registered in the Counties of Arlington, Fairfax, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The provisions of this subsection shall expire when the provisions of subsection C of this section become effective.

B. An emissions inspection program as required by regulations adopted by the Board under this article shall apply to motor vehicles that have actual gross weights of 8,500 pounds or less and are registered or operated primarily, as defined by the Board in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), in the Counties of Chesterfield, Hanover, and Henrico and the Cities of Colonial Heights, Hopewell, and Richmond. Such emissions inspection program

shall be a basic, test and repair program with the greatest number of inspection facilities consistent with the consumer protection and fee provisions herein as consistent with the federal Clean Air Act.

The provisions of this subsection shall apply but not necessarily be limited to (i) motor vehicles owned by governmental entities, (ii) motor vehicles owned by military personnel residing in those localities, (iii) motor vehicles owned by leasing or rental companies, and (iv) motor vehicles owned or leased by employees of the federal government and operated on a federal installation. The provisions of this subsection shall become effective July 1, 1995. The Board may promulgate regulations to implement the provisions of this article, but such regulations shall not require inspections in the localities mentioned in this subsection prior to the later of: (i) July 1, 1996; or (ii) the date on which the U.S. Environmental Protection Agency, pursuant to the federal Clean Air Act, formally and in writing approves this program for such localities or on such later date as may be provided by regulations of the Board.

B1. The emissions inspection program provided for in this article shall not apply to any qualified hybrid motor vehicle if such vehicle obtains a rating from the U.S. Environmental Protection Agency of at least (i) 50 miles per gallon during city fuel economy tests or (ii) 48 miles per gallon during city fuel economy tests for hybrid vehicles with a model year of 2008 or 2009, unless remote sensing devices indicate the hybrid vehicle may not meet current emissions standards. The Board shall adopt such regulations as may be required to implement this exemption.

C. The emissions inspection program provided for in this subsection shall be a test and repair enhanced emissions inspection program with the greatest number of inspection facilities consistent with the consumer protection and fee provisions herein and shall include on-road testing, remote sensing devices, and an on-road clean screen program. Any enhanced emissions inspection program provided for in this article shall apply to motor vehicles that have actual gross weights of 10,000 pounds or less that were actually manufactured or designated by the manufacturer as a model manufactured in a calendar year less than 25 calendar years prior to January 1 of the present calendar year and are registered or operated primarily, as defined by the Board in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) in the Counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. On and after July 1, 2012, and before July 1, 2013, an on-road clean screen program shall be limited to no more than 10 percent of the motor vehicles described in this subsection which are eligible for emissions inspection during the applicable 12-month period. On and after July 1, 2013, and before July 1, 2014, an on-road clean screen program shall be limited to no more than 20 percent of the motor vehicles described in this subsection which are eligible for emissions inspection during the applicable 12-month period. On and after July 1, 2014, an on-road clean screen program shall be limited to no more than 30 percent of the motor vehicles described in this subsection which are eligible for emissions inspection during the applicable 12-month period. An on-road clean screen program or a validation program utilizing remote sensing equipment shall not be considered emissions inspection stations. The Board may reduce the percentage of vehicles eligible to participate in the on-road clean screen program as is necessary to meet applicable air quality requirements under

the federal Clean Air Act, 42 U.S.C. § 7401 et seq., as amended. Notwithstanding the provisions of § 46.2-1176, the Board shall designate remote sensing equipment as authorized testing equipment pursuant to this section.

The provisions of this subsection shall apply but not necessarily be limited to (i) motor vehicles owned by governmental entities, (ii) motor vehicles owned by military personnel residing in those localities, (iii) vehicles owned by leasing or rental companies, and (iv) motor vehicles owned or leased by employees of the federal government and operated on a federal installation.

The provisions of this subsection shall be effective January 1, 1996, or on such later date as may be provided by regulations of the Board. However, the provisions of this subsection may become effective immediately provided that (a) the U.S. Environmental Protection Agency, pursuant to the federal Clean Air Act, formally and in writing approves the program for such localities; (b) the Governor determines in writing that expedited promulgation of such regulations is in the best interest of the Commonwealth, determining that such shall constitute an "emergency situation" pursuant to § 2.2-4011; and (c) the Governor authorizes the Board to promulgate the regulations as emergency regulations in accordance with this section.

D. Any emissions inspection program regulations in effect at the time amendments to this section become effective shall remain in effect until the Board promulgates new regulations or amends or repeals existing regulations in accordance with this section.

1980, c. 469, § 46.1-326.4; 1988, c. 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1994, c. 838; 1995, cc. 836, 851; 1997, c. 507; 2002, c. 710; 2004, c. 915; 2012, cc. 216, 824; 2013, c. 634.

§ 46.2-1178.1. On-road testing of motor vehicle emissions; authority to adopt regulations; civil charges.

A. The emissions inspection program authorized by § 46.2-1177 and provided for in § 46.2-1178 shall include on-road testing of motor vehicle emissions and an on-road clean screen program. The Board shall promulgate regulations establishing on-road testing and on-road clean screen program requirements including, but not limited to, collecting data and information necessary to comply with or determine compliance with applicable laws and regulations, random testing of motor vehicle emissions, procedures to notify owners of test results, assessment of civil charges for noncompliance with emissions standards adopted by the Board, and standards for operating the on-road clean screen program, including provisions for the suspension or revocation of any on-road emissions inspection program for failure to act in accordance with the provisions of this article and regulations adopted by the Board.

B. If an emissions test performed pursuant to this section indicates that a motor vehicle does not meet emissions standards established by the Board, the Board may collect from the owner of the vehicle a civil charge based on actual emissions. The Board shall establish a schedule of civil charges to be collected pursuant to this section. Such civil penalties shall not exceed $450 using 1990 as the base year and adjusted annually by the Consumer Price Index. The schedule of charges and their assess-

ment shall be established by regulations promulgated to be in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. Civil charges assessed pursuant to this section shall be waived by the Board if, within 30 calendar days of notice of the violation, the vehicle's owner provides proof that the vehicle (i) since the date of the violation, has passed a vehicle emissions test as provided in § 46.2-1178, (ii) qualifies for an emissions inspection waiver as provided in § 46.2-1181, or (iii) has qualified for an emissions inspection waiver as provided in § 46.2-1181 within the 12 months prior to the violation.

D. Civil charges collected pursuant to this section shall be paid into the state treasury and deposited by the State Treasurer into the Vehicle Emissions Inspection Program Fund pursuant to § 46.2-1182.2.

E. If the on-road clean screen program indicates that a motor vehicle does not exceed emissions standards adopted by the Board for on-road testing pursuant to § 46.2-1179, then such testing may be considered proof of compliance for the purposes of § 46.2-1183 and may be considered to satisfy the requirements of § 46.2-1177 for a biennial inspection. The Board shall establish criteria under which such testing shall satisfy the requirements of § 46.2-1183.

1995, cc. 836, 851; 1996, cc. 35, 100; 2002, c. 710; 2012, cc. 216, 824.

§ 46.2-1178.2. Repair of certain vehicles not in compliance with standards established by the Board; payment of repairs from Vehicle Emissions Inspection Program Fund.

The Department of Environmental Quality shall operate a program to subsidize repairs of vehicles identified by on-road testing pursuant to § 46.2-1178.1 that fail to meet emissions standards established by the Board when the owner of the vehicle is financially unable to have the vehicle repaired. The costs of implementing and operating such program shall be borne by the Vehicle Emissions Inspection Program Fund. The Board shall, in connection with such program, establish by regulation such standards, criteria, and procedures as the Board shall deem necessary or convenient.

2002, c. 710.

§ 46.2-1179. Board to adopt emissions standards.

A. The Board shall adopt emissions standards necessary to implement the emissions inspection program provided for in this article. Such standards shall include specifications and criteria that will enable the identification of vehicles whose emissions so far exceed those permissible under this article as to qualify them as "gross violators," and enable the expedited identification of such vehicles through on-road testing pursuant to § 46.2-1178.1.

B. The Board shall establish separate and distinct emissions standards applicable to on-road testing of motor vehicles pursuant to § 46.2-1178.1. Notwithstanding any contrary provision of this article, except for any motor vehicle registered as an antique motor vehicle or a military surplus motor vehicle, such criteria shall be applicable to all motor vehicles manufactured for the 1968 model year or any more recent model year, with criteria for each model year being appropriate to that model year.

1980, c. 469, § 46.1-326.5; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851; 2002, c. 710; 2018, c. 555.

§ 46.2-1179.1. Board to adopt clean alternative fuel fleet standards for motor vehicles; penalty.

A. For purposes of this section:

"Clean alternative fuel" means any fuel, including methanol, ethanol, other alcohols, reformulated gasoline, diesel, natural gases, liquified petroleum gas, hydrogen, and electricity or other power source used in a clean fuel vehicle that complies with the standards applicable to such vehicle under the federal Clean Air Act when using such fuel or other power source. In the case of a flexible fuel vehicle or dual fuel vehicle, "clean alternative fuel" means only a fuel for which the vehicle was certified when operating on clean alternative fuel.

"Fleet" means any centrally fueled fleet of ten or more motor vehicles owned or operated by a single entity. "Fleet" does not include motor vehicles held for lease or rental to the general public, motor vehicles held for sale by motor vehicle dealers, motor vehicles used for manufacturer product tests, law-enforcement and other emergency vehicles, or nonroad vehicles, including farm and construction vehicles.

B. The Board may adopt by regulation motor vehicle clean alternative fuel fleet standards consistent with the provisions of Part C of Title II of the federal Clean Air Act for model years beginning with the model year 1998 or the first succeeding model year for which adoption of such standards is practicable. If adoption and implementation by the Board of an equivalent air pollution reduction program is approved by the federal Environmental Protection Agency, the regulation and program authorized by this section shall not become effective. Such regulations shall contain the minimum phase-in schedule contained in § 246 (b) of Part C of Title II of the Clean Air Act. However, nothing in this section shall preclude affected fleet owners from exceeding the minimum requirements of the federal Clean Air Act. Beginning in 1995 and upon adoption of the standards by the Board, the Board shall require the fleet owned by the federal government to meet the clean alternative fuel fleet standard and phase-in schedule established by the Board. If necessary to meet the Board's standards and phase-in schedule, the Board shall require fleets owned by the federal government to convert a portion of existing fleet vehicles to the use of clean alternative fuels as defined by the federal Clean Air Act. The standards specified in this subsection shall apply only to (i) motor vehicles registered in localities designated by the federal Environmental Protection Agency, pursuant to the federal Clean Air Act, as serious, severe, or extreme air quality nonattainment areas, or as maintenance areas formerly designated serious, severe, or extreme and (ii) motor vehicles not registered in the above-mentioned localities, but having either (a) a base of operations or (b) a majority of their annual travel in one or more of those localities.

C. An owner of a covered fleet shall not use any motor vehicle or motor vehicle engine which is manufactured during or after the first model year to which the standards specified in subsection A of this section are applicable, if such vehicle or engine is registered or has its base of operations in the

localities specified in subsection B of this section and has not been certified in accordance with regulations promulgated by the Board. The Board may promulgate regulations providing for reasonable exemptions consistent with the provisions of Part C of Title II of the federal Clean Air Act. Motor vehicles exempted from the provisions of this section shall forever be exempt.

D. Any person that violates the requirements of this section or any regulation adopted hereunder shall be subject to the penalties in §§ 46.2-1187 and 46.2-1187.2. Each day of violation shall be a separate offense, and each motor vehicle shall be treated separately in assessing violations.

E. In order to limit adverse economic and administrative impacts on covered fleets operating both in Virginia and in neighboring states, the Department of Environmental Quality shall, to the maximum extent practicable, coordinate the provisions of its regulations promulgated under this section with neighboring states' statutes and regulations relating to use of clean alternative fuels by motor vehicle fleets.

F. The State Corporation Commission, as to matters within its jurisdiction, and the Department of Environmental Quality, as to other matters, may, should they deem such action necessary, promulgate regulations necessary or convenient to ensure the availability of clean alternative fuels to operators of fleets covered by the provisions of this section. The State Air Pollution Control Board may delegate to the Commissioner of Agriculture its authority under the Air Pollution Control Law of Virginia, Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, to implement and enforce any provisions of its regulations covering the availability of clean alternative fuels. Upon receiving such delegation, the authority to implement and enforce the regulations under the Air Pollution Control Law of Virginia shall be vested solely in the Commissioner, notwithstanding any provision of law contained in Title 10.1, except as provided in this section. The State Air Pollution Control Board, in delegating its authority under this section, may make the delegation subject to any conditions it deems appropriate to ensure effective implementation of the regulations according to the policies of the State Air Pollution Control Board.

1993, cc. 234, 571; 1995, c. 141; 1998, cc. 401, 421.

§ 46.2-1180. Board to adopt regulations; exemption of certain motor vehicles.

A. The Board is authorized to adopt such regulations for purposes of implementation, administration, and regulation as may be necessary to carry out the provisions of this article. Such regulations shall include but not necessarily be limited to requirements for the following:

1. The collection of data and maintenance of records of emissions inspection test results and vehicle repairs under this article and the inspection results of the air pollution control systems or devices in accordance with § 46.2-1048 and regulations of the Board.

2. The calibration of emissions testing equipment by emissions inspection stations to ensure conformance with the standards adopted by the Board.

3. The establishment of appropriate referee stations.

4. The permitting of emissions inspection stations and fleet emissions inspection stations and the licensing of emissions inspectors, including the suspension or revocation of such permit or license.

5. The protection of consumer interests in accordance with regulations of the Board concerning, but not limited to: (i) the number of inspection facilities and inspection lanes relative to population density, (ii) the proximity of inspection facilities to motor vehicle owners, (iii) the time spent waiting for inspections, and (iv) the days and hours of operation of inspection facilities.

6. The prohibition of any manufacturer or distributor of emissions testing equipment from directly or indirectly owning or operating any emissions testing facility or having any direct or indirect financial interest in any such facility other than the leasing of or providing financing for equipment related to emissions testing.

7. The certification of motor vehicle emissions repair technicians and emissions repair facilities, including the suspension or revocation of such certification. The regulations shall apply to emissions repair technicians and emissions repair facilities that conduct emissions-related repairs for vehicles that have failed a motor vehicle emissions test according to regulations adopted by the Board.

The Director shall administer these regulations and seek compliance with conditions of any contractual arrangements which the Commonwealth may make for inspection services related to air pollution control and may include entering into an agreement with a program coordinator to implement provisions of this subsection.

B. Motor vehicles being titled for the first time may be registered for up to four years without being subject to an emissions inspection, and the four immediately preceding model years being held in a motor vehicle dealer's inventory for resale may be registered in the localities mentioned in subsection C of § 46.2-1178 for up to one year without being subject to an emissions inspection, provided that the dealer states in writing that the emissions equipment on the motor vehicle was operating in accordance with the manufacturer's or distributor's warranty at the time of resale.

C. No motor vehicle for which the Board has not adopted emissions inspection standards shall be subject to an emissions inspection.

D. The Director may enter into bilateral agreements with other states providing for assistance in enforcing each state's statutes and regulations relating to motor vehicle emissions and motor vehicle emissions programs as to vehicles registered in one state and operated in another. Subject to such bilateral agreement, owners of motor vehicles registered in other states and operated in Virginia shall be subject to the on-road testing provisions of § 46.2-1178.1, and shall be notified of test results and assessment of civil charges for noncompliance with emissions standards adopted by the Board. Such notification shall also be provided to the appropriate motor vehicle agency in the state of registration.

1980, c. 469, § 46.1-326.6; 1982, c. 92; 1988, c. 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1994, c. 838; 1995, cc. 836, 851; 1997, c. 559; 2006, c. 729; 2012, cc. 216, 824.

§ 46.2-1181. Emissions inspection; cost of repairs; waivers.

A. A motor vehicle shall qualify for an emissions inspection waiver in the event that such vehicle has failed an initial inspection and subsequently failed a reinspection if the owner provides written proof that (i) at least the amount specified in this section has been spent by the owner on the maintenance and repair of the vehicle's engine and emission control system and related equipment and (ii) any emission control system or part thereof which has been removed, damaged, or rendered inoperable by any act enumerated in § 46.2-1048 has been replaced and restored to operating condition.

B. The Director shall establish and revise, as necessary, specifications and procedures for motor vehicle maintenance and repair of pollution control devices and systems.

C. For the purposes of subsection A:

For motor vehicles subject to basic emissions inspections under subsection A of § 46.2-1178, cost limitations on repairs under the emissions inspection program, including parts and labor, but excluding costs of repairs covered by warranties, shall be $175 for pre-1980 model vehicles and $200 for 1980 and newer vehicles, using 2012, or a later date if allowed by federal regulations and approved by the Board, as the base year and annually adjusted by the Consumer Price Index. The Board may phase in waiver amounts.

For motor vehicles subject to emissions inspections under subsection C of § 46.2-1178, the cost limitations on repairs shall be a base amount of $450 per vehicle using 1990, or a later date if allowed by federal regulations and approved by the Board, as the base year and annually adjusted by the Consumer Price Index. The Board may phase in waiver amounts.

Repairs credited toward this waiver must be done by a repair technician certified in accordance with § 46.2-1180. Repairs shall include parts and labor.

D. For the purposes of subsection A of this section, for motor vehicles subject to emissions inspections under subsection B of § 46.2-1178, the cost limitations on repairs under the emissions inspection program, including parts and labor but excluding costs of repairs covered by warranties, shall be:

1. $75 for pre-1981 vehicles; and

2. $200 for 1981 and newer vehicles.

1980, c. 469, § 46.1-326.7; 1988, c. 806; 1989, cc. 722, 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851; 2012, cc. 216, 824.

§ 46.2-1182. Emissions inspection fees; exemption.

Emissions inspection stations performing emissions inspections under subsection A of § 46.2-1178 may charge $11.40 for each emissions inspection, but such charge shall not be mandatory. Any such fee shall be paid to the emissions inspection station.

Each emissions inspection station performing emissions inspections under subsection B of § 46.2-1178 may charge for each emissions inspection an amount not to exceed $17. Any such fee shall be paid to and retained by the emissions inspection station.

Beginning at such date upon which the program becomes an enhanced emissions program, each emissions inspection station performing emissions inspections under subsection C of § 46.2-1178 may charge an amount not to exceed $28 for each emissions inspection. Any such fee shall be paid to and retained by the emissions inspection station.

Within 14 days of an initial failure of an emissions inspection performed at an emissions inspection station, the vehicle's owner shall be entitled to one free reinspection at the station or facility that conducted the original inspection.

The on-road emissions inspector performing emissions inspections under subsection C of § 46.2-1178 may charge each motor vehicle owner who elects to participate in the on-road clean screen program an amount not to exceed $28 for each emissions inspection. Any such fee shall be paid to the on-road emissions inspector. From each emissions inspection fee received by the on-road emissions inspector, a minimum of $4.50 shall be appropriated to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

1980, c. 469, § 46.1-326.8; 1982, c. 646; 1983, c. 85; 1984, c. 263; 1988, c. 806; 1989, c. 727; 1990, c. 522; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851; 2002, c. 322; 2012, cc. 216, 824.

§ 46.2-1182.1. Additional registration fee; exemption.

Beginning July 1, 1994, in addition to any other fees imposed, at the time of registration by the Department of Motor Vehicles, the owner of any motor vehicle subject to registration in Virginia and subject to the program provided for in this article by virtue of the locality in which it is registered shall pay two dollars per year.

Beginning July 1, 1995, or later if required by regulation of the Board, owners of motor vehicles which are subject to the program by virtue of the location of their base of operation or the location where they are primarily operated shall remit a fee of two dollars per vehicle per year to the Department of Environmental Quality. Payment shall be made according to procedures and on a schedule prescribed by the Department of Environmental Quality. State and local governmental units and agencies shall be exempt from the payment of fees under this subsection.

1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851.

§ 46.2-1182.2. Vehicle Emissions Inspection Program Fund established; use of moneys.

A special nonreverting fund known as the Vehicle Emissions Inspection Program Fund is hereby established in the state treasury.

Notwithstanding the provisions of § 2.2-1802, all moneys collected pursuant to § 46.2-1182.1 shall be paid into the treasury and credited to the Vehicle Emissions Inspection Program Fund.

No moneys remaining in the Fund at the end of each fiscal year shall revert to the general fund, but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it.

The Department of Environmental Quality may release moneys from the Fund, on warrants issued by the State Comptroller, for covering the costs of the emissions inspection program, including payment to the program coordinator for contracted services. The moneys in this Fund may also be released for the purpose of long-term maintenance of air quality and the correction and prevention of non-attainment status for National Ambient Air Quality Standards through air quality programs under the direction of the Director. Any remaining funds shall be remitted for use in transportation maintenance projects so that such funds generated from localities required to have emissions inspections pursuant to subsection B of § 46.2-1178 shall have such remaining funds generated pursuant to § 46.2-1182.1 transferred on an annual basis to the Northern Virginia Transportation District. Such funds shall be used for transportation maintenance in the respective locality.

1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 2012, cc. 216, 824.

§ 46.2-1183. Emissions inspection required prior to registration of certain vehicles; records.

No vehicle subject to the provisions of this article shall be registered or reregistered until it has passed an emissions inspection or has been issued an emissions inspection waiver. Any (i) proof of compliance with emissions standards and emissions inspection requirements and (ii) emissions inspection waiver issued for any motor vehicle shall be valid for two years from the end of the month in which it is issued, regardless of any sale or trade of the motor vehicle for which either document was issued during that time, unless such motor vehicle has failed on-road testing pursuant to § 46.2-1178.1 and has not subsequently passed an emissions inspection or received a waiver. Motor vehicles being titled for the first time shall be considered to have valid emissions inspection certificates for a period of four years from the month of first titling. The Commissioner of Motor Vehicles may enter into an agreement with the Director whereby the Department of Motor Vehicles may refuse to register or reregister those motor vehicles subject to emissions inspection programs set forth in this article if the registration period for such vehicles exceeds the valid emissions inspection period by a period of time to be determined by the Director in consultation with the Department of Motor Vehicles and the Commissioner.

Owners of motor vehicles that are not registered with the Department of Motor Vehicles shall maintain such records pertaining to all vehicles located or operated in the areas specified in § 46.2-1178 as the Board may by regulation require. Such records shall contain proof of compliance with this article and be made available to the Department of Environmental Quality upon the Department's request.

1980, c. 469, § 46.1-326.9; 1981, c. 624; 1988, c. 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2; 1995, cc. 836, 851; 1996, cc. 35, 100; 2006, c. 729.

§ 46.2-1183.1. Repealed.

Repealed by Acts 2018, cc. 286 and 288, cl. 2.

§ 46.2-1184. Fleet emissions inspection stations.

Any registered owner or lessee of a fleet of at least twenty vehicles may apply to the Director for a permit to establish a fleet emissions inspection station consistent with federal requirements. The Director shall not issue any fleet emissions inspection station permit until he has found that the applicant:

1. Maintains an established place of business for the applicant's fleet of vehicles;

2. Has obtained approved machinery, tools, and equipment to adequately conduct the required emissions inspection in the manner prescribed by regulations of the Board;

3. Employs properly trained and licensed personnel to perform the necessary labor; and

4. Agrees to provide test records and data as may be prescribed by the Director.

Upon issuance of a permit by the Director, the owner or lessee of the motor vehicle fleet may conduct emissions inspections of the vehicles in his fleet. No emissions inspection approval shall be issued to any fleet vehicle until it has been inspected and found to comply with applicable regulations.

No holder of a fleet emissions inspection station permit shall inspect any vehicle for which such permittee is not the registered owner or lessee.

1980, c. 469, § 46.1-326.10; 1988, c. 806; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2.

§ 46.2-1185. Investigation of inspection stations; revocation or suspension of permits for emissions inspection stations.

The Director shall investigate the operation of each emissions inspection station and fleet emissions inspection station as the conditions and circumstances of such operation indicate. He may require the holder of any permit to submit such documentation required concerning the operation of such inspection station. The Director may suspend or revoke and require the forfeiture of any emissions inspection station permit if he finds that such station is not operated in accordance with the provisions of this article and the regulations adopted by the Board or the holder of such permit has failed or refused to submit records or documentation required.

If the Director finds that any permit holder has violated any provision of this article or any order or regulation of the Board, after notice or a reasonable attempt to give notice to the permit holder, the Director may, without a hearing, suspend the permit of the emissions inspection station and require the permit holder immediately to cease performing emissions inspections. Within ten days of such action, the Director shall, after reasonable notice to the permit holder as to the time and place thereof, hold a hearing to affirm, modify, amend, or cancel the suspension and the requirement to cease performing emissions inspections. With the consent of the permit holder, the Director may forego such hearing and allow the suspension and requirement to cease performing emissions inspections to stand. If the Director finds that a permit holder is not complying with any such suspension or requirement to cease performing emissions inspections, the Director may proceed in accordance with § 46.2-1187 or § 46.2-1187.2.

Nothing in this section shall limit the Director's authority to proceed against the permit holder directly under § 46.2-1187 or § 46.2-1187.2.

1980, c. 469, § 46.1-326.11; 1988, c. 806; 1989, c. 727; 1991, c. 531; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2.

§ 46.2-1186. False certificate.

No person shall make, issue, or knowingly use any imitation or otherwise counterfeit official certificate of emissions inspection.

No person shall issue or cause or permit to be issued any certificate of inspection knowing it to be fictitious or knowing it to have been issued for a vehicle other than the vehicle identified on the certificate.

1980, c. 469, § 46.1-326.12; 1989, c. 727; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2.

§ 46.2-1187. Penalties.

Any person violating this article shall be guilty of a Class 3 misdemeanor for the first offense and fined not less than $100 nor more than $1,000 for each subsequent offense except as otherwise provided in this article. If any official emissions inspection station violates this article or regulations of the Director made pursuant hereto, the Director, in addition to or in lieu of such fine imposed by a court, may suspend the permit of the emissions inspection station or if, in the opinion of the Director, the facts warrant such action, the Director may revoke the authority and cancel the permit of such inspection station, whether or not the violation is a first offense against this article.

1980, c. 469, § 46.1-326.13; 1988, c. 806; 1989, c. 727; 1991, c. 531; 1993, cc. 995, 998; 1993, Sp. Sess., c. 2.

§ 46.2-1187.1. Right of entry.

Whenever it is necessary for the purposes of this article, the Executive Director or his duly authorized agent or employee at reasonable times may enter any establishment or upon any public or private property to obtain information or conduct surveys, audits, or investigations.

1991, c. 531.

§ 46.2-1187.2. Compelling compliance with regulations and order of Board; penalty.

Any emissions inspection station owner violating or failing, neglecting, or refusing to obey any regulation or order of the Board may be compelled to comply by injunction, mandamus, or other appropriate remedy.

Without limiting the remedies which may be obtained under the foregoing provisions of this section, any emissions inspection station owner violating or failing, neglecting, or refusing to obey any regulation or order of the Board or any provision of this article, shall, in the discretion of the court, be subject to a civil penalty of no more than $25,000 for each violation. Each day of violation shall constitute a separate offense. In determining the amount of any civil penalty to be assessed, the court shall consider, in addition to such other factors as it may deem appropriate, the size of the emissions inspection station owner's business, the severity of the economic impact of the penalty on that business, and the seriousness of the violation. Such civil penalties may, in the discretion of the court, be directed to be

paid into the treasury of the county, city, or town in which the violation occurred to be used to abate environmental pollution in whatever manner the court, by order, may direct. However, where the emissions inspection station owner is the county, city, or town or an agent thereof, the court shall direct the penalty to be paid into the state treasury.

With the consent of the emissions inspection station owner who has violated or failed, neglected, or refused to obey any regulation or order of the Board or any provision of this article, the Board may, in any order issued by the Board against such owner, provide for the payment of civil charges in specific sums, not to exceed the limit in the foregoing provisions of this section. Such civil charges shall be in lieu of any civil penalty which could be imposed under the foregoing provisions of this section.

Any penalty provided for in this section to which an emissions inspection station owner is subject shall apply to any emissions inspector or certified emissions repair mechanic employed by or at that station.

As to emissions inspection station owners, emissions inspectors, and certified emissions repair mechanics, minor violations as set forth in Board regulations may be punishable by letters of reprimand from the Department. Major violations as set forth in Board regulations may be punishable by probation, suspension and/or license or certificate revocation, depending on the nature and type of violation. Civil penalties may be imposed only for major types of violations.

The Board shall provide by regulation a process whereby emissions inspection station owners, emissions inspectors and certified emissions repair mechanics may appeal penalties for violations. Such regulations regarding the process to appeal penalties for violations shall provide that the appeal process shall be handled by a person other than the Program Manager for the applicable emissions program or one of his regional employees.

1991, c. 531; 1995, cc. 836, 851.

§ 46.2-1187.3. Vehicles used for investigations.

Motor vehicles owned by the Commonwealth and used solely for investigations pursuant to this article may be issued the same license plates as those issued for vehicles owned by private citizens. The Executive Director shall certify under oath to the Commissioner of the Department of Motor Vehicles the vehicles to be used solely for such investigations.

1991, c. 531.

Article 23 - MOTORCYCLE RIDER SAFETY

§ 46.2-1188. Motorcycle rider safety training courses.

"Motorcycle rider safety training courses" means courses of instruction in the operation of motorcycles, including instruction in the safe on-road operation of motorcycles, the rules of the road, and the laws of the Commonwealth relating to motor vehicles, for the purposes of obtaining a waiver pursuant to § 46.2-337 for (i) both two-wheeled and three-wheeled motorcycles, (ii) two-wheeled motorcycles, or (iii) three-wheeled motorcycles. Courses shall meet the requirements of this article and be approved by

the Department of Motor Vehicles. Qualifying providers of such courses shall either be reimbursed for eligible costs or not be reimbursed as provided in § 46.2-1192.

1984, c. 476, § 46.1-566; 1989, c. 727; 2001, cc. 21, 27; 2004, c. 734; 2016, c. 380.

§ 46.2-1189. Authority of the Department of Motor Vehicles.

The Department of Motor Vehicles may do all things necessary to carry out the purposes of this article, including entering into contracts for administrative and other operational support for motorcycle rider safety training centers.

1984, c. 476, § 46.1-567; 1989, c. 727; 2004, c. 734.

§ 46.2-1190. Regional motorcycle rider safety training centers; requirements.

A. Any public or private agency, organization, school, institution of higher education, partnership, corporation, or individual that meets the program requirements set forth in this article shall be eligible for participation in the program and may organize a regional motorcycle rider safety training center and offer motorcycle rider safety training courses.

B. No such agency, organization, business or individual shall operate a motorcycle rider safety training center without a license. Such agencies, organizations, businesses and individuals shall apply to the Department for a license pursuant to § 46.2-1192. The applications for training center licenses shall include, but not be limited to:

1. The address and detailed description of the facility or facilities where the course shall be conducted;

2. The name, address, federal identification number, and telephone number of the agency, organization, school, institution of higher education, partnership, or corporation organized as a training center;

3. The name, address, social security number, and telephone number of the individual who is authorized to obligate the training center;

4. The names, addresses, social security numbers, and telephone numbers of the administrator and the instructors;

5. For those agencies, organizations, businesses, and individuals that apply to receive reimbursement, the names, addresses, social security numbers, and telephone numbers of all individuals who are to receive reimbursement;

6. A planned course schedule including course type, dates, and hours of course conduct;

7. The projected number of students to be trained in the program during the calendar year;

8. Detailed specifications of the curricula intended for use;

9. For those agencies, organizations, businesses, and individuals that apply to receive reimbursement, a planned course budget to include all estimated costs for course operation, admin-

istration, instructors' salaries, insurance, advertising, purchase of test books, equipment and materials, and other course-related expenses;

10. For those agencies, organizations, businesses, and individuals that apply to receive reimbursement, estimated course fees to be charged to participants;

11. Verification of adequate insurance coverage to protect both the Commonwealth and the training center and all instructors, aides, and participants in any course conducted under the program, including the following:

a. Minimum employers liability -- $100,000;

b. Minimum commercial general liability -- $500,000 combined single limit;

c. Minimum automobile liability -- $500,000 combined single limit; and

d. Workers' compensation insurance in accordance with § 2.2-4332 and Chapter 8 (§ 65.2-800 et seq.) of Title 65;

12. Verification of proper safety equipment and a sufficient number of training motorcycles for novice rider courses;

13. Verification that the designated classrooms, ranges, and motorcycle and equipment storage areas are available for all training courses offered by the training center at that site and that they comply with all necessary zoning, health, and safety codes;

14. Criminal background checks on all corporate officers, owners, administrators, and all individuals authorized to obligate the training center; and

15. A statement as to the ability and willingness to meet all requirements set forth in this article.

The Department shall issue licenses to applicants whose curricula, facilities, equipment, corporate officers, administrators, instructors, and all individuals authorized to obligate the training center meet the requirements set forth in this article, subject to the provisions of § 46.2-1192.

C. The Commissioner shall act on any application for a license under this article within 30 days after receipt by either granting or denying the application. The Commissioner may, as may be necessary during the initial review and evaluation of an application, request additional information from an applicant, thereby extending the period for granting or denying a license by not more than 30 days from the receipt of such additional information. Any applicant denied a license shall, on his written request made within 30 days of the Commissioner's action, be given a hearing at a time and place determined by the Commissioner or his designee. All hearings under this section shall be public and shall be held as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The applicant may be represented by counsel. Any applicant denied a license may not apply again for the same type of license for 180 calendar days from the date of denial of the application.

D. The facilities, equipment, curriculum, accreditation, and geographic areas in which each training center may offer courses shall be approved by the Department. The location of the training centers

shall be in accordance with the Department's administrative districts. No training center shall change its location without the approval of the Department. Training centers shall provide courses for either novice, experienced or sidecar and three-wheeled motorcyclists or any of the three, depending upon the curricula used. Training centers shall maintain such records and provide such reports as determined by the Department. Training centers shall submit all reports required by the Department for evaluation. The Department shall monitor and evaluate the performance of the training centers and the effectiveness of the program in training motorcyclists.

E. Training centers shall ensure that instructors maintain the minimum qualifications and meet any other instructor requirements established in this article. The Department may, pursuant to subsection C of § 46.2-1190.5, terminate a training course if it finds an instructor in violation of any provision of this article.

Instructors shall meet the requirements of this article, the Department and the public or private agency, organization, school, institution of higher education, partnership, corporation or individual offering the program.

1984, c. 476, § 46.1-568; 1989, c. 727; 2001, cc. 21, 27; 2004, c. 734; 2013, c. 226.

§ 46.2-1190.1. Curricula requirements.

A. The curriculum used in a novice rider-training course to train novice riders shall be approved by the Department. Each participant enrolled in a novice rider-training course shall receive no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current approved curriculum.

All novice rider courses shall include a module on the effects of alcohol and other drugs on motorcycle operation, and a thorough review of Virginia laws and rules of the road applicable to motorcycles. All novice rider course participants shall be provided one copy of the course textbook and one copy of the Virginia Motorcycle Operator Manual. During the on-cycle instruction no more than six students may be under the supervision of any one instructor at any one time. No more than 12 students may operate motorcycles on the same range at the same time.

B. The curriculum used to train experienced riders shall be approved by the Department. Each participant enrolled in an experienced rider course shall receive no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current approved curriculum.

All experienced rider courses shall include a module on the effects of alcohol and other drugs on motorcycle operation, and a review of Virginia laws and rules of the road applicable to motorcycles. During on-cycle instruction no more than six students may be under the supervision of any one instructor at any one time, and no more than 12 students may operate motorcycles on the same range at the same time.

C. The curriculum used to train sidecar and three-wheeled motorcycle riders shall be approved by the Department. Each participant enrolled in a sidecar and three-wheeled motorcycle course shall receive

no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current curriculum.

All sidecar and three-wheeled motorcycle course participants shall include a module on the effects of alcohol and other drugs on motorcycle operation, and a thorough review of Virginia laws and rules of the road applicable to motorcycles. During on-cycle instruction no more than six students may be under the supervision of any one instructor at any one time, and no more than six students may operate sidecars or three-wheeled motorcycles on the same range at the same time.

D. All course participants shall be required to wear the following protective gear during on-cycle instruction:

1. A minimum three-quarter shell motorcycle helmet that meets U.S. Department of Transportation Safety standards;

2. Eye protection;

3. A pair of boots or shoes that cover and protect the ankles and feet;

4. A long sleeved jacket or long sleeved shirt and long pants of denim or other material of equivalent durability; and

5. A pair of full-fingered gloves of leather or other material with resistance to abrasion.

2004, c. 734.

§ 46.2-1190.2. Facilities and equipment; requirements and approval.

A. A training center shall possess or have access to the use of all classroom, range, storage facilities, and equipment. A training center's facilities and equipment shall be approved by the Department and include, but not be limited to:

1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced, and sidecar and three-wheeled motorcycle rider courses;

2. A paved range area for the on-cycle portion of the novice, experienced rider, and sidecar and three-wheeled motorcycle courses consistent with the minimum range requirements established by the Department-approved curriculum used in the course;

3. For those agencies, organizations, businesses and individuals that apply to receive reimbursement, adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental damage;

4. Audio-visual equipment; and

5. Fire extinguisher and first aid kit.

B. The training center shall be responsible for procuring and providing a minimum of one motorcycle per student. Each such motorcycle shall be of a type that may lawfully be operated on the highways of the Commonwealth and, subject to the provisions of subsection D, meets two of the following three

criteria: (i) an engine displacement of no more than 500 cubic centimeters, (ii) a weight of less than 400 pounds, and (iii) a seat height of 30 inches or less. Each participant in the experienced rider course shall provide a motorcycle for use in the course. One sidecar rig or three-wheeled motorcycle, provided by either a participant or the training center, shall be required for use by every two students in the sidecar and three-wheeled motorcycle course.

C. The training center shall be responsible for the normal maintenance and repair of all motorcycles it provides for each novice rider and sidecar and three-wheeled motorcycle course participant. All motorcycles used in course instruction shall pass a safety inspection performed by the instructors prior to use in any motorcycle rider-training course.

D. The Department, or its authorized agent, shall inspect and approve each training center's facilities and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria under subsection B, the Department or its authorized agent may deny its use by motorcycle rider safety training centers if it is deemed unsafe by the Department. A motorcycle may be deemed unsafe because of modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety reason.

2004, c. 734; 2007, c. 190; 2013, c. 111.

§ 46.2-1190.3. Instructor qualifications.

A. Training centers shall employ only motorcycle safety instructors who meet the following minimum qualifications:

1. Have a current, valid driver's license, endorsed for motorcycle operation, that is neither suspended, revoked, cancelled, nor under probation, with less than six demerit points in a 12-month period and no conviction for any of the offenses enumerated in subsection E of § 18.2-270;

2. Be a valid training course instructor, as approved by the Department, which includes:

a. Having instructor certification to teach the current curriculum approved by the Department;

b. Attending all required program clinics offered by the Department that provide continuously updated course instructor and motorcycle safety education; and

c. Avoiding putting course participants or others associated with course instruction in physical danger during periods of instruction through the use of appropriate instruction techniques and methods;

3. Conduct themselves in a professional manner, including, but not limited to, using appropriate language and having interactions with participants and others involved in the course that are free from threat and intimidation; and

4. Comply with other requirements specified in this article.

B. The requirements of subsection A of this section shall not apply to those persons who are valid training course instructors prior to being stationed outside the United States, during the period of such person's service, if any, in the armed services of the United States, and 60 days thereafter. However,

no such temporary exemption granted under this section shall exceed five years. Any person who receives a temporary exemption under this section shall provide documentary or other proof that he is entitled to the benefits of this section, and shall be required to meet the requirements of subsection A of this section prior to being eligible to provide course instruction.

2004, c. 734; 2013, c. 226.

§ 46.2-1190.4. Administrative and reporting requirements.

A. Training centers shall be responsible for verifying that all participants are eligible for enrollment in a course under the program, based on the following:

1. Persons enrolling in a novice rider course shall (i) possess a valid learner's permit or valid driver's license; (ii) have written parental or guardian permission if under the age of 18 years of age; and (iii) be physically able to balance and operate a motorcycle.

2. Persons enrolling in an experienced rider course shall (i) possess a valid driver's license endorsed for motorcycle operation; (ii) have written parental or guardian permission if under the age of 18; (iii) use a motorcycle that may lawfully be operated on the highways of the Commonwealth during course training; and (iv) have valid proof of ownership of such motorcycle, or have its owner's written permission to use it and valid proof of insurance.

3. Persons enrolling in a sidecar and three-wheeled motorcycle course shall (i) possess a valid learner's permit or a valid driver's license; (ii) have written parental or guardian permission if under the age of 18; (iii) use a sidecar rig or three-wheeled motorcycle that may lawfully be operated on the highways of the Commonwealth during course training; and (iv) if providing their own sidecar rig or three-wheeled motorcycle, have valid proof of ownership of such sidecar rig or three-wheeled motorcycle, or have its owner's written permission to use it and valid proof of insurance.

B. Training centers shall provide the following information to the Department on each course within 20 business days of course completion, on forms provided by the Department:

1. The type of course and date of completion;

2. The name, address, social security number, and certification number of each instructor;

3. The name, address, driver's license number, and date of birth of all participants enrolled in each course; and

4. The course completion status of each participant.

C. The training center shall issue a Department-approved certificate of completion to each participant who successfully completes a course in the program.

D. Training centers shall (i) retain a copy of each participant's waiver form and original course evaluation form and (ii) establish and maintain records of course administration, including the information outlined in subsection B of this section, for a three-year period following the course completion. The

Department may audit course records, and monitor and evaluate any and all aspects of a training center's operation.

2004, c. 734.

§ 46.2-1190.5. Penalties and remedies for violations of article.

A. The Department shall impose the following penalties on any training center for violations of the requirements of this article:

1. Limit the type of instruction provided by the training center;

2. Suspend or revoke the license of the training center;

3. Impose a civil penalty as set forth in § 46.2-1190.7; or

4. Impose any combination of the penalties set forth in this subsection.

B. When violations occur that are not found by the Department to pose a threat to the health, safety or welfare of the public or the course participants, instructors or others associated with the course, the Department shall (i) notify the training center of the violations that have occurred, (ii) direct corrective action to be completed by the training center within 30 calendar days, and (iii) require a formal written response documenting that corrections have been made as directed. Such violations shall typically be associated with, but not limited to, training center administration and operations. If corrections are not completed as directed, the Department shall notify the training center and may impose any or all of the sanctions set forth in subsection A of this section. Such penalties shall continue until all required corrections are made and the Department receives formal documentation confirming compliance.

The Department shall suspend the license of any training center that receives three or more notices under this subsection within any 12-month period. Such suspensions shall be for an initial 90-day period and shall continue until all required corrections are made and the Department receives formal documentation confirming compliance.

C. When violations occur that are found by the Department to pose a threat to the health, safety or welfare of the public or the course participants, instructors or others associated with the course, the Department shall (i) notify the training center of the violations that have occurred and immediately limit all types of instruction provided by the training center, (ii) direct corrective action to be completed by the training center within 30 calendar days of receipt of notice of such violations and (iii) shall require a formal written response documenting that corrections have been made as directed. If corrections are not completed as directed, the Department shall suspend the license of the training center and impose a civil penalty as set forth in § 46.2-1190.7. The period of such license suspension shall continue until all required corrections are made and the Department receives formal documentation confirming compliance. If the required corrections are not made within 30 calendar days of the suspension, the Department shall revoke the license.

D. Once a training center license is revoked, the Department shall not renew or reissue the license until (i) it receives formal documentation confirming compliance with the required corrective actions,

and (ii) the training center applies for renewal or reissuance. Such training centers shall not be eligible to apply for a license again until 180 calendar days after the Department receives formal documentation confirming compliance with the required corrective actions.

E. Notice of an order suspending or revoking a license, imposing a limitation on training center operations or imposing a civil penalty, and advising the licensee of the opportunity for a hearing as a result of such order, shall be in writing and mailed to the licensee by registered mail to the training center address as shown on the most recent licensee's application for license and shall be considered served when mailed.

Upon receipt of a request for a hearing appealing the order, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

2004, c. 734; 2013, c. 226.

§ 46.2-1190.6. Other grounds for denying, suspending, or revoking licenses.

A license issued pursuant to this article may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license;

2. Failure to comply subsequent to receipt of a written notice from the Department or any willful failure to comply with a lawful order, any provision of this article, or any term, condition, or restriction of a license;

3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;

4. Use of deceptive business acts or practices;

5. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license is held or sought;

6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the training center for which a license is held or sought, or any consumer-related fraud;

7. Having been convicted of any criminal act involving the training center for which a license is held or sought;

8. Improper assignment, lending, or otherwise allowing the improper use of a license;

9. Any corporate officer, owner, administrator and any individual authorized to obligate the training center having been convicted of a felony;

10. Any corporate officer, owner, administrator and any individual authorized to obligate the training center having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;

11. Failure to furnish the Department information, documentation, or records required or requested pursuant to this article;

12. Knowingly and willfully filing any false report, account, record, or memorandum;

13. Willfully altering or changing the appearance or wording of a training center license or a course completion certificate;

14. Failure to provide services in accordance with the terms, limitations, conditions, or requirements of the license; or

15. Failure to comply with other state and federal requirements relating to training center operations.

2004, c. 734.

§ 46.2-1190.7. Civil penalties.

In addition to any other penalties or remedies available to the Commissioner under this article, the Commissioner may assess a civil penalty for any violation of any provision of this article not to exceed (i) $5,000 for training centers that are not reimbursed or (ii) the amount of funds disbursed to a training center for eligible costs, as set forth in § 46.2-1192. The penalty may be sued for and recovered in the name of the Commonwealth.

Any business, individual or entity operating a training center without a valid license issued by the Department after its license was suspended or revoked shall be subject to a civil penalty of $10,000.

2004, c. 734.

§ 46.2-1191. Motorcycle Rider Safety Training Program Fund.

To finance the cost of the Motorcycle Rider Safety Training Program, the Department of Motor Vehicles shall deposit the fee collected for the issuance of each motorcycle learner's permit and $3 of the fee collected for the issuance of each motorcycle registration and all motorcycle driver's license endorsement fees into a special fund to be known as the Motorcycle Rider Safety Training Program Fund. The Department shall use the Fund as necessary for: (i) the costs of the Department of Motor Vehicles incurred in the administration of this article, (ii) the funding of licensed, approved regional cycle rider safety training centers for the conducting of courses, as set forth in § 46.2-1192 and (iii) any other purposes related to the administration of this article, including contractual costs related to administrative and other operational support for the reimbursed training centers.

1984, c. 476, § 46.1-569; 1989, c. 727; 1997, cc. 104, 493; 1998, c. 322; 2004, c. 734.

§ 46.2-1192. Issuance and renewal of licenses by Department; payments to regional training centers.

The Department of Motor Vehicles is authorized to issue or renew licenses for regional motorcycle rider safety training centers for the conducting of motorcycle rider safety training courses, and to make payments in fulfillment of those licenses requiring reimbursement from funds appropriated from the Motorcycle Rider Safety Training Program Fund. The Department shall determine the number of such reimbursed licenses issued or renewed based on (i) the training centers meeting the requirements set forth in this article, (ii) regional demand for such training, and (iii) availability of funding. Costs eligible for reimbursement, method of payment, and required documentation associated with such payment shall be specified by the Department at the time the license is issued or renewed. Such licenses shall be valid for the period specified, but shall not exceed three years.

Those licenses issued or renewed for providers of such training courses that do not require reimbursement shall be awarded based on the training centers meeting the requirements set forth in this article. Such licenses shall be valid for the period specified, but shall not exceed three years.

No license shall be transferred or assigned as a result of any change in (i) the individual who is authorized to obligate the training center, (ii) ownership or (iii) officers in a corporation or other business entity without the approval of the Department. Such approval shall be based on the licensing requirements set forth in this article.

1984, c. 476, § 46.1-570; 1989, c. 727; 2004, c. 734; 2013, c. 226.

Chapter 12 - Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking

Article 1 - Abandoned Vehicles

§ 46.2-1200. Definitions.

As used in this article:

"Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer that:

1. Weighs at least 75 pounds; and

2. (i) Is left unattended on public property for more than 48 hours in violation of a state law or local ordinance;

(ii) has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; or

(iii) is left unattended on the shoulder of a primary highway.

"Scrap metal processor" means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

"Vehicle removal certificate" means a transferable document issued by the Department for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

1968, c. 421, § 46.1-555.1; 1978, c. 348; 1989, c. 727; 1997, c. 431; 2009, c. 664; 2011, cc. 487, 824; 2020, c. 977.

§ 46.2-1200.1. Abandoning motor vehicles prohibited; penalty.

No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in § 46.2-1200. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department, as provided in § 46.2-604, that he had sold or otherwise transferred the ownership of the vehicle.

A summons for a violation of this section shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the person fails to appear on the date of return set out in the summons, a new summons shall be issued and delivered to the sheriff of the county, city, or town for service on the accused personally. If the person so served then fails to appear on the date of return set out in the summons, proceedings for contempt shall be instituted.

Any person convicted of a violation of this section shall be subject to a civil penalty of no more than $500.

All penalties collected under this section shall be paid into the state treasury to be credited to the Literary Fund as provided in § 46.2-114.

1990, c. 725; 2020, cc. 964, 965.

§ 46.2-1200.2. Vehicles registered to active duty military personnel.

Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person who has indicated that he is on active military duty or service, the Department shall include such information in response to requests for vehicle information pursuant to the requirements of this chapter.

Notwithstanding any provisions of this chapter, any person having a lien under the provisions of this chapter shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.) when disposing of a vehicle owned by a member of the military on active duty or service.

2008, c. 171.

§ 46.2-1201. Ordinances.

The governing body of any county, city, or town may provide by ordinance for taking abandoned vehicles into custody and disposing of them in accordance with this article.

Any county, city, or town may take any abandoned motor vehicle into custody. The locality may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms

or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

1968, c. 421, §§ 46.1-555.2, 46.1-555.3; 1989, c. 727; 1997, c. 150.

§ 46.2-1202. Search for owner and secured party; notice.

A. Any person in possession of an abandoned motor vehicle shall initiate with the Department, in a manner prescribed by the Commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the motor vehicle and all persons having security interests in the motor vehicle on record in the office of the Department, describing, if ascertainable, the motor vehicle by year, make, model, and vehicle identification number. A fee of $25 shall be paid to the Department at the time of application. Those fees shall be paid into the state treasury and set aside as a special, nonreverting fund to be used to meet the expenses of the Department. A local government agency with a written agreement with the Department shall be exempt from this fee.

The Department shall check: (i) its own records, (ii) the records of a nationally recognized crime database, and (iii) records of a nationally recognized motor vehicle title database for owner and lienholder information. If a vehicle has been reported as stolen, the Department shall notify the appropriate law-enforcement agency of that fact. If a vehicle has been found to have been titled in another jurisdiction, the Department shall notify the applicant of that jurisdiction. In cases of motor vehicles titled in other jurisdictions, the Commissioner shall issue certificates of title on proof satisfactory to the Commissioner that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.

B. If the Department confirms owner or lienholder information, the Department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days, or, if the vehicle is a manufactured home or a mobile home, 120 days, from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the motor vehicle remains unclaimed, the owner and all persons having security interests in the motor vehicle shall have waived all right, title, and interest in the motor vehicle.

Whenever a vehicle is shown by the Department's records to be owned by a person who has indicated that he is on active military duty or service, the Department shall notify the requestor of such information. Any person having an interest in such vehicle under the provisions of this article shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.).

C. If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the person in possession of the abandoned motor vehicle shall obtain from the Department in a manner

prescribed by the Commissioner, a Vehicle Removal Certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor, as defined in § 46.2-1600.

1968, c. 421, § 46.1-555.4; 1989, c. 727; 1997, c. 150; 2009, c. 664.

§ 46.2-1202.1. Vehicle Removal Certificates.

The person in possession of an abandoned motor vehicle shall obtain from the Department in a manner prescribed by the Commissioner, a Vehicle Removal Certificate at no fee. The vehicle may be sold or transferred to a licensee or a scrap metal processor, as defined in § 46.2-1600.

If the person in possession of an abandoned motor vehicle desires to obtain title to the vehicle, that person shall post notice for at least 21 days of his intent to auction the motor vehicle. Postings of intent shall be in an electronic manner prescribed by the Commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth. If the Department confirms a lien, the person proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto.

A purchaser of the motor vehicle may apply for a title upon payment of the applicable fees and taxes, and by supplying the Department with the completed Vehicle Removal Certificate and the transcript from the Department that indicates that the Department has no record of the abandoned motor vehicle.

2009, c. 664.

§ 46.2-1203. Sale of vehicle at public auction; disposition of proceeds.

If an abandoned motor vehicle is not reclaimed as provided for in § 46.2-1202, the locality or its authorized agent shall, notwithstanding the provisions of § 46.2-617, sell it at public auction. For the purposes of this article, the term "public auction," when conducted by any county, city, or town, shall include an Internet sale by auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt from the sale, and shall be entitled to apply to and receive from the Department a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary; however, such demolisher shall provide the Department acceptable documentation indicating that the vehicle has been demolished. From the proceeds of the sale of an abandoned motor vehicle the locality or its authorized agent shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to § 46.2-1202. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 60 days, and then be deposited into the treasury of the locality in which the abandoned motor vehicle was abandoned.

1968, c. 421, § 46.1-555.5; 1989, c. 727; 2004, c. 369; 2013, c. 241.

§ 46.2-1204. Repealed.

Repealed by Acts 2009, c. 664, cl. 2, effective October 1, 2009.

§ 46.2-1205. Disposition of inoperable abandoned vehicles.

A. For the purposes of this section, "demolisher" has the meaning ascribed to it in § 46.2-1600.

B. Notwithstanding any other provisions of this article, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or locality on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. Such demolisher shall be properly licensed under the provisions of Chapter 16 (§ 46.2-1600 et seq.). The demolisher, on taking custody of the inoperable abandoned motor vehicle, shall notify the Department on forms and in the manner prescribed by the Commissioner. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

1968, c. 421, § 46.1-555.7; 1972, c. 375; 1974, c. 454; 1989, c. 727; 2014, c. 58.

§ 46.2-1206. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher or scrap metal processor.

No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Department for cancellation the certificate of title, Vehicle Removal Certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle. The Department shall issue the appropriate forms for the surrender of sales receipts, certificates of title, vehicle disposition histories, and vehicle removal certificates.

Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with § 46.2-1608, of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:

1. The towing company's name;

2. One of the ownership or possession documents set out in this section following verification of its accuracy;

3. The driver's license of the person delivering the motor vehicle; and

4. The license plate number of the vehicle that delivered the motor vehicle or scrap.

In addition, a photocopy or electronic copy of the appropriate ownership document or a Vehicle Removal Certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the

Department at the place of business or at another readily accessible and secure location within the Commonwealth for at least five years. The personal identifying information contained within these records shall be protected from unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the Department is subject to the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.).

If requested by a law-enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this chapter and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor. The Department shall also assess a civil penalty not to exceed $500 for the first offense and $1,000 for the second and subsequent offenses. Those penalties shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the demolisher or scrap metal processor whether the motor vehicle can be freed from this limitation. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

1968, c. 421, § 46.1-555.8; 1989, c. 727; 2009, c. 664; 2012, cc. 803, 835.

§ 46.2-1207. Certification of disposal; reimbursement of locality by Commissioner.

On certification by a locality on forms provided by the Department that an inoperable abandoned motor vehicle left on property within the locality has been disposed of as provided in § 46.2-1205 or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the locality or its authorized agent, the Commissioner shall reimburse the locality fifty dollars for each such motor vehicle disposed of at the expense of the locality. These reimbursements shall be made from appropriations made in the general appropriations act. In the event the appropriation is insufficient to satisfy requests for reimbursement, payments shall be made in chronological order on the basis of the date on which the requests were received. No payments, however, shall be made for requests received on any date until adequate funds are available to pay all requests received on that date. The Commissioner may promulgate regulations necessary to carry out the provisions of this section. These regulations shall include the requirement of the identification number or motor number of the vehicle for which reimbursement is applied, or an acceptable reason why that number is not furnished.

No reimbursement shall be made to any locality for vehicles which it acquires from sources outside its jurisdiction nor for vehicles it receives from dealers engaged in the business of dismantling used automobiles.

1974, c. 454, § 46.1-555.9; 1976, c. 196; 1986, cc. 10, 553; 1989, c. 727; 1990, c. 207; 2006, c. 603.

§ 46.2-1208. Repealed.

Repealed by Acts 2009, c. 664, cl. 2, effective October 1, 2009.

Article 2 - Immobilized and Unattended Vehicles

§ 46.2-1209. Unattended or immobile vehicles, generally.

A. The provisions of this article shall not apply to any motor vehicle, trailer, semitrailer, or part or combination thereof that weighs less than 75 pounds.

B. No person shall leave any motor vehicle, trailer, semitrailer, or part or combination thereof immobilized or unattended on or adjacent to any roadway if it constitutes a hazard in the use of the highway. No person shall leave any immobilized or unattended motor vehicle, trailer, semitrailer, or part or combination thereof longer than 24 hours on or adjacent to any roadway outside the corporate limits of any city or town, or on an interstate highway or limited access highway, expressway, or parkway inside the corporate limits of any city or town. Any law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may remove it or have it removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the motor vehicle, trailer, semitrailer, or combination as promptly as possible. Before obtaining possession of the motor vehicle, trailer, semitrailer, or combination, its owner or successor in interest to ownership shall pay to the parties entitled thereto all costs incidental to its removal or storage. In any violation of this section the owner of such motor vehicle, trailer, semitrailer or part or combination of a motor vehicle, trailer, or semitrailer, shall be presumed to be the person committing the violation; however, this presumption shall be rebuttable by competent evidence.

C. When a motor vehicle, trailer, semitrailer, or part or combination of a motor vehicle, trailer, or semitrailer was stolen or illegally used by a person other than the owner of the vehicle at the time of the theft or used without his authorization, express or implied, it shall be forthwith returned to its owner or the owner's successor in interest, other than an insurance company, who shall be relieved of the payment of any costs charged by the towing operator or storage facility for its daily storage, towing, and recovery fees, provided that the owner removes the vehicle within five business days following the owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing, and recovery fees, and the owner shall then be entitled to seek reimbursement from the state treasury from the appropriation for criminal charges. The owner shall produce a valid motor vehicle registration or other proof of ownership to the employees of the facility wherein the motor vehicle, trailer, semitrailer or part or combination thereof is

being stored. In any case in which the identity of the violator cannot be determined, or where it is found by a court that this section was not violated, the costs of daily storage, towing, and recovery fees of the vehicle shall be reimbursed to the towing and recovery operator and paid out of the state treasury from the appropriation for criminal charges. Payment from the treasury shall be made no later than 45 days from the application for such payment. In all cases where an insurance company is the stolen vehicle owner's successor in interest, the motor vehicle, trailer, semitrailer, or part or combination thereof shall be released to the insurance company upon presentation of a valid motor vehicle registration and payment by the insurance company to the towing operator or storage facility for its daily storage, towing, and recovery fees. The insurance company shall be entitled to seek reimbursement for the costs of the daily storage, towing, and recovery fees through the state treasury from the appropriation for criminal charges. If any person convicted of violating this section fails or refuses to pay these costs or if the identity or whereabouts of the owner is unknown and unascertainable after a diligent search has been made or after notice to the owner at his address as indicated by the records of the Department and to the holder of any lien of record with the Department, against the motor vehicle, trailer, semitrailer, or combination, the Commissioner may, after 30 days and after having the value of such motor vehicle, trailer, semitrailer, or combination determined by three disinterested dealers dispose of it by public or private sale. The proceeds from the sale shall be forthwith paid by him into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department in carrying out the duties required by this section and to reimburse the owner of such motor vehicle, trailer, semitrailer, or combination as hereafter provided in this section.

D. If after the sale or other disposition of the motor vehicle, trailer, semitrailer, or combination the ownership of a motor vehicle, trailer, or semitrailer at the time of its removal is established satisfactorily to the Commissioner by the person claiming its ownership, the Commissioner shall pay him so much of the proceeds from the sale or other disposition of the motor vehicle, trailer, semitrailer, or combination as remains after paying the costs of daily storage, towing, and recovery fees, investigation of ownership, appraisal, and sale.

Code 1950, § 46-5; 1952, c. 508; 1958, c. 541, § 46.1-2; 1964, c. 103; 1972, cc. 267, 402, 408; 1976, c. 454; 1978, cc. 47, 605; 1988, c. 293; 1989, cc. 256, 727; 2006, cc. 874, 891; 2012, c. 474; 2020, c. 977.

§ 46.2-1210. Motor vehicles immobilized by weather conditions, accidents, or emergencies.
Whenever any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer is immobilized on any roadway by weather conditions, due to an accident that does not result in injury or death, or by other emergency situations, the Department of Transportation, individuals, or entities acting on behalf of a Department of Transportation safety service patrol program as defined in subsection B of § 46.2-920.1 or individuals or entities acting pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 may move or have the vehicle removed to some reasonably accessible

portion of the right-of-way off the roadway. Disposition thereafter shall be effected as provided by § 46.2-1209.

Code 1950, § 46-5; 1952, c. 508; 1958, c. 541, § 46.1-2; 1964, c. 103; 1972, cc. 267, 402, 408; 1976, c. 454; 1978, cc. 47, 605; 1988, c. 293; 1989, cc. 256, 727; 2017, c. 350.

§ 46.2-1211. Removal of motor vehicles obstructing movement; storage; payment of costs.
Whenever any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer interferes with the free ingress, egress, or movement on any premises, driveway, or parking area, without the permission of the owner of that property, any law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may remove it or have it removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the motor vehicle, trailer, semitrailer, or other vehicle as promptly as possible. Before obtaining the possession of his property, the owner shall pay to the parties entitled thereto all costs incidental to its removal or storage.

1974, c. 589, § 46.1-2.1; 1989, c. 727; 2012, c. 474.

§ 46.2-1212. Authority to provide for temporary removal and disposition of vehicles involved in accidents.
The governing body of any county, city, or town may provide by ordinance that whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may (i) at no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

1964, c. 349, § 46.1-3.1; 1989, c. 727; 1992, c. 269; 2012, c. 474.

§ 46.2-1212.1. Authority to provide for removal and disposition of vehicles and cargoes of vehicles involved in accidents.
A. As a result of a motor vehicle accident or incident, the Department of State Police and/or local law-enforcement agency in conjunction with other public safety agencies may, without the consent of the owner or carrier, remove:

1. A vehicle, cargo, or other personal property that has been (i) damaged or spilled within the right-of-way or any portion of a roadway in the primary state highway system and (ii) is blocking the roadway or may otherwise be endangering public safety; or

2. Cargo or personal property that the Department of Transportation, the Department of Emergency Management, or the fire officer in charge has reason to believe is a hazardous material, hazardous waste, or regulated substance as defined by the Virginia Waste Management Act (§ 10.1-1400 et

seq.), the Hazardous Materials Transportation Act (49 U.S.C. § 1808 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.), if the Department of Transportation or applicable person complies with the applicable procedures and instructions defined either by the Department of Emergency Management or the fire officer in charge.

B. The Department of Transportation, individuals or entities acting on behalf of a Department of Transportation safety service patrol program as defined in subsection B of § 46.2-920.1, individuals or entities acting pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1, the Department of State Police, the Department of Emergency Management, local law-enforcement agencies and other local public safety agencies and their officers, employees, and agents, and towing and recovery operators operating under the lawful direction of a law-enforcement officer or the Department of Transportation shall not be held responsible for any damages or claims that may result from the failure to exercise any authority granted under this section provided they are acting in good faith.

C. The owner and carrier, if any, of the vehicle, cargo, or personal property removed or disposed of under the authority of this section shall reimburse the Department of Transportation, individuals or entities acting on behalf of a Department of Transportation safety service patrol program as defined in subsection B of § 46.2-920.1, individuals or entities acting pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in 46.2-920.1, the Department of State Police, the Department of Emergency Management, local law-enforcement agencies, and local public safety agencies for all costs incurred in the removal and subsequent disposition of such property.

1997, c. 431; 2017, c. 350.

§ 46.2-1213. Removal and disposition of unattended, or immobile vehicles; ordinances in counties, cities, and towns.

A. The governing body of any county, city, or town may by ordinance provide for the removal for safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;

2. It is illegally parked;

3. It is left unattended for more than 10 days either on public property or on private property without the permission of the property owner, lessee, or occupant;

4. It is immobilized on a public roadway by weather conditions or other emergency situation.

B. Removal shall be carried out by or under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee. The ordinance, however, shall not authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. The ordinance may also provide that the person at

whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the county, city, or town against any loss or expense incurred by reason of removal, storage, or sale thereof. Any such ordinance may also provide that it shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a current county, city or town license plate or sticker; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four days without being moved. As promptly as possible, each removal shall be reported to a local governmental office to be designated in the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Article 1 (§ 46.2-1200 et seq.).

Code 1950, § 46-5.1; 1956, c. 114; 1958, c. 541, § 46.1-3; 1960, cc. 75, 204; 1966, c. 297; 1972, c. 267; 1974, c. 142; 1980, c. 551; 1984, cc. 190, 381; 1985, c. 91; 1989, c. 727; 2012, c. 474.

§ 46.2-1214. Sale of personal property found in unattended or abandoned vehicles.

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semitrailer may be sold incident to the sale of the vehicle as authorized in this article.

1970, c. 160, § 46.1-3.01; 1989, c. 727.

§ 46.2-1215. Leaving vehicles on private property prohibited; authority of counties, cities, and towns to provide for removal and disposition; notice of disposition.

No person shall leave any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer on the private property of any other person without his consent. The governing body of any county, city, or town may by ordinance provide, that on complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof has been left for more than 72 hours, that such motor vehicle, trailer, semitrailer, or part thereof, may be removed by or under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee to a storage area. The ordinance shall require the owners of private property which is normally open to the public for parking to post or cause to be posted signs warning that vehicles left on the property for more than 72 hours will be towed or removed at their owners' expense. The ordinance may also provide that the person at whose request the vehicle, trailer, semitrailer, or part thereof is so removed shall indemnify the county, city, or town against any loss or expense incurred by reason of removal, storage, or sale thereof.

In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semitrailer,

or part may be disposed of in whatever manner the governing body of the county, city, or town may provide.

In all other respects, the provisions of §§ 46.2-1213 and 46.2-1217 shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the governing body of the county, city, or town be carried out under either the provisions of § 46.2-1213, or under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Department against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least 60 days.

The Department shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under § 46.2-1213 or the provisions of this section.

1964, c. 391, § 46.1-3.2; 1966, c. 615; 1984, c. 158; 1987, cc. 152, 202; 1989, c. 727; 2012, c. 474.

Article 3 - Trespassing Vehicles, Parking, and Towing

§ 46.2-1216. Removal or immobilization of motor vehicles, vehicles, and trailers against which there are outstanding parking violations; ordinances.

The governing body of any county, city, or town may provide by ordinance that any motor vehicle, vehicle, or trailer parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within such county, city, or town or in an adjacent locality designated by the chief law-enforcement officer for the temporary storage of the motor vehicle, vehicle, or trailer, or the motor vehicle, vehicle, or trailer may be immobilized in a manner that will prevent its removal or lawful operation except by authorized law-enforcement personnel. The governing body of Fairfax County, and any town adjacent to such county, Loudoun County, Prince William County, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, and Virginia Beach may also provide by ordinance that whenever any motor vehicle, vehicle, or trailer against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices is found parked upon private property, including privately owned streets and roads, the motor vehicle, vehicle, or trailer may, by towing or otherwise, be removed or immobilized in the manner provided above; provided that no motor vehicle, vehicle, or trailer may be removed or immobilized from property which is owned or occupied as a single family residence. Any such ordinance shall further provide that no such motor vehicle, vehicle, or trailer parked on private property may be removed or immobilized unless written authorization to enforce this section has been given by the owner of the property or an association of owners formed pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) and that the local governing body has provided written assurance to the owner of the property that he will be held harmless from all loss, damage, or expense, including costs and attorney fees, that may be incurred as a result of the towing or otherwise of any motor vehicle, vehicle, or trailer pursuant to this section. The ordinance shall provide that the removal or immobilization of the motor vehicle, vehicle, or trailer shall be by or under the direction of, an officer or employee of the police department or sheriff's office.

Any ordinance shall provide that it shall be the duty of the law-enforcement personnel removing or immobilizing the motor vehicle, vehicle, or trailer or under whose direction such motor vehicle, vehicle, or trailer is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized motor vehicle, vehicle, or trailer of the nature and circumstances of the prior unsettled parking violation notices for which the motor vehicle, vehicle, or trailer was removed or immobilized. In any case involving immobilization of a motor vehicle, vehicle, or trailer pursuant to this section, there shall be placed on the motor vehicle, vehicle, or trailer, in a conspicuous manner, a notice warning that the motor vehicle, vehicle, or trailer has been immobilized and that any attempt to move the motor vehicle, vehicle, or trailer might damage it.

Any ordinance shall provide that the owner of an immobilized motor vehicle, vehicle, or trailer, or other person acting on his behalf, shall be allowed at least 24 hours from the time of immobilization to repossess or secure the release of the motor vehicle, vehicle, or trailer. Failure to repossess or secure the release of the motor vehicle, vehicle, or trailer within that time period may result in the removal of the motor vehicle, vehicle, or trailer to a storage area for safekeeping under the direction of law-enforcement personnel.

Any ordinance shall provide that the owner of the removed or immobilized motor vehicle, vehicle, or trailer or other person acting on his behalf, shall be permitted to repossess or to secure the release of the motor vehicle, vehicle, or trailer by payment of the outstanding parking violation notices for which the motor vehicle, vehicle, or trailer was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the motor vehicle, vehicle, or trailer and the efforts to locate the owner of the motor vehicle, vehicle, or trailer. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the ordinance may provide for the sale of the motor vehicle, vehicle, or trailer in accordance with the procedures set forth in § 46.2-1213.

1977, c. 666, § 46.1-3.02; 1978, c. 282; 1984, c. 64; 1988, c. 520; 1989, c. 727; 1990, c. 686; 2007, c. 813; 2010, c. 23; 2012, cc. 104, 150; 2019, c. 510.

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing

services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Nothing herein shall prohibit the Department of State Police from entering into a memorandum of understanding with a county, city, or town to provide for towing services.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) and towing requests made by a law-enforcement officer of the county, city, or town at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a (i) police towing request or (ii) towing request made by a law-enforcement officer employed by the Department of State Police, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (a) has vested ownership, dominion, or title to the vehicle; (b) is the authorized agent of the owner as defined in clause (a); or (c) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a (1) police-requested tow or (2) towing request made by a law-enforcement officer employed by the Department of State Police who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the Commonwealth Transportation Board. Thereafter, if a towing and recovery business refuses to

release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

Code 1950, § 46-5.1; 1956, c. 114; 1958, c. 541, §§ 46.1-3, 46.1-3.02; 1960, cc. 75, 204; 1966, c. 297; 1972, c. 267; 1974, c. 142; 1977, c. 666; 1980, c. 551; 1978, c. 282; 1984, cc. 64, 190, 381; 1985, c. 91; 1988, c. 520; 1989, c. 727; 1993, c. 405; 1999, c. 78; 2006, cc. 874, 891; 2008, cc. 470, 647; 2012, cc. 803, 835; 2019, c. 630.

§ 46.2-1218. Reports by persons in charge of garages, parking places, etc.; unclaimed vehicles.
The person in charge of any garage, repair shop, or automotive service, storage, or parking place shall report on forms furnished by the Superintendent of State Police, to the nearest police station or to the State Police any motor vehicle left unclaimed in his place of business for more than two weeks when he does not know the name of the owner and the reason for the storage.

Code 1950, § 46-17.2; 1958, c. 541, § 46.1-11; 1989, c. 727.

§ 46.2-1219. Regulation of vehicular and pedestrian traffic on certain parking lots.
The governing body of any county, city, or town may by ordinance regulate the flow of vehicular and pedestrian traffic, the parking of vehicles, and speed limits on parking lots which are open to the public and designed to accommodate fifty or more vehicles, but no such ordinance shall conflict with state law.

1970, c. 338, § 46.1-181.1; 1989, c. 727.

§ 46.2-1219.1. Regulation or prohibition of vehicular traffic on certain privately owned public parking areas and driveways; penalties.
The governing body of any county, city, or town may adopt an ordinance not in conflict with state law regulating or prohibiting the stopping, standing, parking, or flow of vehicles in parking areas or driveways of shopping centers and commercial office and apartment complexes. The ordinance shall be applied to and enforced in a specific center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the chief law-enforcement officer or other official designated by the ordinance for that purpose.

The provisions of any such ordinance shall be substantially as follows:

Cruising Ordinance.

No person shall drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three or more times within a two-hour period from 6:00 p.m. to 4:00 a.m. Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to

shopping centers or other buildings open to the public; or interference with the use of property or conduct of business in the area adjacent thereto.

At every point where a public street or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates "No-Cruising" areas and times.

"Traffic control point," as used in this section, means any point or points within the no-cruising area established by the local law-enforcement agency for the purpose of monitoring cruising.

No violations shall occur except upon the third passage past the same traffic control point within a two-hour period.

No area shall be designated or posted as a no-cruising area except upon the passage of a resolution by the local governing body specifically requiring such designation and posting for a particular area.

This ordinance shall not apply to in-service emergency vehicles, taxicabs for hire, buses, and other vehicles being used for business purposes.

Where there is a violation of any provision of this ordinance, a law-enforcement officer shall charge such violation on the uniform traffic summons form. The ordinance may further provide that any person violating the ordinance shall, upon conviction, be subject to a fine of twenty-five dollars.

Any person convicted of a second or subsequent violation of the ordinance may be punished by a fine of not less than $50 nor more than $100 for each succeeding violation. No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of this title for any violation of the ordinance.

1990, c. 891; 1993, c. 574.

§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of Transportation.

A. It shall constitute a traffic infraction for any person to park any vehicle in any commuter parking lot owned by the Virginia Department of Transportation in any manner not in conformance with posted signs and pavement markings. In Planning District 8, such signs shall clearly indicate that before 10:00 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders.

B. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was parked in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this

section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation. A violation of this section may be charged on the uniform traffic summons form.

C. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any county, city, or town, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Enforcement of the provisions of this section may be enforced by any law-enforcement officer as defined in § 9.1-101.

2007, c. 263; 2016, c. 708.

§ 46.2-1220. Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including, but not limited to, the regulation of any vehicle blocking access to and preventing use of curb ramps, fire hydrants, and mailboxes on public or private property. Such ordinances may also include the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a locality having a population of at least 40,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed employees of the locality, or by uniformed personnel serving under contract with the locality. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.), shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed $75, the proceeds from which shall be paid into the locality's general fund.

Code 1950, §§ 46-259, 46-259.1; 1958, c. 541, §§ 46.1-252, 46.1-252.1, 46.1-253; 1962, c. 121; 1966, c. 712; 1968, c. 583; 1975, c. 560; 1976, c. 74; 1978, cc. 182, 202, 424; 1985, c. 244; 1989, c. 727; 1990, cc. 121, 418; 1991, c. 372; 1992, c. 268; 1993, cc. 86, 125; 1994, cc. 218, 417; 1995, c. 144; 1996, c. 348; 1997, cc. 506, 780, 912; 1998, c. 545; 1999, c. 71; 2001, cc. 128, 141, 143, 156; 2002, cc. 48, 132, 266; 2003, cc. 32, 773; 2008, c. 193; 2014, cc. 505, 563; 2017, c. 490; 2019, cc. 459, 711.

§ 46.2-1221. Authority of county to regulate parking on county-owned or leased property or on county highways; parking meters; presumption as to violation of ordinances.

The governing body of any county may, by ordinance, provide for the regulation of parking on county-owned or leased property and may prohibit parking within fifteen feet of any fire hydrant or in any way obstructing a fire hydrant.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

1962, c. 121, § 46.1-252.1; 1966, c. 712; 1975, c. 560; 1976, c. 74; 1978, cc. 182, 202, 424; 1985, c. 244; 1989, c. 727; 1991, c. 219; 1994, c. 218; 1995, c. 66.

§ 46.2-1222. Regulation of parking on secondary highways by certain counties.

A. Notwithstanding any other provision of law, the governing bodies of Albemarle, Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties by ordinance may (i) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries, (ii) provide for the classification of vehicles for the purpose of these restrictions and prohibitions, and (iii) provide that the violation of the ordinance shall constitute a traffic infraction and prescribe penalties therefor.

B. All signs and other markings designating the areas where parking is prohibited or restricted shall be installed by the county at its expense under permit from the Virginia Department of Transportation.

C. In any prosecution charging a violation of the ordinance, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of such ordinance, together with proof that the

defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of this title, shall give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

D. Any ordinance adopted pursuant to this section shall require (i) that uncontested payments of penalties for violations of the ordinance shall be collected and accounted for by a county officer or employee, (ii) that the officer or employee shall report on a proper form to the appropriate district court any person's contesting of any citation for violation of the ordinance, and (iii) that the officer or employee shall cause warrants to be issued for delinquent parking citations.

1989, c. 727; 1990, c. 78; 1998, c. 422; 2004, c. 797; 2018, cc. 13, 90.

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.
A. The Counties of Arlington, Fairfax, Frederick, Hanover, Stafford, and Prince William and the Towns of Blackstone, Cape Charles, Clifton, Herndon, Leesburg, Vienna, and West Point may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

2000, cc. 72, 270; 2001, c. 144; 2003, cc. 122, 470; 2004, cc. 108, 225, 702; 2009, c. 535; 2011, c. 201; 2014, cc. 49, 680; 2017, c. 556; 2019, cc. 116, 144; 2020, c. 997.

§ 46.2-1222.2. Local ordinances prohibiting parking of certain vehicles.
The governing body of any county, city, or town may by ordinance limit to no more than two hours the length of time of parking on streets, adjacent to commercial business areas, of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless such vehicles are actively engaged in loading or unloading operations or waiting to be loaded or unloaded or are engaged in or preparing to engage in utility or similar service work.

2007, c. 487.

§ 46.2-1223. Authority of Commissioner to regulate parking on certain parts of primary state highway system.

Except as otherwise provided in this article, the Commissioner of Highways may, by regulation, regulate parking on any part of the primary and secondary systems of state highways.

1970, c. 257, § 46.1-252.2; 1989, c. 727.

§ 46.2-1224. County ordinances prohibiting certain parking in streets and highways.

A. The governing body of any county may, by ordinance, prohibit any person from parking any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of any such ordinance shall not apply to motor vehicle carriers when picking up or discharging passengers.

B. The governing bodies of (i) counties with populations greater than 500,000 and of towns located therein and (ii) counties with populations of at least 210,000 but less than 217,000 may, by ordinance, prohibit any person from parking any commercial vehicle, as defined in this section, on the highways within their respective jurisdiction in areas zoned for residential use. For the purposes of this section, the term "commercial vehicle" may include: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iii) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine; (v) any truck more than 20 feet in length, other than commercial vehicles used by a public service company as defined in § 56-1 or by others working on its behalf, or commercial vehicles used in the provision of cable television service as defined in § 15.2-2108.2, or commercial vehicles used in the provision of propane gas service; and (vi) any vehicle carrying commercial freight in plain view. Such ordinance shall permit, however, one resident of each single-family dwelling unit zoned for residential use to park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon. The provisions of any such ordinance shall not apply to a commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

C. The governing bodies of counties with populations greater than 500,000 and the governing bodies of towns within such counties' boundaries may by ordinance prohibit any person from parking any of the following vehicles on the highways within their respective jurisdictions in areas zoned for commercial or industrial use if such highways do not comply with the current geometric design standards of the Virginia Department of Transportation Road Design Manual or Subdivision Street Requirements that would apply had the highways been constructed at the time of adoption of such ordinance: (i) any solid waste collection vehicle, tractor truck, or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;

or (iii) any trailer or semitrailer used for transporting landscaping or lawn care equipment whether or not such trailer or semitrailer is attached to another vehicle. The provisions of any such ordinance shall not apply to any commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the delivery of goods or the performance of work or service at a particular location.

Any violation of the provisions of any such ordinance shall be a traffic infraction.

Code 1950, § 46-259.2; 1952, c. 602; 1958, cc. 10, 541, § 46.1-254; 1989, c. 727; 1996, c. 770; 1997, c. 19; 1998, cc. 391, 403, 424; 2005, c. 293; 2006, cc. 874, 891; 2009, c. 183.

§ 46.2-1224.1. Local ordinances regulating certain parking; penalty.

The governing body of any county having the county manager plan of government may by ordinance prohibit idling the engine of a bus for more than 10 minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons. The governing body of any other county, city, or town may by ordinance prohibit idling the engine of a bus for more than 15 minutes when the bus is parked, left unattended, or is stopped for any reason other than traffic, maintenance, or loading or unloading a disabled passenger.

Violators of such ordinance shall be subject to a civil penalty not to exceed $50, the proceeds from which shall be paid into the locality's general fund.

The provisions of this section shall not apply to school buses or public transit buses.

1996, c. 389; 2008, c. 587.

§ 46.2-1225. Enforcement provisions in city or county parking ordinances.

Any city or county ordinance regulating parking under this article shall require:

1. That uncontested payment of parking citation penalties be collected and accounted for by a local administrative official or officials who shall be compensated by the locality or by a private management company under contract with the locality;

2. That contest by any person of any parking citation shall be certified on an appropriate form, to the appropriate district court, by such official or officials; and

3. That the local administrative official or officials shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Every action to collect unpaid parking citation penalties imposed for violation of a city or county ordinance regulating parking under this article shall be commenced within three years of the date upon which such penalty became delinquent.

1974, c. 403, § 46.1-254.1; 1975, c. 440; 1977, c. 671; 1980, c. 355; 1989, c. 727; 1995, c. 459; 2014, c. 563.

§ 46.2-1226. Enforcement of regulations governing parking in Capitol Square.

Any regulation adopted pursuant to § 2.2-1172 and relating to parking in Capitol Square shall provide:

That uncontested citations issued under those regulations shall be paid to the administrative official or officials appointed under the provisions of this section in the City of Richmond, who shall promptly pay these sums into the general fund of the state treasury; and

That contested or delinquent citations shall be certified or complaint, summons, or warrant shall be issued as provided in § 46.2-1225 to the general district court of the City of Richmond. Any sums collected by the court, minus court costs, shall be promptly paid by the clerk to the general fund of the state treasury.

1974, c. 403, § 46.1-254.1; 1975, c. 440; 1977, c. 671; 1980, c. 355; 1989, c. 727.

§ 46.2-1227. Enforcement of state regulations governing parking on primary and secondary highways.

Any regulation of the Commissioner under the provisions of § 46.2-1223 relating to parking on any primary or secondary highway shall provide:

1. That uncontested citations issued under the regulation shall be paid to the administrative official or officials appointed under the provisions of this section in the locality in which the part of the highway lies, or in the locality where there is no appointed administrative official the citations shall be paid to the local treasurer, who shall promptly pay them into the general fund of the state treasury; and

2. That contested or delinquent citations shall be certified or complaint, summons, or warrant shall be issued as provided in § 46.2-1225 to the general district court in whose jurisdiction the part of the highway lies. Any sums collected by such court, minus court costs, shall be promptly paid by the clerk into the general fund of the state treasury.

1974, c. 403, § 46.1-254.1; 1975, c. 440; 1977, c. 671; 1980, c. 355; 1989, c. 727.

§ 46.2-1228. Enforcement of parking regulations of boards of visitors of educational institutions.

Any regulation of any board of visitors or other governing body of an educational institution pursuant to the provisions of § 23.1-1301 relating to parking on property owned by the institution shall provide:

1. That uncontested citations issued thereunder shall be paid to the administrative official or officials appointed under the provisions of this section in the city or county in which the property of the institution lies, who shall promptly deposit such sums into the state treasury as a special revenue of the institution; and

2. That contested or delinquent citations shall be certified or complaint, summons, or warrant shall be issued as provided in § 46.2-1225 to the general district court in whose jurisdiction the institution lies. Any sum collected by the court, minus court costs, shall be promptly deposited by the clerk into the state treasury as a special revenue of the institution. However, nothing in this section shall prevent any educational institution which adopts, or has adopted, regulations pursuant to § 23.1-1301 providing for administrative disposition of contested, uncontested, or delinquent citations from disposing of those citations in accordance with those regulations, and all moneys collected under those regulations shall be deposited promptly into the state treasury as a special revenue of the institution.

1974, c. 403, § 46.1-254.1; 1975, c. 440; 1977, c. 671; 1980, c. 355; 1989, c. 727.

§ 46.2-1229. Enforcement of parking regulations of State Board of Behavioral Health and Developmental Services.

Any regulations of the State Board of Behavioral Health and Developmental Services pursuant to the provisions of § 37.2-203 relating to parking on property owned or controlled by the Department of Behavioral Health and Developmental Services shall provide:

1. That uncontested citations issued thereunder shall be paid to the administrative official or officials appointed under the provisions of this section in the locality in which the part of the state facility lies, who shall promptly deposit the sums into the state treasury as a special revenue of the Department of Behavioral Health and Developmental Services; and

2. That contested or delinquent citations shall be certified or complaint, summons, or warrant shall be issued as provided in § 46.2-1225 to the general district court in whose jurisdiction the state facility lies. Any sum collected by the court, minus court costs, shall be promptly deposited by the clerk into the state treasury as a special revenue of the Department of Behavioral Health and Developmental Services.

1974, c. 403, § 46.1-254.1; 1975, c. 440; 1977, c. 671; 1980, c. 355; 1989, c. 727; 2009, cc. 813, 840.

§ 46.2-1230. Authority of counties, cities, and towns to issue parking permits.

The governing body of any county, city, or town may by ordinance provide for the issuance of permits for motor vehicles parking on public streets, to set the rates for the permits, and to set the term of validity of the permits. In setting the rates, the governing body may differentiate between motor vehicles registered in the political subdivision issuing the permit and other motor vehicles.

1972, c. 819, § 46.1-252.01; 1989, c. 727.

§ 46.2-1231. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges.

The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including any county, city, or town, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the nonemergency telephone number of the local law-enforcement agency or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location. The requirements of this section relating to the posting of signs by an owner, operator, or lessee of any parking lot, parking area or space shall not apply to localities in which the local governing body has adopted an ordinance pursuant to § 46.2-1232.

Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the local law-enforcement agency of the jurisdiction from which the vehicle was towed. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than $100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.

All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent. At the time a vehicle owner or agent reclaims a towed vehicle, such towing and recovery operator, if located in Planning District 8, shall provide a written receipt that provides a telephone number or website available for customer complaints. A locality located wholly or partially in Planning District 8 may require additional information to be included on such receipt.

Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed $25 or such other limit as the governing body of the county, city, or town may set by ordinance, in lieu of towing.

In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized in a manner that prevents its removal or lawful operation, provided that any device used to immobilize the trespassing vehicle does not damage the vehicle or any part of the vehicle. The charge for the removal of any device used to immobilize a trespassing vehicle shall not exceed $25 or such other limit as the governing body of the county, city, or town may set by ordinance. In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have an authorized local government official or law-enforcement officer issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to § 46.2-1220 or 46.2-1221 to the registered owner of the vehicle.

This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another. The governing body of every county, city, and town may by ordinance set limits on fees and charges provided for in this section.

Code 1950, § 46-541; 1952, c. 352; 1954, c. 435; 1958, c. 541, § 46.1-551; 1978, cc. 202, 335; 1979, c. 132; 1983, c. 34; 1985, c. 375; 1987, cc. 147, 152, 332; 1988, cc. 471, 701; 1989, c. 727; 1990, c. 502; 1991, c. 221; 1993, c. 394; 1994, c. 619; 2003, c. 305; 2006, cc. 874, 891; 2017, c. 825; 2019, c. 510.

§ 46.2-1231.1. Immunity from liability for certain towing.

No towing and recovery operator shall be liable for damages in any civil action for responding in good faith to the lawful direction of a law-enforcement or, in the case that life, limb, or property is endangered, a fire or rescue agency to tow, recover, or store any vehicle, combination of vehicles, their contents, or any other object. The immunity provided by this section shall not extend to the liability for negligence in the towing, recovery, or storage carried out by the towing and recovery operator. For the purposes of this section, any towing, recovery, or storage carried out in compliance with a contract between a towing business and a local law-enforcement agency or local government shall be deemed to have been performed at the lawful direction of a law-enforcement agency.

1990, c. 604; 2007, c. 376.

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if

required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

Code 1950, § 46-541; 1952, c. 352; 1954, c. 435; 1958, c. 541, § 46.1-551; 1978, cc. 202, 335; 1979, c. 132; 1983, c. 34; 1985, c. 375; 1989, cc. 17, 727; 1990, cc. 502, 573; 2006, cc. 874, 891; 2009, cc. 186, 544; 2012, cc. 149, 812; 2017, c. 825; 2018, cc. 411, 412.

§ 46.2-1233. Localities may regulate towing fees.

The governing body of any locality may by ordinance set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

Localities in Planning District 8 and Planning District 16 shall establish by ordinance (i) a hookup and initial towing fee of no less than $135 and no more than the maximum charges provided in § 46.2-1233.1 and (ii) for towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no less than $25 and no more than the maximum charges provided in § 46.2-1233.1 per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

Code 1950, § 46-541; 1952, c. 352; 1954, c. 435; 1958, c. 541, § 46.1-551; 1978, cc. 202, 335; 1979, c. 132; 1983, c. 34; 1985, c. 375; 1989, cc. 17, 727; 1990, cc. 502, 571, 573; 2016, c. 476; 2018, cc. 411, 412; 2019, cc. 117, 460; 2020, c. 31.

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed $150. For towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than $30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

1990, c. 266; 1993, c. 598; 2006, cc. 874, 891; 2013, c. 592; 2018, cc. 324, 363; 2020, c. 31.

§ 46.2-1233.2. Advisory board.

Prior to adopting or amending any ordinance pursuant to § 46.2-1232 or 46.2-1233, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance. Members of the advisory board shall only consist of an equal number of representatives of local law-enforcement agencies and representatives of licensed towing and recovery operators, and one member of the general public. Any such advisory board shall meet at least once per year at the call of the chairman of the advisory board, who shall be elected annually from among the members of the advisory board by a majority vote. The chairmanship of any such advisory board for any locality within Planning District 8 shall be for a term of one year and rotate annually between a representative of a local law-enforcement agency, a representative of a licensed towing and recovery operator, and one member of the general public.

1993, c. 405; 2006, cc. 874, 891; 2017, c. 825.

§ 46.2-1233.3. Improper towing; penalty.

A. This section shall apply only to tow truck drivers and towing and recovery operators removing a vehicle without the consent of its owner from a location in Planning District 8.

B. In addition to any action brought pursuant to subsection B of § 46.2-119, any tow truck driver who violates subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, or any ordinance adopted pursuant to § 46.2-1233, or any towing or recovery operator who violates subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, or any ordinance adopted pursuant to § 46.2-1233, is subject to a civil penalty of $150 per violation. Such penalty shall be collected by the Office of the Attorney General, and the proceeds shall be deposited into the Literary Fund.

2017, c. 825.

§ 46.2-1234. Liability of persons furnishing free parking accommodations as to motor vehicles and property left therein.

No action shall lie or proceeding be brought against any person conducting any business and maintaining a parking lot at which free parking accommodations are provided for customers or employees of such business, when a motor vehicle is parked in such parking lot, for the total or partial loss of any motor vehicle because of theft or damage by any person other than an employee or for the total or partial loss of property left in the motor vehicle because of theft or damage by any person other than an employee.

As used in this section, "free parking accommodations" means parking accommodations for which no specific charge is made and the patronage of the business by customers and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

Nothing in this section shall relieve any person of liability resulting from his own wrongdoing.

Code 1950, § 46-542; 1952, c. 357; 1958, c. 541, § 46.1-552; 1989, c. 727.

§ 46.2-1235. Authority of Chesterfield County law-enforcement officers to issue parking tickets.

Law-enforcement officers employed by Chesterfield County are authorized to issue tickets or citations for motor vehicles that are illegally parked anywhere in Chesterfield County.

1989, c. 727.

§ 46.2-1236. Repealed.

Repealed by Acts 1994, c. 866.

§ 46.2-1237. Repealed.

Repealed by Acts 1997, cc. 783 and 904.

§ 46.2-1238. Repealed.

Repealed by Acts 1994, c. 866.

§ 46.2-1239. Parking in certain locations; penalty.

No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within 15 feet of a fire hydrant or the entrance to a fire station, within 15 feet of the entrance to a plainly designated emergency medical services agency, or within 20 feet from the

intersection of curb lines or, if none, then within 15 feet of the intersection of property lines at any highway intersection.

Code 1950, § 46-263; 1958, c. 541, § 46.1-258; 1972, c. 528; 1984, c. 126; 1989, c. 727; 2015, cc. 502, 503.

Article 4 - Potomac River Bridge Towing Compact of 1991

§ 46.2-1239.1. (Contingent effective date – see Editor's note) Potomac River Bridge Towing Compact.

Article I. Parties and Titles.

The Parties to this Compact are the Commonwealth of Virginia, the State of Maryland and the District of Columbia. This agreement shall be known as the Potomac River Bridge Towing Compact.

Article II. Findings and Purpose.

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge, and American Legion Memorial Bridge all pass through the territorial jurisdiction of two or more of the three Parties. Experience has shown that traffic back-ups often prevent state troopers or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all three Parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III. Authority to Direct Traffic and Authorize Removal of Vehicles.

The Parties hereby give one another all necessary power and authority to have their respective state troopers or local law-enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such troopers and local law-enforcement officers may exercise such authority in their own jurisdictions. However, no Party, acting through its troopers or local law-enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of an officer or trooper of the destination jurisdiction has been obtained.

Article IV. Disposition of Towed Vehicles.

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V. No Agency.

Each of the Parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the Parties.

Article VI. Effective Date.

The provisions of this Compact shall take effect thirty days after the legislative bodies of the Parties having jurisdiction over one or several of the bridges identified in Article II have enacted Compacts substantially identical to this Compact.

Article VII. Termination.

The Governor of the Commonwealth of Virginia or State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days' written notice to the other Parties.

§ 46.2-1239.1. (Contingent expiration date – see Editor's note) Potomac River Bridge Towing Compact.

Article I.

Parties and Titles.

The Parties to this Compact are the Commonwealth of Virginia, the State of Maryland and the District of Columbia. This agreement shall be known as the Potomac River Bridge Towing Compact.

Article II.

Findings and Purpose.

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge and American Legion Memorial Bridge all pass through the territorial jurisdiction of two or more of the three Parties. Experience has shown that traffic back-ups often prevent state troopers or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all three Parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III.

Authority to Direct Traffic and Authorize Removal of Vehicles.

The Parties hereby give one another all necessary power and authority to have their respective state troopers or local law-enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such troopers and local law-enforcement officers may exercise such authority in their own jurisdictions. However, no Party, acting through its troopers or local law-enforcement officers, shall have the authority to direct or authorize the towing

or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of an officer or trooper of the destination jurisdiction has been obtained.

Article IV.

Disposition of Towed Vehicles.

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V.

No Agency.

Each of the Parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the Parties.

Article VI.

Effective Date.

The provisions of this Compact shall take effect thirty days after the legislative bodies of the Parties having jurisdiction over one or several of the bridges identified in Article II have enacted Compacts substantially identical to this Compact.

Article VII.

Termination.

The Governor of the Commonwealth of Virginia or State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days' written notice to the other Parties.

Chapter 12.1 - PARKING FOR PERSONS WITH DISABILITIES

§ 46.2-1240. Definitions.

"Disabled parking sign" means any sign used to identify parking spaces for use by vehicles bearing valid organizational, permanent, or temporary removable windshield placards, disabled parking license plates, or disabled parking license plates issued under § 46.2-739. All disabled parking signs shall be erected and maintained in accordance with signage requirements specified in § 36-99.11.

"Organizational removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background; (ii) the name of the institution or organization; (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline

number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) the seal or identifying symbol of the issuing authority.

"Permanent removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background; (ii) an identification number; (iii) an expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (iv) a misuse hotline number designated by the Department; (v) a warning of the penalties for placard misuse; and (vi) the seal or other identifying symbol of the issuing authority. All holders of permanent removable windshield placards shall be required to carry the Disabled Parking Placard Identification Card issued with the placard by the Department and present it to law-enforcement officials upon request.

"Person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" means a person who, as determined by a licensed physician, podiatrist, or chiropractor: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or when at rest, his arterial oxygen tension is less than 60 millimeters of mercury on room air; (iv) uses portable oxygen; (v) has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; (vi) is severely limited in his ability to walk due to an arthritic, neurological, or orthopedic condition; (vii) has some other debilitating condition that, in the view of a licensed physician, podiatrist, or chiropractor, limits or impairs his ability to walk; (viii) has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum disorder; (ix) has been diagnosed with Alzheimer's disease or another form of dementia; (x) is legally blind or deaf; or (xi) has some other condition that, in the view of a licensed physician creates a safety concern while walking because of impaired judgment or other physical, developmental, or mental limitation. For the purposes of this definition, a determination of a disability by a podiatrist or chiropractor shall be limited to those conditions specified in items (i), (ii), (vi) or (vii) of this definition.

Any licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor who signs a certification that states that an applicant is disabled under clause (vii) of this definition shall specify, in a space provided on the certification form, the medical condition that limits or impairs the applicant's ability to walk. Any licensed physician, licensed nurse practitioner, or licensed physician assistant who signs a certification that states that an applicant is disabled under clause (xi) of this definition shall specify, in a space provided on the certification form, the physical, developmental, or mental condition that creates the safety concern.

"Temporary removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the

placard, and shown in white on a red background; (ii) an identification number; (iii) an expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (iv) a misuse hotline number; (v) a warning of the penalties for placard misuse; and (vi) the seal or other identifying symbol of the issuing authority.

1997, cc. 783, 904; 1999, c. 188; 2002, c. 108; 2003, c. 992; 2005, c. 276; 2007, c. 715; 2010, c. 47.

§ 46.2-1241. Issuance of disabled parking placards.

A. Upon application of a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking, the Commissioner shall issue a permanent removable windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require that each original application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician assistant on forms prescribed by the Commissioner that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" contained in § 46.2-1240.

1. The Commissioner shall provide for the renewal of such placards every five years. Applications for renewals may require the applicant to certify that his disability is a permanent disability, but renewal applications need not be accompanied by a physician's, podiatrist's, chiropractor's, nurse practitioner's, or physician assistant's certification of the applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for the Department to develop a definition of "permanent disability" as used in this subdivision. Notwithstanding any contrary provision of this chapter, no physician's, podiatrist's, chiropractor's, nurse practitioner's, or physician assistant's certification of an applicant's disability shall be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued under § 46.2-731.

2. The Commissioner shall charge a reasonable fee for each placard, but no fee shall be charged any person exempted from fees in § 46.2-739.

3. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

B. Upon the application of a person with a disability that limits or impairs his ability to walk and whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a certification signed by a licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor on forms prescribed by the Commissioner that the applicant meets the definition of "person with a condition that limits or impairs his ability to walk" contained in § 46.2-1240 and shall also include the period of time that the physician, podiatrist, or chiropractor determines the applicant will have the disability, not to exceed six months.

1. A licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor may certify up to 15 days in advance of an applicant's medical procedure that an applicant will meet the definition

of "person with a condition that limits or impairs his ability to walk" and that the disability will be temporary. Any licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor who certifies an applicant's disability in advance of a medical procedure shall provide the period of time for which the physician, nurse practitioner, physician assistant, podiatrist, or chiropractor has determined that the applicant will have the disability, not to exceed six months. The Commissioner will mail the temporary placard to the applicant.

2. The temporary removable windshield placard shall be valid for the period of time for which the physician, podiatrist, or chiropractor has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

3. The Commissioner shall provide for a reasonable fee to be charged for the placard. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

C. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other institutions and organizations meeting criteria determined by the Commissioner organizational removable windshield placards, as provided for in the foregoing provisions of this section, for use by volunteers when transporting disabled persons in passenger vehicles and pickup or panel trucks owned by such volunteers. The provisions of this section relating to other windshield placards issued under this section shall also apply, mutatis mutandis, to windshield placards issued to these institutions and organizations, except that windshield placards issued to institutions and agencies, in addition to their expiration date, shall bear the name of the institution or organization whose volunteers will be using the windshield placards rather than the name, age, and sex of the person to whom issued.

1. The Commissioner shall provide for the renewal of such placards every five years.

2. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

D. No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date.

E. Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion.

1997, cc. 783, 904; 2001, c. 136; 2002, c. 133; 2003, c. 992; 2005, c. 276; 2007, c. 715; 2013, c. 137.

§ 46.2-1242. Parking in spaces reserved for persons with disabilities; local ordinances; penalty.

A. 1. No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable

windshield placards issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of § 46.2-739, shall be parked in any parking spaces reserved for persons with disabilities.

2. No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of § 46.2-739 in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

3. No vehicle shall be parked in any striped access aisle adjacent to a parking space reserved for persons with disabilities.

4. A summons or parking ticket for the offense may be issued by law-enforcement officers, uniformed law-enforcement department employees, or volunteers acting pursuant to § 46.2-1244 without the necessity of a warrant's being obtained by the owner of any private parking area.

5. Parking a vehicle in a space reserved for persons with disabilities or in a striped access aisle in violation of this section shall be punishable by a fine of not less than $100 nor more than $500.

B. The governing body of any county, city, or town may, by ordinance, provide that it shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of § 46.2-739, to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. If there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not displayed as required pursuant to subsection E of § 46.2-1241, such ordinance may provide for a fine less than that imposed under this section. The governing body of any county, city, or town may, by ordinance, provide that no vehicle shall be parked in any striped access aisle adjacent to a parking space reserved for persons with disabilities.

1. Any local governing body, by such ordinance, may assess and retain a fine of not less than $100 nor more than $500 for its violation.

2. The ordinance may further provide that a summons or parking ticket for the offense may be issued by law-enforcement officers, volunteers serving in units established pursuant to § 46.2-1244, and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant's being obtained by the owner of the private parking area.

C. In any prosecution charging a violation of this section or an ordinance adopted pursuant to this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section or the ordinance, together with proof that the defendant was at

the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.), shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

D. No violation of this section or an ordinance adopted pursuant to this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

1997, cc. 783, 904; 2008, c. 715; 2019, c. 557.

§ 46.2-1243. Enforcement by private security guards in certain localities.

The local governing bodies of Franklin County, Henry County, and the Cities of Danville and Martinsville may by ordinance provide that, in privately owned parking areas open to the public, a summons for violation of an ordinance promulgated under § 46.2-1242 may be issued by (i) private security guards licensed under the provisions of Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 and deputized to issue a summons for the offense by the chief law-enforcement officer of the county or city in which the private parking area is located or (ii) any owner of the private parking area of a nursing home, as defined in § 32.1-123, or agent or employee thereof, provided that such owner has registered in writing on his own behalf or on behalf of his agent or employee with the chief law-enforcement officer of the locality his intention to issue summonses pursuant to this section.

1997, cc. 783, 904; 2002, c. 390.

§ 46.2-1244. Volunteer disabled parking enforcement units.

A. The governing body of any county, city, or town may by ordinance provide that its law-enforcement agency establish and supervise volunteers to enforce violations of § 46.2-1242.

B. Excluding § 46.2-1242, volunteers acting pursuant to this section shall not have the power or duty to enforce any other traffic or criminal laws of the state or any county, city, or town.

C. No volunteer acting pursuant to this section shall carry a firearm or other weapon during the course of his volunteer enforcement duties.

1997, cc. 783, 904.

§ 46.2-1245. Four hours' free parking in time-restricted or metered spaces; local option.

A. The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under subsection B of § 46.2-739 shall be allowed to park the vehicle on which such license plates or placards are displayed for up to four hours in metered or unmetered parking zones restricted as to length of parking time permitted and shall be exempted from paying parking meter fees of any county, city, or town.

B. This section shall not apply to any local ordinance which creates zones where stopping, standing, or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or where parking would clearly present a traffic hazard.

C. The governing body of any county, city, or town may by ordinance provide that this section shall not apply within the boundaries or within any designated portion of such county, city, or town. Any county, city, or town adopting an ordinance pursuant to this subsection shall indicate by signs or other reasonable notice that the provisions of this section do not apply in such county, city, or town or designated portion thereof.

1997, cc. 783, 904; 2012, cc. 17, 286.

§ 46.2-1246. Towing of unauthorized vehicles.

A. The owner or duly authorized agent of the owner of a parking space properly designated and clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk may have any vehicle not displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates removed from the parking space and stored.

B. The owner of a vehicle which has been removed and stored may regain possession of his vehicle on payment to the person or persons who removed and stored the vehicle all reasonable costs incidental to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent of the owner of the parking space, may also petition the general district court having jurisdiction over the location where the parking occurred for an immediate determination as to whether the removal of the vehicle was lawful. If the court finds that the removal was unlawful, the court shall direct the owner of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

1997, cc. 783, 904.

§ 46.2-1247. Counterfeiting disabled parking license plates or placards; penalty.

A. Any person who creates a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1248. Use of counterfeit disabled parking license plates or placards; penalty.

A. Any person who displays a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739,

organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard and parks in a disabled parking space or attempts to use the parking privileges afforded by § 46.2-1245, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1249. Alteration of disabled parking license plates or placards; penalty.

A. Any person who alters a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1250. Unauthorized use of disabled parking license plates or placards; penalty.

A. Any person who parks in a space reserved for persons with disabilities that limit or impair their ability to walk or attempts to use the parking privileges afforded by § 46.2-1245 and displays a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard which has been issued to another person, and is not transporting a person with a disability which limits or impairs his ability to walk, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1251. Fraudulently obtaining a disabled parking license plate or placard; penalty.

A. Any person who makes a false statement of material fact to obtain or assist an individual in obtaining a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1252. Selling or exchanging a disabled parking license plate or placard; penalty.

A. Any person who sells or exchanges for consideration any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1253. Providing a disabled parking license plate or placard; penalty.

A. Any person who knowingly provides to another person, without sale or exchange of consideration, any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, permanent removable windshield placard, temporary removable windshield placard, or organizational removable windshield placard, shall be guilty of a Class 3 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

1997, cc. 783, 904.

§ 46.2-1254. Photo identification.

Any law-enforcement officer or private security guard acting pursuant to § 46.2-1243 may request to examine the driver's license, state identification card, or other form of photo identification of any person using disabled parking privileges afforded by this chapter.

1997, cc. 783, 904.

§ 46.2-1255. Confiscation of disabled parking placards.

A. Any law-enforcement officer or private security guard acting pursuant to § 46.2-1243 who issues a summons to or arrests an individual for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253 may confiscate the defendant's permanent, temporary, or organizational removable windshield placard and shall notify, by mail or facsimile, the Department of Motor Vehicles of such confiscation and the number of the placard involved.

B. After receiving notice specified in subsection A of this section, the Department may prohibit the issuance of any form of disabled parking license plate or placard to the defendant until the defendant's charge under §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253 reaches final disposition, including appeals.

C. Upon the defendant's acquittal for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard shall return the confiscated placard to the defendant and the court shall notify the Department of such acquittal by electronic or other means. Upon the defendant's conviction for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard shall

send the confiscated placard to the Department and the court shall notify the Department pursuant to § 46.2-1256.

1997, cc. 783, 904.

§ 46.2-1256. Notice of convictions; revocation of disabled parking placards and license plates.
A. Upon the entry of a conviction under §§ 46.2-1247 through 46.2-1253, or under any ordinance which incorporates any of those sections by reference, the court shall send notice of the conviction and the number of the license plate or placard involved to the Commissioner. Such notice may be transmitted by electronic means.

B. Upon receiving notice pursuant to subsection A of this section, the Commissioner may revoke any disabled parking license plate, DV disabled parking license plate, organizational, permanent, or temporary placard of an individual or organization found guilty under §§ 46.2-1247 through 46.2-1253 if he finds, after a hearing if requested by the person to whom the license plate or placard is issued, that such person (i) is not a person with a disability that limits or impairs his ability to walk and is not otherwise eligible to be issued a license plate or a placard pursuant to §§ 46.2-731, 46.2-739, or § 46.2-1241, or (ii) is authorized to have such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so that revocation appears appropriate to remedy the abuse or misuse.

1997, cc. 783, 904.

§ 46.2-1257. Repealed.
Repealed by Acts 2010, c. 47, cl. 3.

§ 46.2-1258. Reciprocity.
Disabled parking license plates, permanent removable windshield placards, temporary removable windshield placards, and DV disabled parking license plates issued by other states and countries for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles displaying such devices issued in Virginia.

1997, cc. 783, 904.

§ 46.2-1259. Placard issuance; additional requirements.
In developing and issuing organizational, permanent, and temporary removable windshield placards pursuant to the requirements of § 46.2-1240, the Commissioner shall, in consultation with representatives of law-enforcement and disability services boards, develop and issue placards that are (i) resistant to tampering, alteration, and counterfeiting, (ii) clear and legible, and (iii) protective of the privacy rights of the placard user to the extent the requirements of § 46.2-1240 allow.

1997, cc. 783, 904; 2010, c. 47.

Chapter 13 - Powers of Local Governments

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

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

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

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

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

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

C. No governing body of a county, city, or town may provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title.

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

Code 1950, §§ 46-198, 46-200; 1956, c. 134; 1958, c. 541, § 46.1-180; 1960, c. 172; 1972, c. 522; 1984, c. 345; 1989, c. 727.

§ 46.2-1301. Designation of stop and yield right-of-way intersections.

The governing body of any county, city, or town operating its own system of roads may by ordinance authorize the city or town manager or some other local officer to designate intersections, other than intersections at which one or more of the intersecting streets have been designated as a part of the primary state highway system in a town which has a population of less than 3,500, at which vehicles shall come to a full stop or yield the right-of-way. No such ordinance shall be violated if, at the time of the alleged violation the sign or marker placed in conformity with this section is missing or is defaced

so that an ordinarily observant person under the same circumstances would not be aware of the existence of the regulation.

1958, c. 541, § 46.1-180.1; 1989, c. 727.

§ 46.2-1302. Regulation of operation of vehicles in snow, sleet, etc.; designation of play areas; penalties.

The governing body of any county, city, or town may by ordinance regulate the operation of vehicles on the highways in such county, city, or town in the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind, storm or the threat thereof. In addition to the general powers granted by this section, and any other provisions of this title notwithstanding, any such ordinance may:

1. Prohibit vehicles from parking or operating on designated highways;

2. Authorize the designation and posting of highways as snow routes and prohibit any person to obstruct or impede traffic on a highway designated and posted as a snow route through his failure to have the vehicle operated by him equipped with snow tires or chains;

3. Prohibit the abandoning of vehicles on designated highways;

4. Authorize the removal of vehicles that are stalled, stuck, parked, or abandoned on designated highways;

5. Authorize the storing of removed vehicles and the imposition of reasonable charges for removal and storage;

6. Authorize the designation of certain highways, or portions thereof, as play areas for sledding and similar recreational activities. No city or town shall be liable in any civil action or proceeding for damages resulting from any injury to the person or property of any person caused by an act or omission constituting simple or ordinary negligence on the part of any officer or agent of any such city or town in the designation or operation of any such play area. Every such city or town may be liable in damages for the gross or wanton negligence of any of its officers or agents in the operation of any such play area;

7. Authorize and regulate the operation of snowmobiles on or across streets and highways during periods of snow or ice or at the direction of any law-enforcement officer during an emergency;

8. Set fines for violations. Such fines may be in place of or in addition to the removal and storage of the vehicle and charges therefor, but no such fine shall exceed fifty dollars for each such offense.

1962, c. 431, § 46.1-180.2; 1980, c. 37; 1989, c. 727; 1997, c. 47.

§ 46.2-1303. Issuance of permits to perform construction or repair work within right-of-way lines of public roadways.

The governing body of any county, city, or town having jurisdiction over and responsibility for the construction and maintenance of public roadways within its boundaries may by ordinance authorize an officer or agency of such political subdivision to issue a permit prior to the performance by any person,

firm, partnership or corporation of construction and repair work within the right-of-way lines of any public highways under the jurisdiction of the political subdivision. Such authority, however, shall not extend to any railroad crossings or to any highways under the jurisdiction of the Virginia Department of Transportation. Such ordinance may provide that:

1. No person, firm, partnership or corporation shall enter into any repair, alteration, construction, or reconstruction of any type whatever, other than emergency repairs to or maintenance of public utility facilities within the right-of-way lines of any public highway without first having obtained a permit for such work from the agency or officer designated by such ordinance.

2. Such permit may require the notification of all emergency services likely to be affected by such repair, alteration, construction or reconstruction; the types of traffic control devices necessary to properly warn the motoring public and provide for reinspection by the appropriate authority from time to time and at the conclusion of such repair, alteration, construction, or reconstruction.

3. The owner or owners of any such firm, partnership or corporation shall be subject to arrest for a violation of this section or his representative on the site, if the owner is not present.

4. The person, firm, partnership, or corporation requesting such permit shall be responsible for furnishing and maintaining the required traffic control devices in accord with the Virginia Manual of Uniform Traffic Control Devices for Streets and Highways.

5. The penalty for violation of such ordinance shall be a fine of not less than $25 nor more than $100 for the first offense and not less than $100 nor more than $500 for the second and subsequent offenses.

1972, c. 105, § 46.1-180.3; 1989, c. 727.

§ 46.2-1304. Local regulation of trucks and buses.

The governing bodies of counties, cities, and towns may by ordinance, whenever in their judgment conditions so require:

1. Prohibit the use of trucks, except for the purpose of receiving loads or making deliveries on certain designated streets under their jurisdiction;

2. Restrict the use of trucks passing through the city or town to such street or streets under their jurisdiction as may be designated in such ordinance.

The Cities of Poquoson and Williamsburg may restrict the operation of nonscheduled buses, other than school buses, over designated streets under its jurisdiction.

Code 1950, § 46-206; 1958, c. 541, § 46.1-181; 1968, c. 463; 1989, c. 727; 1998, cc. 547, 574; 2007, c. 813.

§ 46.2-1304.1. Localities may regulate construction and parking of commercial motor vehicles used to transport municipal solid waste; penalty.

The governing body of any county, city, or town may by ordinance provide that:

1. No commercial motor vehicle used to transport municipal solid waste shall be parked anywhere within the county, city, or town, except at locations zoned or otherwise authorized for such use by applicable ordinance, special exception, or variance;

2. Any such commercial motor vehicle found parked at a nonauthorized location may be towed or removed from that location as provided in § 46.2-1231; and

3. The cargo compartment of every commercial motor vehicle that is used to transport municipal solid waste shall be so constructed so as to prevent the escape of municipal solid waste therefrom. Such ordinances shall exclude from their provisions vehicles owned or operated by persons transporting municipal solid waste from their residences to a permitted transfer or disposal facility.

No such ordinance shall impose, for any violation of any of its provisions, a penalty greater than provided for a traffic infraction as provided in § 46.2-113. Any such penalty shall be in addition to any vehicle towing and storage charges.

For the purposes of this section, "municipal solid waste" shall have the meaning prescribed by the Virginia Waste Management Board by regulation (9VAC20-80-10).

For the purposes of this section and local ordinances adopted under this section, "commercial motor vehicle" shall have the meaning prescribed in § 46.2-341.4.

2001, c. 356.

§ 46.2-1305. Regulation of vehicular and pedestrian traffic on roadways and parking areas in residential subdivisions.

The governing body of any county, city, or town which has adopted ordinances under the provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, may require as a part of such land use regulations for residential subdivisions employing roadways and parking areas not in public ownership, the posting and maintenance of signs or other appropriate markings regulating the operation and parking of motor vehicles and pedestrian traffic, and may adopt ordinances applying the regulations to existing and future residential subdivisions.

1972, c. 471, § 46.1-181.2; 1989, c. 727; 2003, c. 418.

§§ 46.2-1306, 46.2-1306.1. Repealed.

Repealed by Acts 2014, c. 505, cl. 2.

§ 46.2-1307. Designation of private roads as highways for law-enforcement purposes.

The governing body of any county, city, or town may adopt ordinances designating the private roads, within any residential development containing 100 or more lots or residential dwelling units, as highways for law-enforcement purposes. Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commissioner of Highways, and, for law-enforcement purposes, such certification shall have the same effect as if certified by the Commissioner of Highways.

1979, c. 100, § 46.1-181.5; 1987, c. 152; 1989, c. 727; 2007, cc. 74, 187, 310.

§ 46.2-1307.1. Designation of private roads as highways for law-enforcement purposes in certain counties.

Notwithstanding the provisions of § 46.2-1307, the governing body of Warren County may adopt ordinances designating the private roads within any residential development containing 50 or more lots as highways for law-enforcement purposes, and the governing body of Greene County, upon receipt of a petition therefore by a majority of property owners within a residential development containing 25 or more lots, may adopt ordinances designating the private roads within any such development as highways for law-enforcement purposes. Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commissioner of Highways, and for law-enforcement purposes, such certification shall have the same effect as if certified by the Commissioner of Highways.

2006, c. 870; 2007, c. 187; 2014, c. 90.

§ 46.2-1308. Disposition of fines in traffic cases; failure or neglect to comply with section.

In counties, cities, and towns whose governing bodies adopt the ordinances authorized by §§ 46.2-1300 and 46.2-1304, all fines imposed for violations of such ordinances shall be paid into the county, city or town treasury. Fees shall be disposed of according to law.

In all cases, however, in which the arrest is made or the summons is issued by an officer of the Department of State Police or of any other division of the state government, for violation of the motor vehicle laws of the Commonwealth, the person arrested or summoned shall be charged with and tried for a violation of some provision of this title and all fines and forfeitures collected upon convictions of any person so arrested or summoned shall be credited to the Literary Fund.

Willful failure, refusal or neglect to comply with this provision shall constitute a Class 4 misdemeanor and may be grounds for removal of the guilty person from office. Charges for dereliction of the duties here imposed shall be tried by the circuit court of the jurisdiction served by the officer charged with the violation.

Code 1950, § 46-199; 1952, c. 251; 1958, c. 541, § 46.1-182; 1989, c. 727; 2012, c. 408.

§ 46.2-1309. Officers may direct traffic; signals.

Law-enforcement officers and uniformed school crossing guards may direct traffic by signals. Such signals other than by voice shall be as follows:

1. To stop traffic by hand. -- Stand with shoulders parallel to moving traffic. Raise arms forty-five degrees above shoulder with hand extended, palm towards moving traffic to be stopped.

2. To move traffic by hand. -- Stand with shoulders parallel to traffic to be moved. Extend right arm and hand full length at height of shoulders towards such traffic, fingers extended and joined, palm down. Bring hand sharply in direction traffic is to move. Repeat movement with left arm and hand to start traffic from opposite direction.

3. To stop and start traffic by whistle. -- One blast, moving traffic to stop; two blasts, traffic in opposite direction to move.

4. Emergency stop of traffic by whistle. -- Three or more short blasts, all traffic shall immediately clear the intersection and stop.

Such law-enforcement officers and uniformed school crossing guards may also use supplemental traffic direction devices, including but not limited to hand-held stop or go signs, in directing traffic as provided in this section.

Code 1950, §§ 46-201, 46-202; 1954, c. 380; 1958, c. 541, § 46.1-183; 1966, c. 607; 1989, c. 727; 1995, c. 473.

§ 46.2-1310. Authority to deputize persons to direct traffic in certain circumstances.
The chief of police of any county, city, or town, or the sheriff of any county which does not have a chief of police, may deputize persons over the age of eighteen years for the limited purpose of directing traffic in accordance with § 46.2-1309 during periods of heavy traffic or congestion. Such persons shall first receive training as the chief of police or sheriff determines necessary to fully acquaint such persons with the techniques of traffic control. They shall not have arrest powers.

Any person who is deputized as provided in the foregoing provisions of this section, shall at all times while engaged in traffic control wear a distinctive uniform, safety vest, or a white reflectorized belt which crosses both the chest and back above the waist.

1973, c. 371, § 46.1-183.1; 1989, c. 727.

§ 46.2-1311. Applicability of county ordinances within towns.
Any traffic ordinance adopted by the governing body of a county shall not apply within the limits of any town in which the traffic is regulated by town ordinances.

1958, c. 541, § 46.1-185; 1989, c. 727.

§ 46.2-1312. Size, design, and color of signs, signals, and markings erected by local authorities.
Traffic signs and traffic signals and markings placed or erected by local authorities pursuant to this title shall conform in size, design, and color to those erected for the same purpose by the Department of Transportation.

1958, c. 541, § 46.1-187; 1964, c. 319; 1968, c. 146; 1989, c. 727.

§ 46.2-1313. Incorporation of provisions of this title, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 in ordinances.
Ordinances enacted by local authorities pursuant to this chapter may incorporate appropriate provisions of this title, of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into such ordinances by reference. Nothing contained in this title shall require the readoption of ordinances heretofore validly adopted. Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date

of such state law; provided that such local ordinances do not become effective before the effective date of the state law. The provisions of this section are declaratory of existing law.

1958, c. 541, § 46.1-188; 1968, c. 243; 1972, c. 286; 1976, c. 396; 1989, c. 727; 1991, c. 224; 1993, c. 302; 1994, c. 264; 2000, c. 48.

§ 46.2-1314. Traffic schools; requiring attendance by persons convicted of certain violations.
The governing body of any county or city may by ordinance provide for the establishment of a traffic school in the locality, at which instruction concerning laws and ordinances for the regulation of vehicular traffic, safe operation of vehicles, and such other subjects as may be prescribed shall be given. The ordinance shall provide for the supervision of the school, the days and hours of its operation, and its personnel. In the discretion of the governing body, the ordinance establishing a traffic school may vest the direction and conduct of the school in the general district court charged with hearing traffic cases.

The governing body of any county or city may, alternatively, by ordinance provide for the designation of an existing traffic school or course operated as part of a county or city adult education program as a traffic school for the purposes of this section.

Any court in a county or city which provides for a traffic school under this section may require any person found guilty of a violation of any provision of Chapter 8 (§ 46.2-800 et seq.) of this title or local ordinance governing the operation of motor vehicles to attend a traffic school in the county or city where the person is a resident or any traffic school that has been established in any jurisdiction contiguous to the county or city of residence of the convicted violator for a period specified in the order requiring the attendance if the governing body of that contiguous jurisdiction consents thereto. The requirement for attendance may be in lieu of or in addition to the penalties prescribed by § 46.2-113 or any such ordinance. Failure to comply with the order of the court shall be punishable as contempt.

1964, c. 267, § 46.1-16.1; 1968, c. 47; 1973, c. 389; 1989, c. 727; 1993, c. 72.

§ 46.2-1315. Powers of localities to regulate use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.
A. Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after October 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

B. The provisions of this section shall not be construed to limit the authority of any locality (i) as authorized by any other provision of law or (ii) to first enact, revise, or amend any ordinance or action created

pursuant to subsection A prior to or subsequent to a person offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in the locality.

C. Any person who offers motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business on or after January 1, 2020, and prior to March 27, 2020, may continue to operate in such locality and shall be subject to any subsequent regulations.

2019, c. 780; 2020, c. 478.

Chapter 14 - RIDESHARING

§ 46.2-1400. "Ridesharing arrangement" defined.

"Ridesharing arrangement" means the transportation of persons in a motor vehicle when such transportation is incidental to the principal purpose of the driver, which is to reach a destination and not to transport persons for profit. The term includes ridesharing arrangements known as carpools, vanpools, and bus pools. "Ridesharing arrangement" does not include a prearranged ride as defined in § 46.2-2000.

1981, c. 218, § 46.1-556; 1989, c. 727; 2015, cc. 2, 3.

§ 46.2-1401. Motor carrier laws do not apply.

The following laws and regulations of the Commonwealth shall not apply to any ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen persons, including the driver:

1. Laws and regulations containing insurance requirements that are specifically applicable to motor carriers or commercial vehicles;

2. Laws imposing a greater standard of care on motor carriers or commercial vehicles than that imposed on other drivers or owners of motor vehicles;

3. Laws and regulations with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial vehicles; and

4. Laws imposing a tax on fuel purchased in another state by a motor carrier or road user taxes on commercial buses.

1981, c. 218, § 46.1-557; 1989, c. 727; 2002, c. 337.

§ 46.2-1402. Workers' compensation law does not apply.

Title 65.2, providing compensation for workers injured during the course of their employment, shall not apply to a person injured while participating in a ridesharing arrangement between his place of residence and place of employment or termini near such places; however, if the employer owns, leases, or contracts for the motor vehicle used in such arrangement, Title 65.2 shall apply.

1981, c. 218, § 46.1-558; 1989, c. 727.

§ 46.2-1403. Liability of employer.

An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle, not owned, leased or contracted for by the employer, in a ridesharing arrangement.

An employer shall not be liable for injuries to passengers and other persons because he provides information or incentives or otherwise encourages his employees to participate in ridesharing arrangements.

1981, c. 218, § 46.1-559; 1989, c. 727.

§ 46.2-1404. Ridesharing payments or transit reduced fares are not income.

Money and other benefits, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen persons, including the driver, shall not constitute income for the purpose of Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 imposing taxes on income. Regular payments by riders toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing the vehicle shall be considered reimbursement for eligible expenses of operation. Neither shall the difference in the amount between discount and full transit fares constitute income for the purpose of Chapter 3 of Title 58.1 imposing taxes on income.

1981, c. 218, § 46.1-560; 1989, c. 727; 2002, c. 337.

§ 46.2-1405. Municipal licenses and taxes.

No county, city, or town may impose a tax on or require a license, including business licenses or gross receipts taxes, for a ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen persons, including the driver.

1981, c. 218, § 46.1-561; 1989, c. 727; 2002, c. 337.

§ 46.2-1406. Overtime compensation and minimum wage laws.

The participation of an employee in any kind of ridesharing arrangement shall not result in the application of Title 40.1.

1981, c. 218, § 46.1-562; 1989, c. 727.

§ 46.2-1407. Certain ridesharing vehicles are not commercial vehicles or buses.

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen persons, including the driver, shall not be a "bus" under those portions of this title relating to equipment requirements or rules of the road.

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen persons, including the driver, shall not be a "bus" or "commercial vehicle" under the portions of this title relating to registration.

1981, c. 218, § 46.1-563; 1989, cc. 705, 727; 2002, c. 337.

Subtitle IV - Dealers and Driver Training Schools

Chapter 15 - Motor Vehicle Dealers

Article 1 - Motor Vehicle Dealers, Generally

§ 46.2-1500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means any entity in which a manufacturer, factory branch, distributor, or distributor branch has voting control or owns at least 51 percent of the ownership equity, or any entity in which another entity has voting control or owns at least 51 percent of the ownership equity and also has voting control and owns at least 51 percent of the ownership of a manufacturer, factory branch, distributor, or distributor branch. An entity that provides vehicle purchase or lease financing that uses the name of the manufacturer or distributor, or the name of any line make of the manufacturer or distributor, in the name of the entity under which it transacts business with a consumer, other than in the name of an individual product offered by the entity, shall be considered an "affiliate."

"Board" means the Motor Vehicle Dealer Board.

"Camping trailer" means a recreational vehicle constructed with collapsible partial side walls that fold for towing by a consumer-owned tow vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle or new trailer, 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.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department under this chapter and who sells or distributes new motor vehicles or new trailers 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 under this chapter 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 under this chapter 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 under this chapter 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 person, the franchisee, is granted the right to engage in the business of offering and selling, offering and delivering pursuant to a lease, servicing, or offering, selling, and servicing new motor vehicles or new trailers of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" or "franchised dealer" means a dealer in new motor vehicles or new trailers that has a franchise agreement with a manufacturer or distributor of new motor vehicles or new trailers to sell new motor vehicles or new trailers or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles.

"Fund" means the Motor Vehicle Dealer Board Fund.

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

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

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor. The line-make of a motorcycle manufacturer, factory branch, distributor, or distributor branch includes every brand of all-terrain vehicle, autocycle, and off-road motorcycle manufactured or distributed bearing the name of the motorcycle manufacturer or distributer.

"Manufactured home dealer" means any person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

"Manufacturer" means a person who is licensed by the Department under this chapter and engaged in the business of constructing or assembling new motor vehicles or new trailers and, in the case of trucks, recreational vehicles, and motor homes, also means a person engaged in the business of manufacturing engines, transmissions, power trains, or rear axles, when such engines, transmissions, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck, recreational vehicle, or motor home.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle within the term "farm tractor" or "moped" as defined in § 46.2-100. Except as otherwise provided, for the purposes of this chapter, all-terrain vehicles, autocycles, and off-road motorcycles are deemed to be motorcycles.

"Motor home" means a motorized recreational vehicle designed to provide temporary living quarters for recreational, camping, or travel use that contains at least four of the following permanently installed independent life support systems that meet the National Fire Protection Association standards for recreational vehicles: (i) a cooking facility with an onboard fuel source; (ii) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; (iii) a toilet with exterior evacuation; (iv) a gas or electric refrigerator; (v) a heating or air conditioning system with an onboard power or fuel source separate from the vehicle engine; or (vi) a 110-125 volt electric power supply.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, "motor vehicle" includes trailers, as defined in this section, and does not include (i) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (ii) non-repairable vehicles, as defined in § 46.2-1600; (iii) salvage vehicles, as defined in § 46.2-1600; or (iv) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113 or Article 17 (§ 46.2-1122 et seq.) of Chapter 10.

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

1. For commission, money, or other thing of value, buys for resale, sells, or exchanges, either outright or on conditional sale, lease, chattel mortgage, or other similar transaction or arranges or offers or

attempts to solicit or negotiate on behalf of others the sale, purchase, or exchange of, either outright or on conditional sale, lease, chattel mortgage, or other similar transaction, an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

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

Any person who offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months is presumed to be a motor vehicle dealer and may rebut the presumption by a preponderance of the evidence.

For the purposes of Article 7.2 (§ 46.2-1573.2 et seq.), "dealer" means recreational vehicle dealer. For the purposes of Article 7.3 (§ 46.2-1573.13 et seq.), "dealer" means trailer dealer and watercraft trailer dealer. For the purposes of Article 7.4 (§ 46.2-1573.25 et seq.), "dealer" means motorcycle dealer.

"Motor vehicle dealer" or "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 motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the 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 vehicles, ambulances, and funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520, and 46.2-1548.

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 motor 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 vehicle.

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

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

8. Any person who permits the operation of a motor vehicle show or permits the display of motor 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.

14. The State Department of Social Services or local departments of social services.

15. Any person dealing solely in the sale and distribution of utility or cargo trailers that have unloaded weights of 3,000 pounds or less; however, this exemption shall not exempt any person who deals in stock trailers or watercraft trailers.

16. Any motor vehicle manufacturer or distributor selling a new motor vehicle at wholesale to its franchised dealer or a used motor vehicle to a licensed dealer.

For the purposes of Article 7 (§ 46.2-1566 et seq.), "dealer" does not include recreational vehicle dealers, trailer dealers, watercraft trailer dealers, or motorcycle dealers.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"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, excluding trailers, that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"New trailer" means any trailer that (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 trailer or for the

personal or business transportation of the manufacturer, distributor, dealer, or any of its employees; (iii) has not been used except for limited use necessary in moving or road testing the trailer 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 trailer safety and emission standards. Notwithstanding clauses (i) and (iii), a trailer that has been previously sold but not titled shall be deemed a new trailer if it meets the requirements of clauses (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 30 days.

"Recreational vehicle" or "RV" means a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use; and (iii) complies with all applicable federal vehicle regulations and does not require a special movement permit to legally use the highways. Recreational vehicle includes motor homes, travel trailers, and camping trailers.

"Relevant market area" means as follows:

1. For motor vehicle dealers except motorcycle dealers, 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 10 miles, but in no case less than seven miles.

2. For motor vehicle dealers except motorcycle dealers, if the population in a circular area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that circular area within the 15-mile radius.

3. For motor vehicle dealers except motorcycle dealers, in all other cases the relevant market area shall be a circular area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise agreement, 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 a circular area within a radius of 20 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.

4. For motorcycle dealers, the relevant market area shall be a circular area within a radius of 20 miles if the population within such area around an existing franchised dealer location is one million or more. If the population in a circular area within a 20-mile radius is less than one million, the relevant market area shall be a circular area within a radius of 30 miles. If the population within a 30-mile radius is less than one million, the relevant market area shall be a circular area within a radius of 40 miles. In all cases, the relevant market area shall be the area described above or the area of responsibility defined in the franchise agreement, whichever is greater. In addition, the relevant market area shall include that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, excluding recreational vehicles, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles, or the area of responsibility defined in the franchise, whichever is greater.

In determining population for relevant market areas, 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.

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

"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.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by another motor vehicle, including semitrailers but not manufactured homes, watercraft trailers, camping trailers, or travel trailers.

"Travel trailer" means a vehicle designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight so as not to require a special highway movement permit when towed by a consumer-owned tow vehicle.

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

"Watercraft trailer" means any new or used trailer specifically designed to carry a watercraft or a motorboat and purchased, sold, or offered for sale by a watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

"Watercraft trailer dealer" means any watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

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

Code 1950, § 46-503; 1950, p. 1604; 1956, c. 120; 1958, c. 541, § 46.1-516; 1962, c. 368; 1964, c. 375; 1974, c. 189; 1975, c. 304; 1976, c. 362; 1980, c. 161; 1982, c. 394; 1983, c. 234; 1986, c. 630; 1988, c. 865; 1989, cc. 15, 148, 727; 1992, cc. 134, 148, 572; 1993, c. 124; 1994, c. 888; 1995, cc. 767, 816; 1996, c. 1053; 1997, cc. 801, 848; 1999, cc. 77, 910; 2004, cc. 111, 788; 2005, c. 456; 2006, c. 441; 2010, cc. 284, 292, 318, 459; 2014, cc. 53, 75, 256; 2015, cc. 236, 615; 2019, c. 160; 2020, c. 984.

§ 46.2-1501. General powers of Commissioner.

The Commissioner shall promote the interest of the retail buyers of motor vehicles and endeavor to prevent unfair methods of competition and unfair or deceptive acts or practices.

Code 1950, § 46-504; 1958, c. 541, § 46.1-517; 1988, c. 865; 1989, c. 727.

§ 46.2-1502. Repealed.

Repealed by Acts 1995, cc. 767 and 816.

§ 46.2-1503. Motor Vehicle Dealer Board.

A. The Motor Vehicle Dealer Board is hereby created. The Board shall consist of 19 members appointed by the Governor, subject to confirmation by the General Assembly. Every member appointed by the Governor shall be a citizen of the United States and a resident of Virginia. The Governor may remove any member as provided in subsection A of § 2.2-108. The members shall be at-large members and, insofar as practical, should reflect fair and equitable statewide representation.

B. Ten members shall be licensed franchised motor vehicle dealers who have been licensed as such for at least two years prior to being appointed by the Governor and seven members shall be licensed independent motor vehicle dealers who (i) have been licensed as such for at least two years prior to being appointed by the Governor and (ii) are not also franchised motor vehicle dealers. One of the franchised dealers appointed to the Board shall be a licensed franchised motorcycle dealer who is primarily engaged in the sale of new motorcycles. One of the independent dealers appointed to the Board shall be a licensed independent motorcycle dealer, and one shall be a licensed independent dealer who is also an independent trailer or recreational vehicle dealer or engaged in the rental vehicle business. One member shall be an individual who has no direct or indirect interest, other than as a consumer, in or relating to the motor vehicle industry.

C. Appointments shall be for terms of four years, and no person other than the Commissioner or his designee shall be eligible to serve more than two successive four-year terms. The Commissioner shall serve as chairman of the Board. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. Any person appointed to fill a vacancy may serve two additional successive terms.

D. The Commissioner or his designee shall be an ex officio voting member of the Board.

E. Members of the Board shall be reimbursed their actual and necessary expenses incurred in carrying out their duties, such reimbursement to be paid from the special fund referred to in § 46.2-1520.

1988, c. 865, § 46.1-517.2; 1989, c. 727; 1992, c. 95; 1995, cc. 767, 816; 2011, c. 791; 2014, c. 695; 2015, c. 615.

§ 46.2-1503.1. Board to employ Executive Director.

The Board shall employ an executive director who shall serve at the pleasure of the Board. He shall direct the affairs of the Board and keep records of all proceedings, transactions, communications, and official acts of the Board. He shall be custodian of all records of the Board and perform such duties as the Board may require. The Executive Director shall call a meeting of the Board at the direction of the chairman or upon written request of three or more Board members. The Executive Director, with approval of the Board, may employ such additional staff as needed. The annual salary of the Executive Director shall be at Level II of the Executive Compensation Plan contained in the Appropriation Act.

1995, cc. 767, 816.

§ 46.2-1503.2. State Personnel and Public Procurement Acts not applicable.

A. The Executive Director and all staff employed by the Board shall be exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions under this exemption shall be taken without regard to race, sex, sexual orientation, gender identity, color, national origin, religion, age, handicap, or political affiliation.

B. The Board and the Executive Director shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.) of Title 2.2.

1995, cc. 767, 816; 2020, c. 1137.

§ 46.2-1503.3. Motor Vehicle Dealer Board Fund; receipts; disbursements.

The Motor Vehicle Dealer Board Fund is established as a special fund in the state treasury. Except as otherwise provided in this chapter, all fees collected as provided in this chapter and by regulations promulgated by the Board, shall be paid into the state treasury immediately upon collection and credited to the Motor Vehicle Dealer Board Fund. Any interest income shall accrue to the Motor Vehicle Dealer Board Fund. All disbursements from the Fund shall be made by the State Treasurer upon warrants of the Comptroller issued upon vouchers signed by an authorized officer of the Board or the Executive Director as authorized by the Board.

1995, cc. 767, 816; 1998, c. 325.

§ 46.2-1503.4. General powers and duties of Board.

The powers and duties of the Board shall include, but not be limited to the following:

1. To establish the qualifications of applicants for certification or licensure, provided that all qualifications shall be necessary to ensure competence and integrity.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure, including the preparation, administration and grading of examinations.

3. To certify or license qualified applicants as motor vehicle dealers and motor vehicle salespersons.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Board.

5. To levy on licensees special assessments necessary to cover expenses of the Board.

6. To revoke, suspend, or fail to renew a certificate or license for just cause as set out in Articles 2 (§ 46.2-1508 et seq.), 3.1 (§ 46.2-1527.1 et seq.), 4 (§ 46.2-1528 et seq.), 8 (§ 46.2-1574 et seq.), and 9 (§ 46.2-1581 et seq.) of this chapter or enumerated in regulations promulgated by the Board.

7. To ensure that inspections are conducted relating to the motor vehicle sales industry and to ensure that all licensed dealers and salespersons are conducting business in a professional manner, not in violation of any provision of Articles 2 (§ 46.2-1508 et seq.), 3.1 (§ 46.2-1527.1 et seq.), 4 (§ 46.2-1528 et seq.), 7 (§ 46.2-1566 et seq.), 8 (§ 46.2-1574 et seq.), and 9 (§ 46.2-1581 et seq.) of this chapter and within the lawful regulations promulgated by the Board.

8. To receive complaints concerning the conduct of persons and businesses licensed by the Board and to take appropriate disciplinary action if warranted.

9. To enter into contracts necessary or convenient for carrying out the provisions of this chapter or the functions of the Board.

10. To establish committees of the Board, appoint persons to such committees, and to promulgate regulations establishing the responsibilities of these committees. Each of these committees shall include at least one Board member and the Advertising, Dealer Practices and Transaction Recovery Fund committees shall include at least one citizen member who is not licensed or certified by the Board. The Board may establish one of each committee in each DMV District. Committees to be established shall include, but not be limited to the following:

a. Advertising;

b. Licensing;

c. Dealer Practices;

d. Franchise Review and Advisory Committee; and

e. Transaction Recovery Fund.

11. To do all things necessary and convenient for carrying into effect Articles 2, 3.1, 4, 8 and 9 of this chapter or as enumerated in regulations promulgated by the Board.

1995, cc. 767, 816; 2020, c. 706.

§ 46.2-1503.5. Biennial report.

The Board shall submit a biennial report to the Governor and General Assembly on or before November 1 of each even-numbered year. The biennial report shall contain, at a minimum, the following information: (i) a summary of the Board's fiscal affairs, (ii) a description of the Board's activities, (iii) statistical information regarding the administrative hearings and decisions of the Board, and (iv) a general summary of all complaints received against licensees and the procedures used to resolve the complaints.

1995, cc. 767, 816; 2004, c. 650.

§ 46.2-1504. Board's powers with respect to hearings under this chapter.

The Board may, in hearings arising under this chapter, except as provided for in Articles 7 (§ 46.2-1566 et seq.), 7.2 (§ 46.2-1573.2 et seq.), 7.3 (§ 46.2-1573.13 et seq.), and 7.4 (§ 46.2-1573.25 et seq.), determine the place in the Commonwealth where they shall be held; subpoena witnesses; take depositions of witnesses residing outside the Commonwealth in the manner provided for in civil actions in courts of record; pay these witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and administer oaths.

Code 1950, § 46-505; 1958, c. 541, § 46.1-518; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1505. Suit to enjoin violations.

A. The Board, whenever it believes from evidence submitted to the Board that any person has been violating, is violating, or is about to violate any provision of this chapter, in addition to any other remedy, may bring an action in the name of the Commonwealth to enjoin any violation of this chapter.

B. Any manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative who obtains a license under this chapter is engaged in business in the Commonwealth and is subject to the jurisdiction of the courts of the Commonwealth. Any manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative of motorcycles of a recognized line-make that are sold or leased in the Commonwealth pursuant to a plan, system, or channel of distribution established, approved, authorized, or known to the manufacturer shall be subject to the jurisdiction of the courts of the Commonwealth in any action seeking relief under or to enforce any of the remedies or penalties provided for in this chapter.

Code 1950, § 46-506; 1958, c. 541, § 46.1-519; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1506. Regulations.

The Board may promulgate regulations requiring persons licensed under this chapter to keep and maintain records reasonably required for the enforcement of §§ 46.2-112 and 46.2-629, and any other regulations, not inconsistent with the provisions of this chapter, as it shall consider necessary for the effective administration and enforcement of this chapter. A copy of any regulation promulgated under this section shall be mailed to each motor vehicle dealer licensee thirty days prior to its effective date.

Code 1950, § 46-507; 1958, c. 541, § 46.1-520; 1986, c. 490; 1988, c. 865; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1506.1. Additional training.

The Board may promulgate regulations specifying additional training or conditions for individuals seeking certification, licensure, or renewal of certificates or licenses.

1995, cc. 767, 816.

§ 46.2-1507. Penalties.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter may be assessed a civil penalty by the Board. No such civil penalty shall exceed $1,000 for any single violation. Civil penalties collected under this chapter shall be deposited in the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

Code 1950, § 46-509; 1958, c. 541, § 46.1-522; 1988, c. 865; 1989, c. 727; 1995, cc. 767, 816; 2020, cc. 1230, 1275.

Article 2 - MOTOR VEHICLE DEALER LICENSES

§ 46.2-1508. Licenses required; penalty.

A. It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license from the Department. Every person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter. Every person licensed as a watercraft dealer under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1 and who offers for sale watercraft trailers shall obtain a certificate of dealer registration as provided in this chapter but shall not be required to obtain a dealer license unless he also sells other types of trailers. Any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, after having obtained a nonprofit organization certificate as provided in this chapter, may consign donated motor vehicles to licensed Virginia motor vehicle dealers. Any person licensed in another state as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in this chapter. The offering or granting of a motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under this chapter. In the event a license issued to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this subsection shall constitute a Class 1 misdemeanor, and such violation may also serve as the basis for injunctive relief pursuant to subsection B or C.

B. The Board may file a motion with the circuit court for the county or city in which a person who violated any provision of subsection A is located, or with the circuit court for the City of Richmond, and, upon a hearing and for cause shown, the court may grant an injunction restraining such person from violating any provision of subsection A, regardless of whether an adequate remedy at law exists. A single act in violation of the provisions of subsection A is sufficient basis to authorize the issuance of an injunction. The Board shall not be required to post an injunction bond or other security.

C. Any licensed motor vehicle dealer who sustains injury or damage to his business or property by reason of a violation of subsection A by any person that is not licensed as required by subsection A may file a motion with the circuit court for the county or city in which a person alleged to have committed such violation is located, and, upon a hearing and for cause shown, the court may grant a temporary or permanent injunction prohibiting any further such violation. A single act in violation of the provisions of subsection A shall be sufficient basis to show injury or damage to the business or property of the licensed motor vehicle dealer. A licensed motor vehicle dealer shall not be required to post an injunction bond or other security.

D. If the Board, pursuant to subsection B, or a licensed motor vehicle dealer, pursuant to subsection C, is awarded an injunction, the court may also award reasonable attorney fees and costs.

E. Notwithstanding the provisions of subsection A, a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road motorcycles that does not also manufacture or distribute in the Commonwealth any motorcycle designed for lawful use on the public highways shall not be required to obtain a license from the Department.

Code 1950, § 46-514; 1958, c. 541, § 46.1-523; 1974, c. 189; 1976, c. 362; 1988, c. 865; 1989, c. 727; 1993, c. 123; 1995, cc. 767, 816; 1997, c. 848; 2000, c. 180; 2014, c. 695; 2015, c. 615; 2018, c. 509.

§ 46.2-1508.1. Licensure of certain nonprofit organizations.

A. Any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code that (i) receives title to motor vehicles as qualified charitable gifts to the organization, (ii) provides no more than twelve of these donated vehicles in any twelve-month period to low-income persons, as defined in § 2.2-5400, in need of transportation, and (iii) receives from the recipients of the vehicles only reimbursement for the costs of repairs, towing, titles, taxes, license fees and inspection fees shall be required to obtain a dealer's license. However, such nonprofit organization shall be exempt from the requirements of § 46.2-1510, Article 3.1 (§ 46.2-1527.1 et seq.) of Chapter 15 of this title, §§ 46.2-1533, and 46.2-1534. Transactions of such nonprofit organization shall not be subject to recovery from the Motor Vehicle Transaction Recovery Fund.

B. Upon application to and approval by the Board, any nonprofit organization exempt from taxation under § 501(c) (3) of the Internal Revenue Code may be issued a nonprofit organization certificate authorizing it to consign donated motor vehicles to licensed Virginia motor vehicle dealers when the

nonprofit organization receives title to such motor vehicles as qualified charitable gifts and titles the vehicles in the name of the nonprofit organization.

1998, c. 393; 2000, c. 180.

§ 46.2-1508.2. Display, parking, selling, advertising sale of certain used motor vehicles prohibited.
A. 1. No owner or lessee of any real property shall permit the display or parking of five or more used motor vehicles per property within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles by the owner or lessee of such vehicles unless exempted pursuant to this section.

2. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle if the display or parking of such vehicle will cause the owner or lessee of the real property to be in violation of the provisions of this section.

3. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle unless the owner or lessee of such vehicle has the right to occupy such property pursuant to a lease or other occupancy document or prior written permission of the owner or lessee of the real property. Copies of such written permission shall be posted on the inside of a side window of the motor vehicle and must be retained by both the property owner or lessee and by the vehicle owner for at least 12 months and shall be made available to law-enforcement officers or agencies, the Board, and local zoning officials upon request.

4. Except as permitted in § 46.2-631 and except as permitted in subsection B, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.). However, the limitation of this subdivision shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.

5. Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.). However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.

B. The provisions of subsection A shall not apply if (i) the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked; (ii) the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such

vehicle is displayed or parked; (iii) the real property on which a vehicle is parked is a parking lot for which a fee is charged for the use of such parking lot, the owner or lessee of the parked vehicle has paid the fee for the use of such parking lot, and such vehicle is legitimately parked on the property for purposes other than displaying, selling, or advertising the sale of such vehicle; or (iv) the vehicle displays a dealer's license plate pursuant to § 46.2-1550 and the licensed dealer is not displaying for sale or selling a motor vehicle at a location other than his specific business location without first meeting the requirements of § 46.2-1516.

The provisions of subsection A shall also not apply to (a) any motor vehicle dealer licensed under this chapter or (b) any owner or lessee of real property who permits the display or parking of five or more used motor vehicles on such real property by a licensed motor vehicle dealer within any 12-month period for the purpose of selling or advertising the sale of such used motor vehicles pursuant to § 46.2-1516.

C. Notwithstanding any other provision of law, any law-enforcement officer or agency, local zoning official, or the owner or lessee of any real property upon which a vehicle is displayed or parked in violation of this section for longer than 48 consecutive hours after a notice on a form approved by the Board has been affixed or placed on the vehicle by a law-enforcement officer or agency, Board representative, local zoning official, or the owner or lessee of the real property upon which the vehicle is displayed or parked, may have any such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle and may then dispose of such vehicle as provided in § 46.2-1203.

D. The provisions of this section shall not be deemed to eliminate, change, or supersede the requirement for any person to obtain a license under this chapter if such person engages in any conduct or activity for which a license is required under this chapter.

E. Violations of subsection A are punishable as a Class 4 misdemeanor.

2008, c. 168; 2018, cc. 122, 123.

§ 46.2-1509. Application for license or certificate of dealer registration.

Application for license or certificate of dealer registration under this chapter shall be made to the Board and contain such information as the Board shall require. Such information shall include whether the applicant will be seeking a license to sell cars, trucks, motorcycles, recreational vehicles, or trailers and whether such vehicles will be new or used. The Board shall maintain a record of this information and place the appropriate endorsement on any license issued under this chapter. The application shall be accompanied by the fee as required by the Board.

The Board shall also require, in the application or otherwise, information relating to the matters set forth in § 46.2-1575 as grounds for refusing licenses, certificates of dealer registration, and to other pertinent matters requisite for the safeguarding of the public interest, including, if the applicant is a dealer in new motor vehicles with factory warranties, a copy of a current service agreement with the manufacturer or with the distributor, requiring the applicant to perform within a reasonable distance of his

established place of business, the service, repair, and replacement work required of the manufacturer or distributor by such vehicle warranty. All of these matters shall be considered by the Board in determining the fitness of the applicant to engage in the business for which he seeks a license or certificate of dealer registration.

Code 1950, § 46-514; 1958, c. 541, § 46.1-525; 1974, c. 189; 1976, c. 362; 1988, c. 865; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1510. Dealers required to have established place of business.

No license shall be issued to any motor vehicle dealer unless he has an established place of business, owned or leased by him, where a substantial portion of the sales activity of the business is routinely conducted and which:

1. Satisfies all local zoning regulations;

2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square feet in a permanent, enclosed building not used as a residence;

3. Houses all records the dealer is required to maintain by § 46.2-1529;

4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, working utilities including electricity and provisions for space heating, and an Internet connection and email address;

5. Displays a sign and business hours as required by this chapter; and

6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display of at least 10 vehicles.

Any dealer licensed on or before July 1, 1995, shall be considered in compliance with subdivisions 2 and 6 of this section for that licensee.

1988, c. 865, § 46.1-525.01; 1989, c. 727; 1995, cc. 767, 816; 1998, c. 418; 2011, c. 791; 2015, c. 615.

§ 46.2-1511. Dealer-operator to have certificate of qualification.

A. No license shall be issued to any franchised motor vehicle dealer or any independent motor vehicle dealer owned by a franchised motor vehicle dealer or its dealer-operator and operated by the dealer-operator of a franchised motor vehicle dealer unless the dealer-operator holds a valid certificate of qualification issued by the Board. Such certificate shall be issued only on application to the Board, payment of an application fee of no more than $50 as determined by the Board, the successful completion of an examination prepared and administered by the Board, and other prerequisites as set forth in this subsection. However, any individual who is the dealer-operator of a licensed dealer on July 1, 1995, shall be entitled to such a certificate without examination on application to the Board made on or before January 1, 1996.

The Board may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

B. No license shall be issued to any independent motor vehicle dealer, except as permitted in subsection A, unless the dealer-operator holds a valid certificate of qualification issued by the Board. Such certificate shall be issued only on application to the Board, payment of an application fee of no more than $50, as determined by the Board, the successful completion of an examination approved by the Board, and other prerequisites as set forth in this subsection. The Board may establish minimum qualifications for applicants and shall require applicants for an original independent dealer-operator certificate of qualification to be issued pursuant to this subsection to satisfactorily complete a course of study prior to taking the examination. The Board shall develop the course curriculum and set course fees and may approve qualified persons to prepare and present such courses and to administer the examination. This subsection shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

1988, c. 865, § 46.1-525.02; 1989, c. 727; 1995, cc. 767, 816; 2005, c. 321; 2015, c. 615.

§ 46.2-1512. Salesperson to have certificate of qualification.

No license shall be issued to any motor vehicle salesperson unless he holds a valid certificate of qualification issued by the Board. A certificate shall be issued only on application to the Board, payment of the required application fee of no more than $50 as determined by the Board, the successful completion of an examination prepared and administered by the Board, and other prerequisites as set forth in this section. Any individual who is licensed as a salesperson on July 1, 1995, shall be entitled to such a certificate without examination on application to the Board made on or before January 1, 1996.

The Board may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

1988, c. 865, § 46.1-525.03; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1513. Continued operation on loss of a dealer-operator holding certificate of qualification.

Each dealer shall notify the Board in writing immediately when a dealer-operator who holds a certificate of qualification dies, becomes disabled, retires, is removed, or for any other cause ceases to act as dealer-operator. The dealer may continue to operate for 120 days thereafter without a dealer-operator and may be granted approval by the Board to operate for an additional 60 days on application and good cause shown for such delay.

1988, c. 865, § 46.1-525.04; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1514. Action on applications; hearing on denial; denial for failure to have established place of business.

The Board shall act on all applications for a license or certificate of dealer registration under this chapter within sixty days after receipt by either granting or refusing the application. Any applicant denied a license or certificate shall, on his written request filed within thirty days, be given a hearing at a time and place determined by the Board or a person designated by the Board. All hearings under this section shall be public and shall be held promptly. The applicant may be represented by counsel.

Any applicant denied a license for failure to have an established place of business as provided in § 46.2-1510 may not, nor shall anyone, apply for a license for premises for which a license was denied for thirty days from the date of the rejection of the application.

1988, c. 865, § 46.1-525.05; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1515. Location to be specified; display of license; change of location.

The licenses of motor vehicle dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of each place of business, branch, or other location occupied or to be occupied by the licensee in conducting his business, and the license issued therefor shall be conspicuously displayed at each of the premises. In the event any licensee intends to change a licensed location, he shall provide the Department, or in the case of motor vehicle dealers, the Board, 30 days' advance written notice and a successful inspection of the new location shall be required prior to approval of a change of location. The Department or Board shall endorse the change of location on the license, without charge, if the new location is within the same county or city. A change in location to another county or city shall require a new license and fee.

1988, c. 865, § 46.1-525.06; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1516. Supplemental sales locations.

The Board may issue a license for a licensed motor vehicle dealer to display for sale or sell vehicles at locations other than his established place of business, subject to compliance with local ordinances and requirements. A license issued pursuant to this section shall not be required for a licensed motor vehicle dealer to display for sale or sell vehicles at wholesale auction; placing vehicles for sale at a wholesale auction shall not be considered a consignment.

A permanent supplemental license may be issued for premises less than 500 yards from the dealer's established place of business, provided a sign is displayed as required for the established place of business. A supplemental license shall not be required for premises otherwise contiguous to the established place of business except for a public thoroughfare.

A temporary supplemental license may be issued for a period not to exceed seven days, or 14 days for trailers and motorcycles, provided that the application is made 15 days prior to the sale. The Board shall not issue a temporary supplemental license (i) for the same jurisdiction for a consecutive seven-day period or (ii) for motorcycles for a consecutive 14-day period. The Board shall not issue more than eight supplemental licenses per year to any licensed motor vehicle dealer.

A temporary supplemental license for the sale of new motor vehicles may be issued only for locations within the dealer's area of responsibility, as defined in his franchise or sales agreement, unless proof is provided that all dealers in the same line-make in whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary supplemental license is sought do not oppose the issuance of the temporary license.

A temporary supplemental license for sale of used motor vehicles may be issued only for the county, city, or town in which the dealer is licensed pursuant to § 46.2-1510, or for a contiguous county, city, or

town. Temporary licenses may be issued without regard to the foregoing geographic restrictions where the dealer operating under a temporary license provides notice by certified mail, at least 30 days before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction in which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary supplemental license for the sale pursuant to this section. The dealer operating under a temporary license shall provide to the Board a copy of the notice required under this section and a list of the dealers to whom the notice was distributed. A temporary supplemental license for sale of used motor vehicles that are late model vehicles as defined by § 46.2-1600 at a new motor vehicle show that is sponsored by a statewide or local trade association of franchised dealers and held within the geographic area of the dealer members of such association may be issued without regard to the foregoing geographic restrictions or notification and approval provisions, provided that the applicant is lawfully participating in such new motor vehicle show.

A temporary supplemental license may be issued for the sale of boat trailers at a boat show. Any such license shall be valid for no more than 14 days. Application for such a license shall be made and such license obtained prior to the opening of the show. Temporary supplemental licenses for sale of boat trailers at boat shows may be issued for any boat show located anywhere in the Commonwealth without notification of or approval by other boat trailer dealers.

1988, c. 865, § 46.1-525.07; 1989, c. 727; 1990, c. 940; 1993, c. 69; 1995, cc. 767, 816; 2012, c. 13; 2013, c. 247; 2015, c. 615; 2019, c. 153.

§ 46.2-1517. Changes in form of ownership, make, name.

Any change in the form of ownership or the addition or deletion of a partner shall require a new application, license, and fee.

Any addition or deletion of a franchise or change in the name of a dealer shall require immediate notification to the Department and the Board, and the Board shall endorse the change on the license without a fee. The change of an officer or director of a corporation shall be made at the time of license renewal.

1988, c. 865, § 46.1-525.08; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1518. Display of salesperson's license; notice on termination.

No salesperson shall be employed by more than one dealer, unless the dealers are owned by the same person.

Each dealer shall post and maintain in a place conspicuous to the public a list of salespersons employed.

Each salesperson, factory representative, and distributor representative shall carry his license when engaged in his business and shall display it on request.

Each dealer shall notify the Board in writing not later than the tenth day following the month of the termination of any licensed salesperson's employment. In lieu of written notification, the license of the terminated salesperson may be returned to the Board annotated "terminated" on the face of the license and signed and dated by the dealer-operator, owner, or officer.

1988, c. 865, § 46.1-525.09; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1519. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be determined by the Board, subject to the following:

1. For motor vehicle dealers, not more than $300 for each principal place of business, plus not more than $40 for each supplemental license.

2. For motor vehicle salespersons, not more than $50.

3. For motor vehicle dealers licensed in other states, but not in the Commonwealth, who sell motor vehicles at wholesale auctions, not more than $100.

4. For manufactured home dealers, not more than $100.

5. For watercraft trailer dealers, not more than $100.

The determination of fees by the Board under this subsection shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person from any license, tax, or fee imposed by any other provision of law.

C. The fee for issuance to a nonprofit organization of a certificate pursuant to subsection B of § 46.2-1508.1 shall be $25 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1508.1 shall, either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on any federal or state income tax return.

E. The Board may authorize discounts and other incentives to encourage licensees to conduct transactions with the Board (i) by means of electronic technologies and (ii) for multi-year periods.

F. The fee for reprinting licenses, certificates, and registrations shall be $10 for each reprint.

G. The fee for reinstating a license, certificate, or registration that has been suspended shall be $50.

H. The fee for each license and registration year or part thereof for each motor vehicle manufacturer, factory branch, distributor, and distributor branch shall be $100 and shall be paid to the Department.

1988, c. 865, § 46.1-525.010; 1989, c. 727; 1992, c. 148; 1993, c. 122; 1995, cc. 767, 816; 2000, c. 180; 2001, c. 23; 2011, c. 791; 2014, c. 695; 2015, c. 615.

§ 46.2-1520. Collection of license and registration fees; payments from fund.

All licensing and registration fees provided for in this chapter, except as identified in Article 3.1 (§ 46.2-1527.1 et seq.) of this chapter shall be collected by the Board and paid into the state treasury and set aside as a special fund to meet the expenses of the Board.

1988, c. 865, § 46.1-525.011; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1521. Issuance, expiration, and renewal of licenses and certificates of registration.

A. All licenses and certificates of registration issued under this chapter shall be issued for a period of 12 consecutive months except, at the discretion of the issuing agency, the periods may be adjusted as is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license and certificate of registration shall be renewed annually on application by the licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

B. Licenses and certificates of registration issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in this subsection are received by the issuing agency or postmarked not more than 30 days after the expiration date of such license or certificate of registration. Whenever the renewal application is received by the issuing agency or postmarked no more than 30 days after the expiration date of such license or certificate of registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1519.

C. For dealers and salespersons who have served outside of the United States in the armed services of the United States, licenses and certificates issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in § 46.2-1519 are received by the issuing agency or postmarked not more than 60 days from the date they are no longer serving outside the United States and they have:

1. Held a valid license or certificate issued by the issuing agency at the time the person began service in the armed forces outside of the United States;

2. Not performed sales activities during the period of the person's military service; and

3. Submitted to the issuing agency orders or other military documentation demonstrating that they have served outside of the United States in the armed services of the United States and it has been less than 61 days from the date they are no longer serving outside the United States.

Prior to renewing a license or certificate under this subsection, the applicant shall notify the issuing agency of their intentions and verify that they are in compliance with all other requirements established by the issuing agency and set forth in this title.

D. The issuing agency may offer an optional multiyear license. When such option is offered and chosen by the licensee, all annual and 12-month fees due at the time of licensing shall be multiplied by the number of years or fraction thereof for which the license will be issued.

E. The Board may issue a salesperson's license to an applicant, as required by § 46.2-1508, even though the applicant is not employed by a motor vehicle dealer if (i) the applicant has been certified pursuant to § 46.2-1512 and is employed by a person that has contracted in writing with a dealer or dealers to provide temporary personnel for the sale of products and services to include but not be limited to providing payment, financing and leasing alternatives; and offering and selling extended service agreements, prepaid maintenance agreements, and similar products and services that are sold in connection with the sale of a vehicle; provided, however, that such persons do not negotiate for the sale of the vehicle but may complete the required paperwork for the sale of the vehicle in addition to the other products and services being offered or to provide training to salespersons employed by a dealer, and (ii) the applicant meets the other qualifications to be licensed as a salesperson under this chapter. The requirements of §§ 46.2-1518 and 46.2-1537 shall not apply to any such salesperson so licensed, provided that any salesperson so licensed:

1. May only act as a salesperson for a dealer who has a contract with the salesperson's employer as provided in this subsection;

2. Shall carry his license when engaged in business and shall display it upon request; and

3. Need not be the person who signs the buyer's order on behalf of the dealer, but the name of that salesperson shall be listed on the buyer's order in any transaction in which the salesperson engages.

1988, c. 865, § 46.1-525.012; 1989, c. 727; 1990, c. 197; 1995, cc. 767, 816; 1997, c. 848; 1998, c. 325; 2004, c. 975; 2007, c. 828; 2015, c. 615.

Article 3 - MOTOR VEHICLE TRANSACTION RECOVERY FUND

§§ 46.2-1522 through 46.2-1527. Repealed.

Repealed by Acts 1994, c. 478, effective April 8, 1994.

Article 3.1 - MOTOR VEHICLE TRANSACTION RECOVERY FUND

§ 46.2-1527.1. Motor Vehicle Transaction Recovery Fund established.

A. All fees in this article shall be deposited in the Motor Vehicle Transaction Recovery Fund, referred to in this article as "the Fund." The Fund shall be a special fund in the state treasury to pay claims against the Fund and for no other purpose, provided that any such payment does not result in a negative balance of the Fund, except the Board may expend moneys for the administration of this article up to the maximum amount authorized for consumer assistance in the general appropriation act, provided the amount expended for administration does not result in a balance of the Fund of less than $250,000. The Fund shall be used to satisfy unpaid judgments, as provided for in § 46.2-1527.3. Any interest income shall accrue to the Fund. The Board shall maintain an accurate record of all transactions involving the Fund. The Board may levy a special assessment on all dealers participating in the Fund to pay claims against the Fund and to maintain a minimum Fund balance that is in its judgment adequate. The Board may choose to await a positive balance in the Fund to pay claims ready for payment in chronological order, provided such claims do not go unpaid for more than 60 days.

B. Every applicant renewing a motor vehicle dealer's license shall pay, in addition to other license fees, an annual Fund fee of $100, and every applicant for a motor vehicle salesperson's license shall pay, in addition to other license fees, an annual Fund fee of $10, prior to license issue. However, annual Fund renewal fees from salespersons shall not exceed $100 per year from an individual dealer. These fees shall be deposited in the Motor Vehicle Transaction Recovery Fund. Any salesperson licensed by the Department and having never paid such a fee prior to July 1, 2015, shall be exempt from this subsection.

C. Applicants for an original motor vehicle dealer's license shall pay an annual Fund fee of $350 each year for three consecutive years. During this period, the $350 Fund fee will take the place of the annual $100 Fund fee.

D. In addition to the $350 annual fee, applicants for an original dealer's license shall have a $50,000 bond pursuant to § 46.2-1527.2 for three consecutive years. Only those renewing licensees who have not been the subject of a claim against their bond or against the Fund for three consecutive years shall pay the annual $100 fee and will no longer be required to pay the $350 annual fee or hold the $50,000 bond. Any salesperson licensed by the Department and having never paid such fee prior to July 1, 2015, shall be exempt from this subsection.

E. In addition to other license fees, applicants for an original Certificate of Dealer Registration or its renewal shall pay a Fund fee of $60.

F. The Board may suspend or reinstate collection of Fund fees.

G. The provisions of this section shall not apply to manufactured home dealers or nonprofit organizations issued certificates pursuant to subsection B of § 46.2-1508.1.

H. The provisions of this section shall not apply to applicants for the renewal of a motor vehicle dealer's license where such applicants have not been the subject of a claim against a bond issued pursuant to § 46.2-1527.2 or against the Fund for three years and such applicants elect to maintain continuous bonding pursuant to Article 3.2 (§ 46.2-1527.9 et seq.). Such applicants shall not participate in the Fund and shall be exempt from the payment of any Fund fees.

I. The provisions of this article shall not apply to any recreational vehicle, trailer, or motorcycle dealer licensed by the Department prior to July 1, 2015.

1994, cc. 478, 671; 1995, cc. 767, 816; 1998, c. 325; 2000, c. 180; 2003, c. 331; 2006, c. 172; 2011, c. 407; 2012, cc. 10, 119; 2014, c. 695; 2015, c. 615.

§ 46.2-1527.2. Bonding requirements for applicants for an original license.

Before the Board shall issue to an applicant an original license, the applicant shall obtain and file with the Board a bond in the amount of $50,000. The bond shall come from a corporate surety licensed to do business in the Commonwealth and approved by the Attorney General. The bond shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The

Board may, without holding a hearing, suspend the dealer's license during the period that the dealer does not have a sufficient bond on file.

If a person suffers any of the following: (i) loss or damage in connection with the purchase or lease of a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by a licensed motor vehicle dealer or one of the dealer's salespersons acting within his scope of employment, (ii) loss or damage by reason of the violation by a dealer or salesperson of any provision of this chapter in connection with the purchase or lease of a motor vehicle, or (iii) loss or damage resulting from a breach of an extended service contract as defined by § 59.1-435 entered into on or after April 8, 1994, that person shall have a claim against the dealer and the dealer's bond, and may recover such damages as may be awarded to such person by final judgment of a court of competent jurisdiction against the dealer as a proximate result of such loss or damage up to but not exceeding $25,000, from such surety, who shall be subrogated to the rights of such person against the dealer or salesperson. The liability of such surety shall be limited to actual damages and attorney fees and shall not include any punitive damages assessed against the dealer or salesperson. On January 1 of each year, the amount that may be awarded against such bond to any person as a result of loss or damage to that person as provided in this section shall be increased by the percentage increase over the most recently available unadjusted 12-month period in the Consumer Price Index for used motor vehicles, as published by the U.S. Bureau of Labor Statistics or any successor index. In the event that this index decreases over any such 12-month period, there shall be no change in the amount that may be awarded.

In those cases in which a dealer's surety shall be liable pursuant to this section, the surety shall be liable only for the first $50,000 in claims against the dealer. Thereafter, the Fund shall be liable for amounts in excess of the bond up to the amount that may be paid out of the Fund, less the amount of the bond, in those cases in which the Fund itself may be liable. The aggregate liability of the dealer's surety to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in force, shall in no event exceed $50,000.

The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a claim is paid and when the bond is cancelled. Such notification shall include the amount of a claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30 days' notice to the Board.

1994, c. 478; 1995, cc. 767, 816; 1998, c. 325; 2001, c. 194; 2006, c. 172; 2011, c. 407; 2012, cc. 10, 119; 2015, c. 615.

§ 46.2-1527.3. Recovery from Fund, generally.

Except as otherwise provided in this chapter, whenever any person is awarded a final judgment in a court of competent jurisdiction in the Commonwealth for (i) any loss or damage in connection with the purchase or lease of a motor vehicle by reason of any fraud practiced on him or fraudulent

representation made to him by a licensed or registered motor vehicle dealer participating in the Motor Vehicle Transaction Recovery Fund or one of a dealer's salespersons acting for the dealer or within the scope of his employment or (ii) any loss or damage by reason of the violation by a dealer or salesperson participating in the Motor Vehicle Transaction Recovery Fund of any of the provisions of this chapter, the judgment creditor may file a verified claim with the Board, requesting payment from the Fund of the amount unpaid on the judgment subject to the following conditions:

1. The claim shall be filed with the Board no sooner than 30 days and no later than 12 months after the judgment becomes final along with the evidence of compliance with subdivision 3 below.

2. The Board shall consider for payment claims submitted by retail purchasers of motor vehicles, and for purchases of motor vehicles by licensed or registered motor vehicle dealers who contribute to the Fund. The Board shall also consider for payment claims submitted by lessees of motor vehicles leased from licensed or registered motor vehicle dealers who contribute to the Fund.

3. If the final judgment from a court of competent jurisdiction includes, as part of the judgment, an award of attorney fees and court costs, the Fund may include those in its payment of the claim if (i) the claimant had previously submitted to the trial court a detailed and itemized affidavit by counsel for the judgment creditor seeking such fees and costs, including a breakdown of the hours worked and the subject matter of those hours; (ii) said itemized affidavit formed the basis of the court's award of such fees; and (iii) a copy of such affidavit is provided to the Board with the judgment creditor's claim. If the award of attorney fees and costs by the trial court was not based on a detailed and itemized affidavit from counsel for the judgment creditor with a breakdown of the hours worked, then the Board may review and limit any claim for attorney fees to those attorney fees directly attributable to that portion of the final judgment that is determined to be a compensable claim by the Board against the Fund, and the Board may require a detailed itemization from counsel before considering such claim for attorney fees.

1994, c. 478; 1995, cc. 767, 816; 1998, c. 325; 2003, c. 331; 2007, c. 826; 2015, c. 615.

§ 46.2-1527.4. Opportunity to intervene.

Any action instituted by a person against a licensed or registered dealer or a salesperson, which may become a claim against the Fund, shall be served to the Board in the manner prescribed by law. All subsequent pleadings and documents shall also be served to the Board. Included in such service shall be an affidavit stating all acts constituting fraud or violations of this chapter. Upon service of process, the Board, or duly authorized representative, shall have the right to request leave of the court to intervene. The person shall submit such pleadings or documents to the Board by certified mail or the equivalent.

1994, c. 478; 1995, cc. 767, 816.

§ 46.2-1527.5. Limitations on recovery from Fund.

The maximum claim of one judgment creditor against the Fund based on an unpaid final judgment arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.2 or 46.2-1527.3

involving a single transaction shall be limited to $25,000, including any amount paid from the dealer's surety bond, regardless of the amount of the unpaid final judgment of one judgment creditor. On January 1 of each year, the amount that may be awarded to any person as a result of loss or damage to that person as provided in this section shall be increased by the percentage increase over the most recently available unadjusted 12-month period in the Consumer Price Index for used motor vehicles, as published by the U.S. Bureau of Labor Statistics or any successor index. In the event that this index decreases over any such 12-month period, there shall be no change in the amount which may be awarded.

The aggregate of claims against the Fund based on unpaid final judgments arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.3 involving more than one transaction shall be limited to four times the amount that may be awarded to a single judgment creditor, regardless of the total amounts of the unpaid final judgments of judgment creditors.

However, aggregate claims against the Fund under § 46.2-1527.2 shall be limited to the amount that may be paid out of the Fund under the preceding paragraph less the amount of the dealer's bond and then only after the dealer's bond has been exhausted.

If a claim has been made against the Fund, and the Board has reason to believe that there may be additional claims against the Fund from other transactions involving the same licensee or registrant, the Board may withhold any payment from the Fund involving the licensee or registrant for a period not to exceed the end of the relevant license or registration period. After this period, if the aggregate of claims against the licensee or registrant exceeds the aggregate amount that may be paid from the Fund under this section, then such amount shall be prorated among the claimants and paid from the Fund in proportion to the amounts of their unpaid final judgments against the licensee or registrant.

However, claims against motor vehicle dealers and salespersons participating in the Motor Vehicle Transaction Recovery Fund pursuant to § 46.2-1527.2 shall be prorated when the aggregate exceeds $50,000. Claims shall be prorated only after the dealer's $50,000 bond has been exhausted.

On receipt of a verified claim filed against the Fund, the Board shall forthwith notify the licensee or registrant who is the subject of the unpaid judgment that a verified claim has been filed and that the licensee or registrant should satisfy the judgment debt. If the judgment debt is not fully satisfied 30 days following the date of the notification by the Board, the Board shall make payment from the Fund subject to the other limitations contained in this article.

Excluded from the amount of any unpaid final judgment on which a claim against the Fund is based shall be any sums representing interest and punitive damages. Awards from the Fund shall be limited to reimbursement of costs paid to the dealer for all charges related to the vehicle including without limitation, the sales price, taxes, insurance, and repairs; other out of pocket costs related to the purchase, insuring and registration of the vehicle, and to the loss of use of the vehicle by the purchaser.

If at any time the Fund is insufficient to fully satisfy any claims or claim filed with the Board and authorized by this article, the Board shall pay such claims, claim, or portion thereof to the claimants in the

order that the claims were filed with the Board. However, claims by retail purchasers shall take precedence over other claims.

1994, c. 478; 1995, cc. 767, 816; 1998, c. 325; 2001, c. 194; 2003, c. 331; 2006, c. 172; 2007, c. 826; 2011, c. 407; 2012, c. 119; 2015, cc. 615, 710.

§ 46.2-1527.6. Assignment of claimant's rights to the Board; payment of claims.
Subject to the provisions of this article and on the claimant's execution and delivery to the Board of an assignment to the Board of his rights against the licensee or registrant, to the extent he received satisfaction from the Fund, the Board shall pay the claimant from the Fund the amount of the unpaid final judgment.

1994, c. 478; 1995, cc. 767, 816.

§ 46.2-1527.7. Revocation of license or certificate of registration on payment from the Fund.
On payment by the Board to a claimant from the Fund as provided in this article, the Board shall immediately notify the licensee or registrant in writing of the Board's payment to the claimant and request full reimbursement be made to the Board within thirty days of the notification. Failure to reimburse the Board in full within the specified period shall cause the Board to immediately revoke the license or certificate of the dealer or the license of a salesperson whose fraud, fraudulent representation, or violation of this chapter resulted in this payment. Any person whose license or certificate is revoked shall not be eligible to apply for a license or certificate as a motor vehicle dealer or a license as a salesperson until the person has repaid in full the amount paid from the Fund on his account, plus interest at the rate of eight percent per year from the date of payment.

1994, c. 478; 1995, cc. 767, 816.

§ 46.2-1527.8. No waiver by the Board of disciplinary action against licensee or registrant.
Nothing contained in this article shall limit the authority of the Board to take disciplinary action against any licensee or registrant for any violation of this chapter or any regulation promulgated thereunder, nor shall full repayment of the amount paid from the Fund on a licensee's or registrant's account nullify or modify the effect of any disciplinary action against that licensee or registrant for any violation.

1994, c. 478; 1995, cc. 767, 816.

Article 3.2 - BONDING REQUIREMENTS FOR DEALERS NOT PARTICIPATING IN MOTOR VEHICLE TRANSACTION RECOVERY FUND

§ 46.2-1527.9. Continuous bonding requirements for Fund nonparticipants.
Applicants for a renewal of a motor vehicle dealer's license may elect to obtain and continuously maintain a bond in the amount of $100,000 in lieu of participation in the Motor Vehicle Transaction Recovery Fund, provided that such applicants have not been the subject of a claim against a bond issued pursuant to § 46.2-1527.2, or against the Fund for three consecutive years. The bond shall come from a corporate surety licensed to do business in the Commonwealth and approved by the Attorney General and shall be filed with the Board. The bond shall be conditioned on a statement by the applicant

that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. In those cases in which the surety of a dealer electing continuous bonding under this section shall be liable pursuant to this section, the maximum liability to one claimant against the surety by reason of a claim involving a single transaction shall be limited to $20,000 regardless of the amount of the claim by one claimant, and the aggregate liability of the dealer's surety to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in effect shall in no event exceed $100,000.

An applicant for a renewal of a motor vehicle dealer's license who is a member of a nonprofit organization established under 26 U.S.C. § 501(c) (6) that provides on behalf of its membership a blanket or umbrella bond in the amount of $1 million satisfies the bonding requirements of this section. When posted, a blanket or umbrella bond shall be considered a dealer bond for the purposes of § 46.2-1527.10. The bond shall come from a corporate surety licensed to do business in the Commonwealth and approved by the Attorney General and shall be filed with the Board. In those cases in which the nonprofit organization's surety shall be liable pursuant to § 46.2-1527.10, the maximum liability to one claimant against the surety by reason of a claim involving a single transaction shall be limited to $20,000, regardless of the amount of the claim by one claimant, and the aggregate liability of the nonprofit organization's surety to any and all persons for claims against a single dealer shall in no event exceed $100,000. In those cases in which the nonprofit organization's surety shall be liable pursuant to § 46.2-1527.10, the maximum liability to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in force shall in no event exceed $1 million.

The Board may, without holding a hearing, suspend the dealer's license during the period that the dealer does not have a sufficient bond on file. Dealers bonded under this article and those salespersons employed by such dealers shall be exempt from the Fund fees specified in § 46.2-1527.1.

2003, c. 331.

§ 46.2-1527.10. Recovery on bond.

With respect to a motor vehicle dealer electing continuous bonding under § 46.2-1527.9, whenever any person is awarded a final judgment in a court of competent jurisdiction in the Commonwealth against the dealer for (i) any loss or damage in connection with the purchase or lease of a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by the dealer or one of the dealer's salespersons acting within the scope of his employment, (ii) any loss or damage by reason of the violation by the dealer or salesperson of any provision of this chapter in connection with the purchase or lease of a motor vehicle, or (iii) any loss or damage resulting from a breach of an extended service contract, as defined in § 59.1-435, entered into on or after July 1, 2003, the judgment creditor shall have a claim against the dealer bond for such damages as may be awarded such person in final judgment and unpaid by the dealer, and may recover such unpaid damages up to but not exceeding the maximum liability of the surety as set forth in § 46.2-1527.9 from the surety who shall be subrogated to the rights of such person against the dealer or salesperson. The liability of such surety

shall be limited to actual damages and attorney fees assessed against the dealer or salesperson as part of the underlying judgment but this section does not authorize the award of attorney fees in the underlying judgment. The liability of such surety shall not include any sums representing interest or punitive damages assessed against the dealer or salesperson.

The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a claim is paid, and when the bond is cancelled. Such notification shall include the amount of claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30 days' notice to the Board.

2003, c. 331; 2015, cc. 615, 710.

§ 46.2-1527.11. No waiver by the Board of disciplinary action against licensee or registrant.
Nothing contained in this article shall limit the authority of the Board to take disciplinary action against any licensee or registrant for any violation of this chapter or any regulation promulgated under this chapter.

2003, c. 331.

Article 4 - CONDUCT OF BUSINESS

§ 46.2-1528. Examination or audit of licensee; costs.
The Board or authorized representatives of the Board may examine, during the posted business hours, the records required to be maintained by this chapter. If a licensee is found to have violated this chapter or any order of the Board, the actual cost of the examination shall be paid by the licensee so examined within thirty days after demand therefor by the Board. The Board may maintain an action for the recovery of these costs in any court of competent jurisdiction.

1988, c. 865, § 46.1-547.3; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1529. Dealer records.
All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured motor vehicle, and registration fees; odometer disclosure statements; records of permanent dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates of registration; proof of safety inspections performed on vehicles sold at retail; and other records required by the Department or the Board shall be maintained on the premises of the licensed location. The Board may, on written request by a dealer, permit his records to be maintained at a location other than the premises of the licensed location for good cause shown. All dealer records shall be preserved in original form or in film, magnetic, or optical media, including microfilm, microfiche, or other electronic media, for a period of five years in a manner that permits systematic retrieval. Certain records may be maintained on a computerized record-keeping system with the prior approval of the Board.

1988, c. 865, § 46.1-547.4; 1989, c. 727; 1991, c. 712; 1995, cc. 767, 816; 2000, c. 128; 2011, c. 791; 2015, c. 615.

§ 46.2-1529.1. Sales of used motor vehicles by dealers; disclosures; penalty.

A. If, in any retail sale by a dealer of a used motor vehicle of under 6,000 pounds gross vehicle weight for use on the public highways, and normally used for personal, family or household use, the dealer offers an express warranty, the dealer shall provide the buyer a written disclosure of this warranty. The written disclosure shall be the Buyer's Guide required by federal law, shall be completely filled out and, in addition, signed and dated by the buyer and incorporated as part of the buyer's order.

B. A dealer may sell a used motor vehicle at retail "AS IS" and exclude all warranties only if the dealer provides the buyer, prior to sale, a separate written disclosure as to the effect of an "AS IS" sale. The written disclosure shall be conspicuous and contained on the front of the buyer's order and printed in not less than bold, 10-point type and signed by the buyer: "I understand that this vehicle is being sold "AS IS' with all faults and is not covered by any dealer warranty. I understand that the dealer is not required to make any repairs after I buy this vehicle. I will have to pay for any repairs this vehicle will need." A fully completed Buyer's Guide, as required by federal law, shall be signed and dated by the buyer and incorporated as part of the buyer's order.

C. Failure to provide the applicable disclosure required by subsection A or B shall be punishable by a civil penalty of no more than $1,000. Any such civil penalty shall be paid into the general fund of the state treasury. Furthermore, if the applicable disclosure required by subsection A or B is not provided as required in this section, the buyer may cancel the sale within 30 days. In this case, the buyer shall have the right to return the vehicle to the dealer and obtain a full refund of all payments made toward the purchase of the vehicle, less any damage to the vehicle incurred while ownership was vested in the purchaser, and less a reasonable amount for the use not to exceed one-half the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to § 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes. Notice of the provisions of this subsection shall be included as part of every disclosure made under subsection A or B.

D. The provisions of this section shall not apply to motorcycles, trailers, or travel trailers.

1995, c. 849; 2015, c. 615.

§ 46.2-1530. Buyer's order.

A. Every motor vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a motor vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of five years in accordance with § 46.2-1529, and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

1. The name and address of the person to whom the vehicle was sold or traded.

2. The date of the sale or trade.

3. The name and address of the motor vehicle dealer selling or trading the vehicle.

4. The make, model year, vehicle identification number and body style of the vehicle.

5. The sale price of the vehicle.

6. The amount of any cash deposit made by the buyer.

7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. The description of the trade-in shall be the same as outlined in subdivision 4.

8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, purchaser's online systems filing fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.

9. The net balance due at settlement.

10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section, processing includes obtaining title and license plates for the purchaser, but does not include any "purchaser's online systems filing fee," as defined in § 46.2-1530.1, or any "dealer's manual transaction fee," as defined in § 46.2-1530.2.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.

12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE: YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT FURTHER NOTICE TO YOU AS LONG

AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."

13. For sales of used motor vehicles, the disclosure required by § 46.2-1529.1.

Except for trailers and travel trailers, if the transaction does not include a policy of motor vehicle liability insurance, the seller shall stamp or mark on the face of the bill of sale in boldface letters no smaller than 18-point type the following words: "No Liability Insurance Included."

A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

B. The Board shall approve a buyer's order form and each dealer shall file with each original license application its buyer's order form, on which the processing fee amount is stated.

C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the dealership. The sign shall be no smaller than eight and one-half inches by 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Board.

D. Except for trailers, if the buyer's order is for a new motor vehicle that had accumulated, at the time of the sale, mileage in excess of 750 miles as a demonstrator or as a result of delivery to a prospective purchaser who never took title to the new motor vehicle and returned it, the vehicle may be sold as new, provided the dealer delivers this disclosure in writing on the buyer's order containing type of no smaller than 10 point or in a separate document containing only the disclosure in type of no smaller than 14 point: "Notice: This new motor vehicle has accumulated mileage in excess of 750 miles as the result of use as a demonstrator and/or as the result of delivery to a prior prospective purchaser who never took title to it and who returned it." When delivered as a separate document, this disclosure shall also contain the actual odometer reading for the vehicle and shall be signed by the purchaser.

E. The provisions of this section shall not apply to the sale or exchange of (i) a tractor truck, (ii) a truck having a gross vehicle weight rating of 16,000 pounds or more, or (iii) a semitrailer.

1988, c. 865, § 46.1-547.5; 1989, c. 727; 1990, c. 900; 1993, c. 586; 1995, cc. 767, 816, 849; 2000, c. 116; 2003, c. 997; 2009, c. 783; 2010, cc. 292, 359, 459; 2011, c. 791; 2015, cc. 615, 682.

§ 46.2-1530.1. Purchaser's on-line systems filing fee; collection and remittance.

Any dealer licensed under this chapter who uses a Department-approved system of remote electronic filing of documentation necessary to obtain a certificate of title or registration for the purchaser of a vehicle shall collect from the purchaser and remit to the Department-approved electronic systems provider any fees charged for the transaction by the systems provider. Any such fee shall be listed separately on the buyer's order and identified as "on-line systems filing fee."

2003, c. 997.

§ 46.2-1530.2. Dealer's manual transaction fee; use in special fund.

Every dealer licensed under this chapter shall pay to the Department a fee of $15 for each manual transaction in excess of 20 transactions per month. For purposes of this section, a "manual transaction" shall be any transaction that is not conducted electronically or at a location run by an agent authorized to act on behalf of the Department pursuant to subsection B of § 46.2-205. Such fee shall be in addition to any fees charged by the Department pursuant to this title for the processing of an application for a new certificate of title or registration of a vehicle. The dealer's manual transaction fee authorized by this section shall not apply to any transaction for which there is no Department-approved remote electronic filing option available. Any dealer who has been charged a dealer's manual transaction fee shall not collect such transaction fee from the purchaser of the vehicle. All fees collected under the provisions of this section shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department.

2003, c. 997; 2006, c. 536.

§ 46.2-1531. Consignment vehicles; contract.

Any motor vehicle dealer offering a vehicle for sale on consignment shall have in his possession a consignment contract for the vehicle, executed and signed by the dealer and the consignor. The consignment contract shall include:

1. The complete name, address, and the telephone number of the owners.

2. The name, address, and dealer certificate number of the selling dealer.

3. A complete description of the vehicle on consignment, including the make, model year, vehicle identification number, and body style, except that trailers shall not be subject to the requirement for vehicle identification number or body style.

4. The beginning and termination dates of the contract.

5. The percentage of commission, the amount of the commission, or the net amount the owner is to receive, if the vehicle is sold.

6. Any fees for which the owner is responsible.

7. A disclosure of all unsatisfied liens on the vehicle and the location of the certificate of title to the vehicle.

8. A requirement that the motor vehicle pass a safety inspection prior to sale or, if the motor vehicle is found not to be in compliance with any safety inspection requirement after having been inspected, the dealer shall either take steps to bring it into compliance or furnish any buyer intending to use that vehicle on the public highways a written disclosure, prior to sale, that the vehicle did not pass a safety inspection.

Any dealer offering a vehicle for sale on consignment shall inform any prospective customer that the vehicle is on consignment.

Dealer license plates shall not be used to demonstrate a vehicle on consignment except on (i) motor vehicles with gross vehicle weight of 15,000 pounds or more, excluding RVs, (ii) vehicles on consignment from another licensed motor vehicle dealer, and (iii) vehicles on consignment from a nonprofit organization certified pursuant to subsection B of § 46.2-1508.1. The owner's license plates may be used if liability insurance coverage is in effect in the amounts prescribed by § 46.2-472.

No vehicles except motorcycles shall be sold on consignment by motorcycle dealers.

No vehicles except recreational vehicles shall be sold on consignment by recreational vehicle dealers.

No vehicles other than trailers shall be sold on consignment by trailer dealers.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1988, c. 865, § 46.1-547.6; 1989, cc. 187, 727; 1993, c. 289; 2000, c. 180; 2013, c. 247; 2015, c. 615.

§ 46.2-1532. Odometer disclosure; penalty.

Every motor vehicle dealer shall comply with all requirements of the Federal Odometer Act and § 46.2-629 by completing the appropriate odometer mileage statement form for each vehicle purchased, sold or transferred, or in any other way acquired or disposed of. Odometer disclosure statements shall be maintained by the dealer in a manner that permits systematic retrieval. Any person found guilty of violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

The provisions of this section shall not apply to trailers, travel trailers, all-terrain vehicles, or off-road motorcycles.

1988, c. 865, § 46.1-547.7; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1532.1. Certain disclosures required by manufacturers and distributors.

Motor vehicle manufacturers and distributors shall affix or cause to be affixed in a conspicuous place to every motor vehicle offered for sale as a new vehicle a statement disclosing the place of assembly or manufacture of the vehicle. For disclosures of place of assembly, the assembly plant shall be the same as that designated by the vehicle identification number.

The provisions of this section shall apply only to motor vehicles manufactured for the 1991 or subsequent model years.

1990, c. 786; 1994, c. 72.

§ 46.2-1532.2. Certain disclosures required by motor vehicle manufacturers; motor vehicle recording devices.

A. A manufacturer of a new vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, as defined in § 46.2-1088.6, installed by the manufacturer shall disclose that fact in the owner's manual for the vehicle.

B. The provisions of this section shall apply only to vehicles manufactured for 2008 and subsequent model years.

2006, cc. 851, 888, 889.

§ 46.2-1533. Business hours.

Each motor vehicle dealer shall be open for business a minimum of 20 hours per week, at least 10 of which shall be between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, except that the Board, on written request by a dealer, may modify these requirements for good cause. The dealer's hours shall be posted and maintained conspicuously on or near the main entrance of each place of business.

Each dealer shall include his business hours on the original and every renewal application for a license, and changes to these hours shall be immediately filed with the Department.

1988, c. 865, § 46.1-547.8; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1534. Signs.

Each retail motor vehicle dealer's place of business shall be identified by a permanent sign visible from the front of the business office so that the public may quickly and easily identify the dealership. The sign shall contain the dealer's trade name in letters no less than six inches in height unless otherwise restricted by law or contract.

1988, c. 865, § 46.1-547.9; 1989, c. 727; 2015, c. 615.

§ 46.2-1535. Advertisements.

Unless the dealer is clearly identified by name, whenever any licensee places an advertisement in any newspaper or publication, the abbreviations "VA DLR," denoting a Virginia licensed dealer, shall appear therein.

1988, c. 865, § 46.1-547.10; 1989, c. 727; 1991, c. 117.

§ 46.2-1536. Coercing purchaser to provide insurance coverage on motor vehicle; penalty.

It shall be unlawful for any dealer or salesperson or any employee of a dealer or representative of either to coerce or offer anything of value to any purchaser of a motor vehicle to provide any type of insurance coverage on the motor vehicle.

Nothing in this section shall prohibit a dealer from requiring that a retail customer obtain automobile physical damage insurance to protect collateral secured by an installment sales contract. Any person found guilty of violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

Nothing in this section shall prohibit a dealer from informing the retail customer of the Commonwealth's insurance requirements.

Code 1950, § 46-536; 1958, c. 541, § 46.1-548; 1988, c. 865; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1537. Prohibited solicitation and compensation.

It shall be unlawful for any motor vehicle dealer or salesperson licensed under this chapter, directly or indirectly, to solicit the sale of a motor vehicle through a pecuniarily interested person, or to pay, or

cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a motor vehicle, unless the person is duly licensed as a salesperson employed by the dealer. It shall also be unlawful for any motor vehicle dealer to compensate, in any form whatsoever, any person acting in the capacity of a salesperson as defined in § 46.2-1500 unless that person is licensed as required by this chapter.

Code 1950, § 46-538; 1958, c. 541, § 46.1-549; 1988, c. 865; 1989, c. 727; 2006, c. 441.

§ 46.2-1538. Salesman selling for other than his employer prohibited.

It shall be unlawful for any motor vehicle salesman licensed under this chapter to sell or exchange or offer or attempt to sell or exchange any motor vehicle except for the licensed motor vehicle dealer by whom he is employed, or to offer, transfer, or assign any sale or exchange that he may have negotiated to any other dealer or salesman.

Code 1950, § 46-539; 1958, c. 541, § 46.1-550; 1976, c. 362; 1989, c. 727.

§ 46.2-1539. Inspection of vehicles required; penalty.

No person required to be licensed as a dealer under this chapter shall sell at retail any motor vehicle which is intended by the buyer for use on the public highways, and which is required to comply with the safety inspection requirements provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 unless between the time the vehicle comes into the possession of the dealer and the time it is sold at retail it is inspected by an official safety inspection station. In the event the vehicle is found not to be in compliance with all safety inspection requirements, the dealer shall either take steps to bring it into compliance or shall furnish any buyer intending it for use on the public highway a written disclosure, prior to sale, that the vehicle did not pass a safety inspection. Any person found guilty of violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1973, c. 420, § 46.1-550.3; 1978, c. 203; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1539.1. Safety inspections or disclosure required before sale of certain trailers; penalty.

Any trailer required by any provision of this title to undergo periodic safety inspections shall be inspected by an official inspection station between the time it comes into the possession of a retail dealer and the time the trailer is sold by the dealer or, in lieu of an inspection, the dealer shall present to the purchaser, prior to purchase of the trailer, a written itemization of all the trailer's deficiencies relative to applicable safety inspection requirements. The provisions of this section shall not apply to (i) sales of trailers or watercraft trailers by individuals not ordinarily engaged in the business of selling trailers or watercraft trailers or (ii) the retail sale of five or more trailers to the same buyer. Any person found guilty of violating any provision of this section is guilty of a Class 1 misdemeanor.

2015, c. 615.

§ 46.2-1540. Inspections prior to sale not required of certain sellers.

The provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail shall not apply to any person conducting a public auction for the sale of motor vehicles at retail, provided that the individual, firm, or business conducting the auction shall not have taken title to the vehicle, but is acting as an agent for the sale of the vehicle. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail apply to any (i) new motor vehicle sold on the basis of a special order placed by a dealer with a manufacturer or dealer outside the Commonwealth on behalf of a customer who is a nonresident of the Commonwealth and takes delivery outside the Commonwealth, (ii) motor vehicle sold on the basis of a special order placed with a dealer or manufacturer outside the Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth, or (iii) new motor vehicle that has previously been inspected and displays a valid Virginia state inspection sticker. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any trailer prior to sale at retail apply to the sale of five or more used trailers with a gross weight of more than 10,000 pounds to the same buyer, provided that the trailers have a valid safety inspection.

The provisions of this section shall also apply to watercraft trailers.

1982, c. 321, § 46.1-550.3:1; 1984, c. 129; 1985, c. 235; 1989, c. 727; 2015, c. 615; 2018, cc. 27, 294.

§ 46.2-1541. Repealed.

Repealed by Acts 1995, cc. 767 and 816.

§ 46.2-1542. Temporary registration.

A. Notwithstanding §§ 46.2-617 and 46.2-628, whenever a dealer licensed by the Board sells or conditionally sells and delivers to a purchaser a motor vehicle, the dealer may issue temporary license plates and a certificate of temporary registration. The temporary license plates and the certificates for temporary registration shall be obtained from the Commissioner or may be printed according to terms set by the Commissioner and may be issued if (i) the dealer has the title or the certificate of origin for the vehicle or (ii) is unable at the time of the sale to deliver to the purchaser the certificate of title or certificate of origin for the vehicle because the certificate of title or certificate of origin is lost or is being detained by another in possession or for any other reason beyond the dealer's control. The temporary registration certificate shall bear its date of issuance, the name and address of the purchaser, the identification number of the vehicle, the registration number to be used temporarily on the vehicle, the name of the state in which the vehicle is to be registered, the name and address of the person from whom the dealer acquired the vehicle, and whatever other information may be required by the Commissioner. A copy of the temporary registration certificate and a bona fide buyer's order shall be delivered to the purchaser and shall be in the possession of the purchaser at all times when operating the vehicle. One copy of the certificate shall be retained by the dealer, which copy may be retained in electronic format under terms set by the Commissioner, and shall be subject to inspection at any time by the Department's agents. The original of the certificate shall be forwarded by the dealer to the Department directly on issuance to the purchaser if the vehicle is to be titled outside the Commonwealth, along with the physical or electronic application for title. The issuance of a temporary

certificate of registration to a purchaser pursuant to this section shall have the effect of vesting sufficient interest in the vehicle in the purchaser for the period that the certificate remains effective for purposes of allowing the purchaser (a) to obtain and provide insurance coverage for the vehicle, including insurance indemnifying the purchaser against liability or providing for recovery for damage to or loss of the vehicle and (b) to operate the vehicle as if the purchaser had full rights of ownership, all subject to cancellation by applicable law or agreement between the dealer and the purchaser prior to the time the dealer submits an application for title along with all required fees. If the dealer or purchaser exercises the statutory or contractual rights to cancel a purchaser's contract to buy a vehicle before application for title to the vehicle has been submitted to the Department in the name of the purchaser, the dealer shall have the right to possession of the vehicle without claim of possession by the purchaser within 24 hours of written or oral notice to the purchaser and without regard to the provision of Title 8.9A, provided the dealer's right to possession is enforced otherwise in accordance with law and without breach of the peace. In the event the dealer regains possession of the vehicle, in the same condition, normal wear and tear excepted, as delivered to the purchaser, the purchaser shall have the right to possession of any trade-in and return of any down payment, and if the dealer fails to return the trade-in and/or down payment the dealer may be held liable under § 59.1-200 of the Virginia Consumer Protection Act (§ 59.1-196), in addition to any other rights and remedies available by statute or contract.

B. A temporary certificate of registration issued by a dealer to a purchaser pursuant to this section shall expire when the certificate of title to the vehicle is issued by the Department in the name of the purchaser or vehicle ownership is transferred in accordance with § 46.2-603.1 and the permanent license plates have been affixed to the vehicle, but in no event shall any temporary certificate of registration issued under this section be effective for more than 30 days from the date of its issuance. In the event that the dealer fails to produce the old certificate of title or certificate of origin to the vehicle, fails to transfer vehicle ownership in accordance with § 46.2-603.1, or fails to apply for a replacement certificate of title pursuant to § 46.2-632, thereby preventing delivery to the Department or purchaser before the expiration of the temporary certificate of registration, the purchaser's temporary rights may terminate and the purchaser shall have the right to return the vehicle to the dealer and obtain a full refund of all payments made toward the purchase of the vehicle, provided the purchaser provides notice to the dealer of a decision to return the vehicle before issuance of a title for the vehicle by the Department, less any damage to the vehicle incurred while ownership was vested in the purchaser, and less a reasonable amount for use not to exceed one-half the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to § 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes.

C. Notwithstanding subsection B, if the dealer fails to deliver the certificate of title or certificate of origin to the purchaser or fails to transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days, a second temporary certificate of registration may be issued. However, the dealer shall, not later than

the expiration of the first temporary certificate, deliver to the Department an application for title, copy of the bill of sale, all required fees and a written statement of facts describing the dealer's efforts to secure the certificate of title or certificate of origin to the vehicle. On receipt of the title application with attachments as described herein, the Department shall record the purchaser's rights hereunder to the vehicle and may authorize the dealer to issue a second 30-day temporary certificate of registration. If the dealer does not produce the certificate of title or certificate of origin to the vehicle before the expiration of the second temporary certificate, the purchaser's rights to the vehicle under this section may terminate and he shall have the right to return the vehicle as provided in subsection B.

D. If the dealer is unable to produce the certificate of title or certificate of origin to the vehicle or transfer vehicle ownership in accordance with § 46.2-603.1 within the 60-day period from the date of issuance of the first temporary certificate, the Department may extend temporary registration for an additional period of up to 90 days, provided the dealer makes application in the format required by the Department. If the dealer does not produce the certificate of title or certificate of origin to the vehicle or transfer vehicle ownership in accordance with § 46.2-603.1 before the expiration of the additional 90-day period, the purchaser's rights hereunder to the vehicle may terminate and he shall have the right to return the vehicle as provided in subsection B.

E. The Commissioner, on determining that the provisions of this section or the directions of the Department are not being complied with by a dealer, may suspend, after a hearing, the right of the dealer to issue temporary certificates of registration.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers but shall not apply to all-terrain vehicles and off-road motorcycles.

1988, c. 865, § 46.1-550.5:1; 1989, cc. 364, 727; 1995, cc. 767, 816; 2006, cc. 835, 897; 2009, c. 783; 2012, c. 650; 2015, c. 615.

§ 46.2-1543. Use of old license plates and registration number on another vehicle.

An owner who sells or transfers a registered motor vehicle may have the license plates and the registration number transferred to another vehicle titled in the owner's name according to the provisions of Chapter 6 (§ 46.2-600 et seq.), which is in a like vehicle category as specified in § 46.2-694 and requires an identical registration fee, on application to the Department accompanied by a fee of $2 or, if the other vehicle requires a greater registration fee than that for which the license plates were assigned, on the payment of a fee of $2 and the amount of the difference in registration fees between the two vehicles, all such transfers to be in accordance with the regulations of the Department. All fees collected under this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department. For purposes of this section, a motor vehicle dealer licensed by the Board may be authorized to act as an agent of the Department for the purpose of receiving, processing, and approving applications from its customers for assignment of license plates and registration numbers pursuant to this section, using the forms and following the procedures prescribed by the Department. The Commissioner, on determining that the

provisions of this section or the directions of the Department are not being complied with by a dealer, may suspend, after a hearing, the authority of the dealer to receive, process, and approve the assignment of license plates and registration numbers pursuant to this section.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1988, c. 865, § 46.1-550.5:1.1; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1544. Certificate of title for dealers; penalty.

Except as otherwise provided in this chapter, every dealer shall obtain, on the purchase of each vehicle, a certificate of title issued to the dealer or shall obtain an assignment or reassignment of a certificate of title for each vehicle purchased, except that a certificate of title shall not be required for any new vehicle to be sold as such. Any person found guilty of violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1988, c. 865, § 46.1-550.5:2; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1545. Termination of business.

No dealer, unless his license has been suspended, revoked, or canceled, shall cease business without a 30-day prior notification to the Department and the Board. On cessation of the business, the dealer shall immediately surrender to the Board the dealer's certificate of license, all salespersons' licenses, and any other materials furnished by the Board. The dealer shall also immediately surrender to the Department all dealer and temporary license plates, all fees and taxes collected, and any other materials furnished by the Department. After cessation of business, the former licensee shall continue to maintain and make available to the Department and the Board dealer records as set forth in this chapter.

The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1988, c. 865, § 46.1-550.5:3; 1989, c. 727; 1995, cc. 767, 816; 2015, c. 615.

Article 5 - DEALER'S LICENSE PLATES

§ 46.2-1545.1. Watercraft trailer dealers and watercraft trailers.

For the purposes of this article:

"Dealer" and "trailer dealer" includes watercraft trailer dealers.

"Trailer" includes watercraft trailers.

2015, c. 615.

§ 46.2-1545.2. Exclusion of all-terrain vehicles and off-road motorcycles.

Nothing in this article shall apply to all-terrain vehicles or off-road motorcycles.

2015, c. 615.

§ 46.2-1546. Registration of dealers; fees.

Every manufacturer, distributor, or dealer, before he commences to operate vehicles in his inventory for sale or resale, shall apply to the Commissioner for a dealer's certificate of vehicle registration and license plates. For the purposes of this article, a vehicle is in inventory when it is owned by or assigned to a dealer and is offered and available for sale or resale. All dealer's certificates of vehicle registration and license plates issued under this section may, at the discretion of the Commissioner, be placed in a system of staggered issue to distribute the work of issuing vehicle registration certificates and license plates as uniformly as practicable throughout the year. Dealerships which sold fewer than 25 vehicles during the last 12 months of the preceding license year shall be eligible to receive no more than two dealer's license plates; dealerships which sold at least 25 but fewer than 50 vehicles during the last 12 months of the preceding license year shall be eligible to receive no more than four dealer's license plates. However, dealerships that sold 50 or more vehicles during their current license year may apply for additional license plates not to exceed four times the number of licensed salespersons employed by that dealership. Dealerships that sold 50 or more vehicles during the last 12 months of the preceding license year shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. A new applicant for a dealership shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. For the purposes of this article, a salesperson or employee shall be considered to be employed only if he (i) works for the dealership at least 25 hours each week on a regular basis and (ii) is compensated for this work. All salespersons' or employees' employment records shall be retained in accordance with the provisions of § 46.2-1529. A salesperson shall not be considered employed, within the meaning of this section, if he is an independent contractor as defined by the United States Internal Revenue Code. The fee for the issuance of dealer's license plates shall be determined by the Board, but not more than $30 per license plate; however, the fee for the first two dealer's plates shall not be less than $24 and the fee for additional dealer's license plates shall not be less than $10.40 each. For the first two dealer's license plates issued by the Department to a dealer, $24 shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524 and the remainder shall be deposited into the Motor Vehicle Dealer Fund. For each additional dealer's license plate issued to a dealer, $10.40 shall be deposited into the Transportation Trust Fund and the remainder shall be deposited into the Motor Vehicle Dealer Fund.

1988, c. 865, § 46.1-550.5:4; 1989, c. 727; 1990, c. 197; 1991, c. 712; 1995, cc. 767, 816; 2020, cc. 1230, 1275.

§ 46.2-1547. License under this chapter prerequisite to receiving dealer's license plates; insurance required; Commissioner may revoke plates.

No motor vehicle manufacturer, distributor, or dealer, unless licensed under this chapter, shall be entitled to receive or maintain any dealer's license plates. It shall be unlawful to use or permit the use of any dealer's license plates for which there is no automobile liability insurance coverage or a certificate of self-insurance as defined in § 46.2-368 on any motor vehicle. No dealer's license plates

shall be issued unless the dealer certifies to the Department that there is automobile liability insurance coverage or a certificate of self-insurance with respect to each dealer's license plate to be issued. Such automobile liability insurance or a certificate of self-insurance shall be maintained as to each dealer's license plate for so long as the registration for the dealer's license plate remains valid without regard to whether the plate is actually being used on a vehicle. If insurance or a certificate of self-insurance is not so maintained, the dealer's license plate shall be surrendered to the Department. The Commissioner shall revoke any dealer's license plate as to which there is no insurance or a certificate of self-insurance. The Commissioner may also revoke any dealer's license plate that has been used in any way not authorized by the provisions of this title.

The requirements relating to insurance in this article shall not apply to trailers or watercraft trailers.

1988, c. 865, § 46.1-550.5:5; 1989, c. 727; 1990, c. 954; 1995, cc. 767, 816; 2015, c. 615.

§ 46.2-1548. Transferable license plates.

In lieu of registering each vehicle of a type described in this section, a manufacturer, distributor, or dealer owning and operating any motor vehicle on any highway may obtain a license plate bearing the legend provided in § 46.2-1549 from the Department, on application therefor on the prescribed form and on payment of the fees required by law. These license plates shall be attached to each vehicle as required by subsection A of § 46.2-711. Each plate shall bear a distinctive number, and the name of the Commonwealth, which may be abbreviated, together with the word "dealer" or a distinguishing symbol indicating that the plate is issued to a manufacturer, distributor, or dealer. Month and year decals indicating the date of expiration shall be affixed to each license plate. Any license plates so issued may, during the calendar year or years for which they have been issued, be transferred from one motor vehicle to another, used or operated by the manufacturer, distributor, or dealer, who shall keep a written record of the motor vehicle on which the dealer's license plates are used. This record shall be in a format approved by the Commissioner and shall be open to inspection by any law-enforcement officer or any officer or employee of the Department.

Display of a transferable manufacturer's, distributor's, or dealer's license plate or plates on a motor vehicle shall subject the vehicle to the requirements of §§ 46.2-1038 and 46.2-1056.

All manufacturer's, distributor's, and dealer's license plates shall be issued for a period of twelve consecutive months except, at the discretion of the Commissioner, the periods may be adjusted as may be necessary to distribute the registrations as equally as practicable on a monthly basis. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license plate shall be renewed annually on application by the owner and by payment of fees required by law, such renewal to take effect on the first day of the succeeding month.

The Commissioner may offer an optional multi-year license plate registration to manufacturers, distributors, and dealers licensed pursuant to this chapter provided that he has chosen to offer optional multi-year licensing to such persons pursuant to § 46.2-1521. When such option is offered and chosen

by the licensee, all annual and twelve-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof the licensee will be licensed pursuant to § 46.2-1521.

1988, c. 865, § 46.1-550.5:6; 1989, c. 727; 1990, c. 197; 1991, c. 712; 1995, cc. 767, 816; 2008, cc. 304, 753.

§ 46.2-1549. Dealer's, manufacturer's, and distributor's license plates to distinguish between various types of dealers.

The Commissioner shall provide for the issuance of appropriate franchised or independent dealer's license plates. License plates for manufacturers shall bear the appropriate legend.

1988, c. 865, § 46.1-550.5:7; 1989, c. 727; 1991, c. 712; 1995, cc. 767, 816; 2008, cc. 304, 753.

§ 46.2-1549.1. Dealer's promotional license plates.

In addition to any other license plate authorized by this article, the Commissioner may issue permanent or temporary dealer's promotional license plates to a dealer for use on vehicles held for sale or resale in the dealer's inventory. The design of these license plates shall be at the discretion of the Commissioner. These license plates shall be for use as authorized by the Commissioner. These plates shall be issued under the following conditions:

1. For each permanent promotional license plate issued or renewed, the Commissioner shall charge an annual fee of $100. Issuance of license plates pursuant to this subdivision shall be subject to the insurance requirement contained in § 46.2-1547. The Commissioner shall limit the validity of any license plate issued under this subdivision to no more than thirty consecutive days. Upon written request from the dealership, the Commissioner may consider an extended use of a license plate issued under this subdivision. The Commissioner's authorization for use of any license plate issued under this subdivision shall be kept in the vehicle on which the license plate is displayed until expiration of the authorization. These license plates shall be included in the number of dealer's license plates authorized under § 46.2-1546 and not in addition thereto.

2. The Commissioner shall limit the validity of each temporary promotional license plate to no more than fourteen consecutive days. For each request, the Commissioner shall charge a fee of twenty-five dollars for the first plate and two dollars for each additional plate. Issuance of license plates pursuant to this subdivision shall be subject to the insurance requirement contained in § 46.2-1547. The Commissioner's authorization for use of any license plate issued under this subdivision shall be kept in the vehicle on which the license plate is displayed until expiration of the authorization. License plates issued under this subdivision shall not be included in the number of dealer's license plates authorized under § 46.2-1546.

1991, c. 712; 1994, 1st Sp. Sess., c. 6.

§ 46.2-1549.2. Special license plate combination.

A. The Commissioner may issue, upon request of a licensed dealer and when the Commissioner determines that such issuance is feasible, a license plate that is a combination of (i) one series of special license plate authorized pursuant to Article 10 (§ 46.2-725 et seq.) of Chapter 6 and currently

issued by the Department and (ii) one type of dealer's license plate authorized pursuant to this article. Such license plate shall be subject to all provisions of this article.

B. The fee for any combination license plate issued pursuant to this section shall be the sum of the fee for the applicable special license plate and the fee for the applicable dealer's license plate. Such fee shall be disbursed in the manner required for special license plates and for dealer's license plates, as if two such plates had been issued separately.

C. The Commissioner may issue multiple combination license plates to a single licensed dealer in a manner the Commissioner determines is feasible.

2020, c. 60.

§ 46.2-1550. Use of dealer's and manufacturer's license plates, generally.

A. Dealer's license plates may be used on vehicles in the inventory of licensed motor vehicle manufacturers, distributors, and dealers in the Commonwealth when operated on the highways of Virginia by dealers or dealer-operators, their spouses, or employees of manufacturers, distributors, and dealers as permitted in this article, which shall include business, personal, and family purposes. Except as otherwise explicitly permitted in this article, it shall be unlawful for any dealer to cause or permit: (i) use of dealer's license plates on vehicles other than those held in inventory for sale or resale; (ii) dealer's license plates to be lent, leased, rented, or placed at the disposal of any persons other than those permitted by this article to use dealer's license plates; and (iii) use of dealer's license plates on any vehicle of a type for which their use is not authorized by this article. Manufacturer's license plates may be used on company vehicles as defined in § 46.2-602.2 operated on the highways of Virginia as provided in § 46.2-602.2 and as permitted by this article. It shall be unlawful for any dealer to cause or permit dealer's license plates to be used on:

1. Motor vehicles such as tow trucks, wrecking cranes, or other service motor vehicles;

2. Vehicles used to deliver or transport (i) other vehicles; (ii) portions of vehicles; (iii) vehicle components, parts, or accessories; or (iv) fuel;

3. Courtesy vehicles; or

4. Vehicles used in conjunction with any other business.

B. A dealer may permit his license plates to be used in the operation of a motor vehicle:

1. By any person whom the dealer reasonably believes to be a bona fide prospective purchaser who is either accompanied by a licensed salesperson or has the written permission of the dealer;

2. When the plates are being used by a customer on a vehicle owned by the dealer in whose repair shop the customer's vehicle is being repaired; or

3. By a person authorized by the dealer on a vehicle that is being driven to or from (i) a point of sale, (ii) an auction, (iii) a repair facility for the purpose of mechanical repairs, painting, or installation of parts or accessories, or (iv) a dealer exchange.

The dealer shall issue to the prospective purchaser, customer whose vehicle is being repaired, or other person authorized under subdivision 3 of this subsection, a certificate on forms provided by the Department, a copy of which shall be retained by the dealer and open at all times to the inspection of the Commissioner or any of the officers or agents of the Department. The certificate shall be in the immediate possession of the person operating or authorized to operate the vehicle. The certificate shall entitle a person to operate with dealer's license plates under (i) subdivision 1 or 2 of this subsection for a specific period of no more than five days or (ii) subdivision 3 of this subsection for no more than twenty-four hours. No more than two certificates may be issued by a dealer to the same person under subdivision 1 or 2 of this subsection for successive periods.

1988, c. 865, § 46.1-550.5:8; 1989, c. 727; 1991, c. 712; 1993, c. 504; 1995, cc. 767, 816; 1998, c. 827; 2008, cc. 304, 753.

§ 46.2-1550.1. Use of dealer's license plates and temporary transport plates on certain vehicles.
Notwithstanding the provisions of § 46.2-1550, dealer's license plates or dealer's temporary transport plates may be used on vehicles being transported (i) from a motor vehicle auction or other point of purchase or sale, (ii) between properties owned or controlled by the same dealership, or (iii) for repairs, painting, or installation of parts or accessories. This section shall also apply to return trips by such vehicles.

1991, c. 712.

§ 46.2-1550.2. Issuance and use of temporary transport plates, generally.
The Department, subject to the limitations and conditions set forth in this section and the insurance requirements contained in § 46.2-1547, may provide for the issuance of temporary transport plates designed by the Department to any dealer licensed under this chapter who applies for at least 10 plates and who encloses with his application a fee of $1.50 for each plate. The application shall be made on a form prescribed and furnished by the Department. Temporary transport plates may be used for those purposes outlined in § 46.2-1550.1. Every dealer who has applied for temporary transport plates shall maintain a record of (i) all temporary transport plates delivered to him, (ii) all temporary transport plates issued by him, and (iii) any other information pertaining to the receipt or the issuance of temporary transport plates which may be required by the Department.

Every dealer who issues temporary transport plates shall insert clearly and indelibly on the face of the temporary transport plates the name of the issuing dealer, the date of issuance and expiration, and the make and identification number of the vehicle for which issued.

The dealer shall issue to the operator of the specified vehicle a certificate on forms provided by the Department, a copy of which shall be retained by the dealer and open at all times to the inspection of the Commissioner or any of the officers or agents of the Department. The certificate shall be in the immediate possession of the person operating or authorized to operate the vehicle. The certificate shall entitle the person to operate with the dealer's temporary transport plate for a period of no more

than five days. Temporary transport plates may also be used by the dealer to demonstrate types of vehicles taken in trade but for which he has not been issued dealer's license plates.

1991, c. 712; 2012, cc. 215, 222.

§ 46.2-1550.3. Alternative print-on-demand program for issuance of temporary transport license plates to dealers and vehicle owners.

A. Notwithstanding the provisions of § 46.2-1550.2, the Department may develop and implement procedures and requirements necessary for delivery of temporary transport license plates to dealers and issuance of temporary transport license plates by dealers to vehicle owners, using print-on-demand technology.

B. In the event the Department implements a print-on-demand temporary license plate program pursuant to this section, all dealers licensed on or after the effective date of the program shall be required to purchase and issue only print-on-demand temporary license plates.

C. The Commissioner shall not impose a requirement relating to the minimum number of sets of temporary plates that must be purchased by a dealer pursuant to a print-on-demand temporary license plate program implemented under this section.

D. Except as otherwise provided in this section, temporary license plates delivered and issued pursuant to this section shall be subject to all conditions and limitations set forth in this article.

2011, c. 786.

§ 46.2-1551. Use of dealer's license plates or temporary transport plates on certain vehicles traveling from one establishment to another for purpose of having special equipment installed.

Notwithstanding the provisions of § 46.2-1550, dealer's license plates or temporary transport plates may be used on tractor trucks or trucks for the purpose of delivering these vehicles to another establishment for the purpose of having a fifth wheel, body, or any special permanently mounted equipment installed on the vehicles, and for the purpose of returning the vehicle to the dealer whose plates are attached to the tractor truck or truck whether or not the title to the vehicle has been retained by the dealer, and no other license, permit, warrant, exemption card, or classification plate from any other agency of the Commonwealth shall be required under these circumstances. No other statute or regulation in conflict with the provisions of this section shall be applicable to the extent of the conflict. This section shall also apply to trips into the Commonwealth by a vehicle owned and operated outside the Commonwealth to an establishment within the Commonwealth and to the return trip of that vehicle from the Commonwealth to another state, provided the operator of the vehicle carries on his person when so operating a bill of sale for the fifth wheel, body, or special equipment.

1988, c. 865, § 46.1-550.5:9; 1989, c. 727; 1991, c. 712; 1995, cc. 767, 816.

§ 46.2-1552. Use of dealer's license plates on newly purchased vehicles.

Notwithstanding the provisions of § 46.2-1550, any dealer who sells and delivers to a purchaser a motor vehicle at a time when the main offices of the Department, its branch offices, or offices of its

local agents, are not open for business and the purchaser is therefore unable to register the vehicle, may permit the purchaser to use, for a period not exceeding five days, on the newly purchased vehicle, license plates which have been issued to the dealer, provided that, at the time of the purchase, the dealer executes in duplicate, on forms provided by the Commissioner, a certificate bearing the date of issuance, the name and address of the purchaser, the identification number of the vehicle, the registration number to be used temporarily on the vehicle, the name of the state in which the vehicle is to be registered, and whatever other information may be required by the Commissioner. The original of the certificate and a bona fide bill of sale shall be delivered to the purchaser and shall be in the possession of the purchaser at all times when operating the vehicle under dealer plates. One copy of the certificate shall be retained by the dealer, filed by him, and shall be subject to inspection at any time by the Department's agents. If the vehicle is to be titled and registered in the Commonwealth, application for title and registration shall be made by the purchaser on the first business day following issuance of the certificate and a copy of the certificate shall accompany the applications.

License plates temporarily used by the purchaser shall be returned to the dealer by the purchaser not later than five days after the issuance of the certificate.

1988, c. 865, § 46.1-550.5:10; 1989, c. 727; 1991, c. 712.

§ 46.2-1552.1. Use of dealer's license plates or temporary transport plates for demonstrating trucks or tractor trucks.

Notwithstanding any other provision of this chapter, dealer's license plates issued under § 46.2-1548 and temporary transport plates issued under § 46.2-1550.2 may be used on trucks or tractor trucks in the inventory of licensed motor vehicle dealers for the purpose of demonstrating trucks or tractor trucks in the inventory of a licensed dealer by a bona fide prospective purchaser. Any such demonstration vehicle may be loaded in a manner consistent with the prospective purchaser's usual commercial activities. Such use of dealer's license plates on demonstration trucks or tractor trucks in a prospective purchaser's commercial activities shall be for not more than three days or 750 miles, whichever comes first, and shall not thereafter be used on the same truck or tractor truck by the same prospective purchaser for a period of sixty days. The dealer shall issue to the prospective purchaser, or to his authorized agent, a certificate on forms provided by the Department, a copy of which shall be retained by the dealer and open at all times to the inspection of the Commissioner or any of the officers or agents of the Department. The certificate shall be in the immediate possession of the person operating or authorized to operate the truck or tractor truck. The certificate shall entitle the person to operate with the dealer's license plate or temporary transport plate for a specific period of no more than three days. This certificate shall be in lieu of any other registration, permit, and motor fuel road tax identification otherwise required by law.

1993, c. 503; 1997, c. 283.

§ 46.2-1553. Operation without license plate prohibited.

No manufacturer or distributor of or dealer in motor vehicles shall cause or permit any motor vehicle owned by him to be operated or moved on a public highway without there being displayed on the

motor vehicle a license plate or plates issued to him, either under § 46.2-711 or under § 46.2-1548, except as otherwise authorized in §§ 46.2-733, 46.2-1554 and 46.2-1555.

1988, c. 865, § 46.1-550.5:11; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1554. Movement by manufacturer to place of shipment or delivery.

Any manufacturer of motor vehicles may operate or move or cause to be moved or operated on the highways for a distance of no more than twenty-five miles motor vehicles from the factory where manufactured or assembled to a railway depot, vessel, or place of shipment or delivery, without registering them and without license plates attached thereto, under a written permit first obtained from the local law-enforcement authorities having jurisdiction over the highways and on displaying in plain sight on each motor vehicle a placard bearing the name and address of the manufacturer authorizing or directing the movement.

1988, c. 865, § 46.1-550.5:12; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1555. Movement by dealers to salesrooms.

Any dealer in motor vehicles may operate or move, or cause to be operated or moved, any motor vehicle on the highways for a distance of no more than twenty-five miles from a vessel, railway depot, warehouse, or any place of shipment or from a factory where manufactured or assembled to a salesroom, warehouse, or place of shipment or transshipment without registering them and without license plates attached thereto, under a written permit first obtained from the local law-enforcement authorities having jurisdiction over the highways and on displaying in plain sight on each motor vehicle a placard bearing the name and address of the dealer authorizing or directing the movement.

1988, c. 865, § 46.1-550.5:13; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1556. Operation under foreign dealer's license.

It shall be unlawful, except as provided for by reciprocal agreement, for any person to operate a motor vehicle or for the owner thereof to permit a motor vehicle to be operated in the Commonwealth on a foreign dealer's license, unless the operation of the motor vehicle on the license is specifically authorized by the Commissioner.

1988, c. 865, § 46.1-550.5:14; 1989, c. 727; 1995, cc. 767, 816.

§ 46.2-1557. Use of certain foreign-registered motor vehicles in driver education programs.

Dealer's license plates may be displayed on motor vehicles used by Virginia school systems in connection with driver education programs approved by the State Board of Education. In the event of such use of a motor vehicle or vehicles by a school system, any dealer, his employees and agents furnishing the motor vehicle or vehicles shall be immune from liability in any suit, claim, action, or cause of action, including but not limited to, actions or claims for injury to persons or property arising out of such use. Nothing in this section shall authorize the sale of any motor vehicle or vehicles so used in such driver education program as a demonstrator vehicle.

Notwithstanding the provisions of §§ 46.2-1500 and 46.2-1556, school divisions either (i) bordering on Kentucky, Maryland, North Carolina, Tennessee, or West Virginia, or (ii) located in Accomack or Northampton County may use motor vehicles bearing foreign motor vehicle dealer's license plates in connection with their driver education programs.

1988, c. 865, §§ 46.1-550.5:8, 46.1-550.5:15; 1989, c. 727.

§ 46.2-1557.1. Removal of plates by Department of Motor Vehicles investigators; cancellation; reissuance.

If any Department of Motor Vehicles investigator finds that a vehicle bearing license plates or temporary transport plates issued under this article is being operated in a manner inconsistent with (i) the requirements of this article or (ii) the Commissioner's authorization provided for in this article, the Department of Motor Vehicles investigator may remove the license plate for cancellation. Once a license plate has been cancelled, the dealership may reapply for the license plate. Reissuance of the license plate shall be subject to the approval of the Commissioner and the payment of the fee prescribed for issuance of license plates under this article.

1991, c. 712.

§ 46.2-1557.2. Penalties for violations of article; service of summons.

Notwithstanding § 46.2-1507, any person violating any of the provisions of this article shall be guilty of a Class 3 misdemeanor. Any summons issued for any violation of any provision of this article relating to use or misuse of dealer's license plates shall be served upon the dealership to whom the plates were issued or to the person expressly permitting the unlawful use, or upon the operator of the motor vehicle if the plates are used contrary to the use authorized by the certificate issued pursuant to § 46.2-1550.

1993, c. 504.

Article 6 - ISSUANCE OF TEMPORARY LICENSE PLATES BY DEALERS

§ 46.2-1557.3. Exclusion of all-terrain vehicles and off-road motorcycles.

Nothing in this article shall apply to all-terrain vehicles or off-road motorcycles.

2015, c. 615.

§ 46.2-1557.4. Watercraft trailer dealers and watercraft trailers.

For the purposes of this article:

"Dealer" and "trailer dealer" includes watercraft trailer dealers.

"Trailer" includes watercraft trailers.

2015, c. 615.

§ 46.2-1558. Issuance of temporary license plates to dealers and vehicle owners.

The Department may, subject to the limitations and conditions set forth in this article, deliver temporary license plates designed by the Department to any dealer licensed under this chapter who applies for

at least 10 sets of plates and who encloses with his application a fee of $3 for each set applied for. The application shall be made on a form prescribed and furnished by the Department. Dealers, subject to the limitations and conditions set forth in this article, may issue temporary license plates to owners of vehicles. The owners shall comply with the provisions of this article and §§ 46.2-705, 46.2-706 and 46.2-707. Dealers issuing temporary license plates may do so free of charge, but if they charge a fee for issuing temporary plates, the fee shall be no more than the fee charged the dealer by the Department under this section.

Display of a temporary license plate or plates on a motor vehicle shall subject the vehicle to the requirements of §§ 46.2-1038 and 46.2-1056.

1988, c. 865, § 46.1-550.5:16; 1989, c. 727; 1992, c. 631; 2012, cc. 215, 222; 2015, c. 615.

§ 46.2-1558.1. Alternative print-on-demand program for issuance of temporary license plates to dealers and vehicle owners.

A. Notwithstanding the provisions of § 46.2-1558, the Department may develop and implement procedures and requirements necessary for delivery of temporary license plates to dealers and issuance of temporary license plates by dealers to vehicle owners, using print-on-demand technology.

B. In the event the Department implements a print-on-demand temporary license plate program pursuant to this section, all dealers licensed on or after the effective date of the program shall be required to purchase and issue only print-on-demand temporary license plates.

C. The Commissioner shall not impose a requirement relating to the minimum number of sets of temporary plates that must be purchased by a dealer pursuant to a print-on-demand temporary license plate program implemented under this section.

D. Except as otherwise provided in this section, temporary license plates delivered and issued pursuant to this section shall be subject to all conditions and limitations set forth in this article.

2006, c. 545.

§ 46.2-1559. Records to be kept by dealers; inspection.

Every dealer who has applied for temporary license plates shall maintain a permanent record of (i) all temporary license plates delivered to him, (ii) all temporary license plates issued by him, and (iii) any other information pertaining to the receipt or the issuance of temporary license plates which may be required by the Department. Each record shall be kept for at least one year from the date of entry. Every dealer shall allow full access to these records during regular business hours to authorized representatives of the Department and to law-enforcement officers.

1988, c. 865, § 46.1-550.5:17; 1989, c. 727.

§ 46.2-1560. Application for temporary license plate.

No dealer shall issue a temporary license plate except on written application by the person entitled to receive the license plate, which application shall be forwarded by the dealer to the Department as provided in § 46.2-1542.

1988, c. 865, § 46.1-550.5:18; 1989, c. 727.

§ 46.2-1561. To whom temporary plates shall not be issued; dealer to forward application for current titling and registration; misstatements and false information.

No dealer shall issue, assign, transfer, or deliver temporary license plates to other than the bona fide purchaser or owner of a vehicle, whether or not the vehicle is to be registered in the Commonwealth. If the vehicle is to be registered in the Commonwealth, the dealer shall submit to the Department a written application for the current titling and registration of the purchased vehicle, accompanied by the prescribed fees. Any dealer who issues temporary license plates to a purchaser who fails or declines to request that his application be forwarded promptly to the Department forthwith shall notify the Department of the issuance in the manner provided in this article. No dealer shall lend temporary license plates to any person for use on any vehicle. If the dealer does not have in his possession the certificate of title or certificate of origin he may issue temporary license plates even though the purchaser has current license plates to be transferred. The dealer shall present the title or certificate of origin to the customer or transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days of purchase and after this transaction is completed the customer shall transfer his current license plates to the vehicle. If the title or certificate of origin cannot be produced for a vehicle or the dealer fails to transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days, a second set of temporary license plates may be issued provided that a temporary certificate of registration is issued as provided in § 46.2-1542. It shall be unlawful for any person to issue any temporary license plates containing any misstatement of fact, or for any person issuing or using temporary license plates knowingly to insert any false information on their face.

1988, c. 865, § 46.1-550.5:19; 1989, c. 727; 2005, c. 558; 2012, c. 650; 2015, c. 615.

§ 46.2-1562. Dealer to insert his name, date of issuance and expiration, make and identification number of vehicle.

Every dealer who issues temporary license plates shall insert clearly and indelibly on the face of each temporary license plate the name of the issuing dealer, the date of issuance and expiration, and the make and identification number of the vehicle for which issued.

1988, c. 865, § 46.1-550.5:20; 1989, c. 727.

§ 46.2-1563. Suspension of right of dealer to issue.

The Commissioner, on determining that the provisions of this chapter or the directions of the Department are not being complied with by any dealer, may suspend, after a hearing, the right of a dealer to issue temporary license plates.

1988, c. 865, § 46.1-550.5:21; 1989, c. 727.

§ 46.2-1564. Plates to be destroyed on expiration.

Every person to whom temporary license plates have been issued shall destroy them on the thirtieth day after issue or immediately on receipt of the permanent license plates from the Department, whichever occurs first.

1988, c. 865, § 46.1-550.5:22; 1989, c. 727.

§ 46.2-1565. When plates to expire; refunds or credit.

Temporary license plates shall expire on the receipt of the permanent license plates from the Department, or on the rescission of a contract to purchase a motor vehicle, or on the expiration of thirty days from the date of issuance, whichever occurs first. No refund or credit of fees paid by dealers to the Department for temporary license plates shall be allowed, except that when the Department discontinues the right of a dealer to issue temporary license plates, the dealer, on returning temporary license plates to the Department, may receive a refund or a credit for them.

1988, c. 865, § 46.1-550.5:23; 1989, c. 727.

§ 46.2-1565.1. Penalties.

Any person violating any of the provisions of this article is guilty of a Class 1 misdemeanor. Any summons issued for any violation of any provision of this article relating to use or misuse of temporary license plates shall be served upon the dealership to whom the plates were issued or to the person expressly permitting the unlawful use, or upon the operator of the motor vehicle if the plates are used contrary to the use authorized pursuant to § 46.2-1561.

1995, cc. 767, 816; 2015, c. 615.

Article 7 - FRANCHISES

§ 46.2-1566. Filing of franchises.

A. It shall be the responsibility of each motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to file with the Commissioner by certified mail a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer which affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a motor vehicle dealer or prospective motor vehicle dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a motor vehicle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

B. The Department shall inform the manufacturer, factory branch, distributor, distributor branch, or subsidiary and the dealer or dealers or other parties named in the agreement of a preliminary recommendation as to the consistency of the agreement with the provisions of this chapter. If any of the parties involved have comments on the preliminary recommendation, they must be submitted to the Commissioner within 30 days of receiving the preliminary recommendation. The Commissioner shall render his decision within 15 days of receiving comments from the parties involved. If the Com-

missioner does not receive comments within the 30-day time period, he shall make the final determination as to the consistency of the agreement with the provisions of this chapter.

C. Any form or addendum that is not filed as required by this section may not be the basis for (i) any reduction in compensation due to a dealer from the franchisor, (ii) any franchisor demand or requirement by which a dealer must abide, or (iii) any penalty or detriment a franchisor imposes or attempts to impose on a motor vehicle dealer. This section shall not apply to any dealer program or dealer incentive that is not inconsistent with any form or addendum already on file by the manufacturer with the state or that expires within 12 months of its start date, or the continuation, renewal, or modification of any dealer program or dealer incentive that was in place as of July 1, 2015. This section shall not apply to any consumer program or consumer incentive, including discount pricing programs.

1988, c. 865, § 46.1-550.5:24; 1989, c. 727; 1994, c. 537; 1995, cc. 767, 816; 2015, c. 236.

§ 46.2-1567. Exemption of franchises from Retail Franchising Act.

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

1988, c. 865, § 46.1-550.5:25; 1989, c. 727.

§ 46.2-1568. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts, extended service contracts or extended maintenance plans, financing, or leasing prohibited; penalty.

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, representative, or affiliate of either to coerce or attempt to coerce any retail motor vehicle dealer or prospective retail motor vehicle dealer in the Commonwealth to (i) offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or affiliate of either or (ii) sell, assign, or transfer any retail installment sales contract or lease obtained by the dealer in connection with the sale or lease by him in the Commonwealth of motor vehicles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies, affiliate, leasing company or class of leasing companies, or any other specified persons by any of the following:

1. By any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is express or implied or made directly or indirectly.

2. By any act that will benefit or injure the dealer.

3. By any contract, or any express or implied offer of contract, made directly or indirectly to the dealer, for handling the motor vehicle on the condition that the dealer shall offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or that the dealer sell, assign, or transfer his retail installment sales contract on or lease of the vehicle, in the Commonwealth, to a specified finance company or class of finance companies, leasing company or class of leasing companies, or any other specified person.

4. By any express or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any of his retail sales contracts or leases in the Commonwealth on motor vehicles manufactured or sold by the manufacturer or distributor to a finance company or class of finance companies, leasing company or class of leasing companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies, leasing company or leasing companies, or the specified person or persons.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. To further avoid any acts or practices, the effect of which may be to lessen or eliminate competition, it shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative thereof, or any person or company affiliated therewith, to condition the provision of lead information to a dealer upon the agreement of the dealer to sell or lease a vehicle to the prospective customer only if the financing or leasing connected with the transaction is effected through a specified finance company or class of finance companies or leasing company or class of leasing companies. For the purposes of this section, "lead information" means information concerning a prospective customer who contacts or is contacted by the manufacturer or distributor or any person or company affiliated therewith concerning the manufacturer's or distributor's products. The provisions of this subsection, however, shall not prohibit a manufacturer or distributor from so conditioning the provision of lead information concerning any prospective customer who qualifies for any manufacturer-sponsored or distributor-sponsored factory employee, factory retiree, or factory vendor new vehicle purchase program.

D. It shall be unlawful for any manufacturer or distributor or any affiliate thereof to coerce or require a dealer that is a franchisee of the manufacturer or distributor to sell products sponsored, sold, or offered by the manufacturer, distributor, or affiliate in connection with sales of vehicles whether or not in connection with any retail installment sales contract or lease; however, this subsection shall not apply to used motor vehicles sold under a manufacturer used vehicle certification program. For purposes of this section, the refusal by an affiliate of a manufacturer or distributor to accept assignment of a retail installment sales contract or lease solely because it includes a product in connection with the sale of the vehicle not sponsored, sold, or offered by the manufacturer or distributor, or any affiliate thereof, shall be unlawful; but an affiliate of a manufacturer or distributor may establish standards for products in connection with a sale of a vehicle to be included in retail installment sales contracts or leases it will accept, provided the standards, including the establishment of maximum prices for products, are equally enforceable and enforced with respect to products in connection with the sale of a vehicle sponsored, sold, or offered by the manufacturer, distributor, or affiliate and products that are not. Nothing in this section prohibits a manufacturer, distributor, or affiliate from offering dealer or consumer incentive programs directly related to the sale of products sponsored, sold, or offered by the

manufacturer, distributor, or affiliate whether or not in connection with any retail installment sales contract or lease. A dealer that chooses not to participate in these programs shall not be penalized as a result. Non-payment of the incentive due to non-participation in the incentive programs directly related to the sale of products sponsored, sold, or offered by the manufacturer, distributor, or affiliate by the dealer shall not qualify as a penalty.

E. Any person aggrieved by an action prohibited by this section may seek a hearing, pursuant to § 46.2-1573, against any manufacturer or distributor licensed under this title.

F. Nothing contained in this section shall prohibit a manufacturer or distributor from offering or providing incentive benefits or bonus programs to a retail motor vehicle dealer or prospective retail motor vehicle dealer in the Commonwealth who makes the voluntary decision to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any retail installment sale or lease by him in the Commonwealth of motor vehicles manufactured or sold by the manufacturer or distributor to a specified finance company or leasing company controlled by or affiliated with the manufacturer or distributor.

1988, c. 865, § 46.1-550.5:26; 1989, c. 727; 1995, cc. 767, 816; 2001, c. 149; 2005, c. 906; 2015, c. 236.

§ 46.2-1568.1. Discrimination by manufacturers or distributors prohibited.

No manufacturer or distributor, or any officer, agent, or representative of either, shall discriminate against a dealer holding a franchise of the manufacturer or distributor in favor of another dealer or other dealers of the same line-make in the Commonwealth by:

1. Selling or offering to sell a new motor vehicle to a dealer at a lower actual price, including the price for vehicle transportation, than the actual price at which the same model similarly equipped is offered to or is available to another dealer in the Commonwealth during a similar time period;

2. Using a promotional program or device or an incentive, payment, or other benefit, whether paid at the time of the sale of the new motor vehicle to the dealer or later, that results in the sale or offer to sell a new motor vehicle to a dealer at a lower price, including the price for vehicle transportation, than the price at which the same model similarly equipped is offered or is available to another dealer in the Commonwealth during a similar time period. This subdivision shall not prohibit a promotional or incentive program that is functionally available to competing dealers of the same line-make in the Commonwealth on substantially comparable terms;

3. Providing lead information to a dealer when the address provided by the prospective customer (or the preferred contact address, if more than one address is provided) is in the relevant market area of another dealer or other dealers of the same line-make without providing or offering to provide the same information on equal terms to the dealer or dealers of the same line-make in whose relevant market area the prospective customer's address (or preferred contact address, if more than one address is provided) is located. The foregoing requirement of this subdivision shall not apply if (i) the lead

information is generated under any program administered by an entity in which one or more dealers, together with the manufacturer or distributor, hold an ownership interest, where the program is designed to facilitate sales of motor vehicles through dealers participating in the program, provided that ownership or the right to participate in the entity has been made available to all dealers of the same line-make in the Commonwealth on substantially comparable terms or (ii) the prospective customer requests that the lead information be forwarded to a particular dealer or (iii) the lead information is the result of the prospective customer's request for a specific type of vehicle when the specific type of vehicle in the color and with the equipment desired by the prospective customer is not available at a dealer or dealers of the same line-make in whose relevant market area the prospective customer's address (or preferred contact address, if more than one address is provided) is located. For purposes of this subsection, "lead information" is information concerning a prospective customer (i) who contacts the manufacturer or distributor in response to an advertisement, a solicitation, or a message broadcast, distributed, or made available to the public by the manufacturer or distributor or (ii) who is contacted by the manufacturer or distributor, and (iii) such contact is in relation to the sale of, service on, or parts or accessories for new or used motor vehicles. This subdivision shall not be construed to permit provision of or access to customer information that is otherwise protected from disclosure by law or by agreement between a dealer and a manufacturer or distributor.

2001, cc. 817, 849.

§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, distributor branch, or affiliate, or any field representative, officer, agent, or their representatives to do any of the following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This

subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

2d. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to (i) recall, (ii) stop sale directive, (iii) technical service bulletin, or (iv) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on such used motor vehicle, unless the manufacturer, factory branch, distributor, or distributor branch has a remedy and parts available to the dealer to remediate the basis for the coercion or requirement of the dealer to refrain from selling each affected used motor vehicle. If there is no remedy or there are no parts available from the manufacturer, factory branch, distributor, or distributor branch to remediate each affected used motor vehicle in the inventory of the dealer, the manufacturer, factory branch, distributor, or distributor branch shall (a) compensate the dealer for any affected used motor vehicle in the inventory of the dealer that it cannot sell because of such coercion or requirement at least one percent a month or any part thereof

of the cost of such used motor vehicle, including repairs and reconditioning expenses based on the financial records of the dealer, and (b) establish a written procedure to compensate dealers under this subdivision that it shall provide to dealers subject to its coercion or requirement and file with the Commissioner as a franchise document pursuant to § 46.2-1566.

Any claim for compensation by a dealer shall be submitted on a monthly basis for the amount owed pursuant to this subdivision. The manufacturer, factory branch, distributor, or distributor branch shall process and pay the claim in the same manner as a claim for warranty reimbursements as provided in § 46.2-1571. This subdivision shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; or (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory.

Nothing in this subdivision shall prevent a manufacturer, factory branch, distributor, or distributor branch from instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant (i) lacks good moral character, (ii) lacks reasonable motor vehicle dealership management experience and qualifications, (iii) lacks financial ability to be the dealer, or (iv) fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a

relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15

days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line -- make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on

terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributer, or distributer branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may

demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only

available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.

The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or

access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.

If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.

It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.

A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.

1988, c. 865, § 46.1-550.5:27; 1989, cc. 363, 686, 727; 1990, c. 83; 1992, c. 116; 1994, c. 385; 1995, cc. 767, 816; 1998, c. 682; 2007, cc. 827, 837; 2009, cc. 173, 176; 2010, cc. 284, 318; 2011, cc. 774, 856; 2015, cc. 155, 236; 2016, cc. 432, 534.

§ 46.2-1569.1. Manufacturer or distributor right of first refusal.

A. Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new vehicle dealer's assets or ownership, if such sale or transfer is conditioned upon the

manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer's owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer; and

3. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney's fees which do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

B. A manufacturer or distributor shall not exercise or enforce a right of first refusal if (i) the proposed sale or transfer is to a dealer licensed in the United States as a dealer holding a franchise from any manufacturer or distributor licensed as a manufacturer or distributor in the Commonwealth unless the manufacturer or distributor has a formal written program to increase the number of minority dealers and a minority dealer will obtain at least 51 percent ownership and control of the dealership's assets after the exercise of the right of first refusal consistent with subdivision 2 of § 46.2-1572 or (ii) the proposed sale or transfer of the dealership's assets involves the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership, limited liability company, corporation, or other entity controlled by such persons.

C. The provisions of clause (i) of subsection B shall not apply to any manufacturer or distributor, together with any of its parents, subsidiaries or affiliates that as of January 1, 2019, (i) produced or distributed at least 1,000 motor vehicles in the immediately preceding 12 months, at least 51 percent of which had a gross vehicle weight rating of at least 16,000 pounds and (ii) was on January 1, 2019 a party, including that party's parents, subsidiaries and affiliates, to federal litigation arising from rights and obligations created by § 46.2-1569.1.

1994, c. 809; 2003, c. 298; 2019, cc. 738, 739.

§ 46.2-1570. Discontinuation of distributors.

A. If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to motor vehicle dealers in Virginia by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute motor vehicles of the

same line-make or the same motor vehicles of a renamed line-make shall be substituted for the discontinued distributor under the existing motor vehicle dealer franchises and those franchises shall be modified accordingly.

B. If a manufacturer or factory branch (i)(a) discontinues its right to manufacture a line-make of motor vehicles or (b) sells or otherwise transfers its right to manufacture a line-make of motor vehicles to another manufacturer or factory branch that will manufacture motor vehicles of the same line-make and (ii) the acquiring manufacturer or factory branch does not honor the existing franchise agreements of motor vehicle dealers in Virginia of the same line-make, such discontinuation, sale, or transfer shall constitute a termination of the franchise pursuant to subdivisions 5b and 5c of § 46.2-1569 and such motor vehicle dealers shall be entitled to compensation pursuant to those subdivisions.

1988, c. 865, § 46.1-550.5:29; 1989, c. 727; 2019, cc. 77, 738.

§ 46.2-1571. Recall, warranty, and sales incentive obligations.

A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motor vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, recall, and warranty service on its products and (ii) compensate the dealer for recall or warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for recall or warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable. Recall or warranty parts compensation shall be stated as a percentage of markup, which shall be an agreed reasonable approximation of retail markup and which shall be uniformly applied to all of the manufacturer's or distributor's parts unless otherwise provided for in this section. If the dealer and manufacturer or distributor cannot agree on the recall or warranty parts compensation markup to be paid to the dealer, the markup shall be determined by an average of the dealer's retail markup on all of the manufacturer's or distributor's parts as described in subdivisions 2 and 3.

2. For purposes of determining recall or warranty parts and service compensation paid to a dealer by the manufacturer or distributor, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers. For purposes of determining labor compensation for recall or warranty body shop repairs paid to a dealer by the manufacturer or distributor, internal and insurance-paid repairs shall not be considered in determining amounts charged by the dealer to retail customers.

3. Increases in dealer recall or warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the

case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts.

4. In the case of recall or warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years.

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as recall or warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motor vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for recall or warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work.

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for recall or warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Recall, warranty, and sales incentive audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for recall, warranty, or sales incentive compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim shall not constitute grounds for the denial of the claim or reduction of the amount of compensation to the dealer as long as reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer, factory branch, distributor, or distributor branch shall not deny a claim or reduce the amount of compensation to the dealer for recall or warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair requested by the customer or to resolve a condition on the basis of advice or recommendation by the dealer. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for recall or warranty parts or service compensation and service incentives shall only be

for the six-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the six-month period immediately following the date of claim. However, such limitations shall not be effective if a manufacturer, factory branch, distributor, or distributor branch has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent. For purposes of this section, "reasonable cause" means a bona fide belief based upon evidence that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. A dealer shall not be charged back or otherwise liable for sales incentives or charges related to a motor vehicle sold by the dealer to a purchaser other than a licensed, franchised motor vehicle dealer and subsequently exported or resold, unless the manufacturer, factory branch, distributor, or distributor branch can demonstrate by a preponderance of the evidence that the dealer should have known of and did not exercise due diligence in discovering the purchaser's intention to export or resell the motor vehicle.

B. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its recall or warranty obligations, including tires, with respect to a motor vehicle;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the motor vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to fully compensate its motor vehicle dealers licensed in the Commonwealth for recall or warranty parts, work, and service pursuant to subsection A either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, distributor, or distributor branch seeks to recover its costs of complying with subsection A, or for legal costs and expenses incurred by such dealers in connection with recall or warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or which the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of motor vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the vehicle;

8. Shift or attempt to shift to the motor vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer; or

9. Deny any dealer the right to return any part or accessory that the dealer has not sold within 12 months where the part or accessory was not obtained through a specific order initiated by the dealer but instead was specified for, sold to and shipped to the dealer pursuant to an automated ordering system, provided that such part or accessory is in the condition required for return to the manufacturer, factory branch, distributor, or distributor branch, and the dealer returns the part within 30 days of it becoming eligible under this subdivision. For purposes of this subdivision, an "automated ordering system" shall be a computerized system that automatically specifies parts and accessories for sale and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch shall not charge a restocking or handling fee for any part or accessory being returned under this subdivision. This subdivision shall not apply if the manufacturer, factory branch, distributor, or distributor branch has available to the dealer an alternate system for ordering parts and accessories that provides for shipment of ordered parts and accessories to the dealer within the same time frame as the dealer would receive them when ordered through the automated ordering system.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motor vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motor vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every motor vehicle dealer franchise issued to, amended, or renewed for motor vehicle dealers in Virginia shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motor vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231 -1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motor vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motor vehicle is otherwise damaged prior to delivery to the new motor vehicle dealer, the new motor vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motor vehicle to the new motor vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the three percent rule, ownership of the new motor vehicle shall revert to the manufacturer or distributor, and the new motor vehicle dealer shall have no obligation, financial or otherwise, with respect to such motor vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgement by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motor vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motor vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11. Nothing in this section shall be construed to exempt from the provisions of this section damage to a new motor vehicle that occurs following delivery of the vehicle to the dealer.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for recall or warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties, or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from, or agreement with the manufacturer, factory branch, distributor, or distributor branch until 40 days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor, or distributor branch. Within 30 days following receipt of such final notice, the dealer may petition the Commissioner, in writing, for a hearing. If a dealer

requests such a hearing, the manufacturer, factory branch, distributor, or distributor branch may not collect the chargeback, fully or in part, either through direct payment or by charge to the dealer's account, until the completion of the hearing and a final decision of the Commissioner concerning the validity of the chargeback.

1988, c. 865, § 46.1-550.5:30; 1989, cc. 365, 727; 1990, c. 250; 1991, c. 92; 1992, c. 135; 1993, c. 90; 1994, c. 783; 1995, cc. 421, 477; 1997, c. 484; 1998, c. 681; 2001, cc. 80, 89; 2006, cc. 809, 818; 2007, c. 830; 2009, cc. 173, 176; 2010, cc. 284, 318; 2013, cc. 260, 630; 2016, cc. 432, 534.

§ 46.2-1572. Operation of dealership by manufacturer.

It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, to own, operate, or control any motor vehicle dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership;

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, if the manufacturer, factory branch, distributor, distributor branch, or subsidiary has been engaged in the retail sale of motor vehicles through the dealership for a continuous period of three years prior to July 1, 1972, and if the Commissioner determines, after a hearing on the matter at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community to own and operate the franchise in a manner consistent with the public interest;

4. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest;

5. The ownership, operation, or control of a dealership dealing exclusively with school buses by a school bus manufacturer or school bus parts manufacturer or a person who assembles school buses; or

6. The ownership, operation, or control of a dealership dealing exclusively with refined fuels truck tanks by a manufacturer of refined fuels truck tanks or by a person who assembles refined fuels truck tanks. Notwithstanding any contrary provision of this chapter, any manufacturer of fire-fighting equipment who, on or before December 31, 2004, had requested a hearing before the Department or the

Commissioner in accordance with subdivision 4 for licensure as a dealer in fire-fighting equipment and/or ambulances may be licensed as a dealer in fire-fighting equipment and/or ambulances.

1988, c. 865, § 46.1-550.5:31; 1989, c. 727; 1990, c. 41; 2005, c. 456.

§ 46.2-1572.1. Ownership of service facilities.

A. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, to own, operate, or control, either directly or indirectly, any motor vehicle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, from owning, operating, or controlling any warranty or service facility for warranty or service of motor vehicles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a motor vehicle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

B. Subsection A shall not apply to the following:

1. Manufacturers of refined fuels truck tanks, persons who assemble refined fuels truck tanks, or persons who exclusively manufacture or assemble school buses or school bus parts; or

2. Manufacturers of engines for trucks having a gross vehicle weight rating of more than 7,500 pounds that owned, operated, or controlled a warranty or service facility in the Commonwealth as of January 1, 2016, provided that the manufacturer:

a. Does not own, operate, or control more than five such facilities in the Commonwealth;

b. Does not otherwise manufacture, distribute, or sell motor vehicles, as defined in § 46.2-1500; and

c. Provides to dealers on substantially equal terms access to all support for completing repairs, including parts and assemblies, training, and technical service bulletins and other information concerning repairs, that the manufacturer provides to facilities owned, operated, or controlled by the manufacturer.

1990, c. 329; 2016, c. 427.

§ 46.2-1572.2. Mediation of disputes.

At any time before a hearing under this article is commenced before the Commissioner, either party to a franchise agreement for the sale or service of passenger cars, pickup trucks or trucks may demand that a dispute be submitted to nonbinding mediation as a condition precedent to the right to a hearing before the Commissioner.

A demand for mediation may be served on the other party and shall be filed with the Commissioner at any time before a hearing is commenced by the Commissioner. The service of the demand for mediation shall, of itself, toll the time required to file requests for hearings and for the time for commencing and completing hearings under this article until mediation is concluded.

A demand for mediation shall be in writing and shall be served upon the other party by certified mail at an address designated in the franchise agreement or in the records of the Department. The demand for mediation shall contain a brief statement of the dispute and the relief sought by the party filing the demand.

Within ten days after the date on which the demand for mediation is served, the Commissioner shall select one mediator from his approved list of mediators or from the lists of hearing officers as set forth in § 2.2-4024. Within twenty-five days of the date of demand, the parties shall meet with the mediator for the purpose of attempting to resolve the dispute. The meeting place shall be within the Commonwealth at a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or upon the stipulation of both parties.

1994, c. 418.

§ 46.2-1572.3. Waiver prohibited.

No motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall obtain from a motor vehicle dealer a waiver of the dealer's rights by threatening to impose a detriment upon the dealer's business or threatening to withhold from the dealer any entitlement, benefit, or service to which the dealer is entitled by virtue of any franchise agreement, contract, statute, regulation, or law of any kind or which has been granted to more than one other franchisee of the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth. This section shall not apply to good faith settlement of disputes, including disputes pertaining to contract negotiations, in which a waiver is granted in exchange for fair consideration in the form of a benefit conferred upon the dealer; however, this section shall apply to a dispute as to whether a waiver of such rights by a motor vehicle dealer has been obtained in violation of this section.

2001, cc. 135, 150; 2010, cc. 284, 318.

§ 46.2-1572.4. Manufacturer or distributor use of performance standards.

A. Any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable and equitable, and if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

B. A manufacturer or distributor shall not use any data, calculations, or statistical determinations of the sales performance of a dealer for any purpose, including (i) loss of incentive payments or other benefits, (ii) claim of breach or threats thereof, or (iii) notice of termination or threats thereof for the period of time the manufacturer, factory branch, distributor, or distributor branch has established an agreement, program, incentive program, or provision for loss of incentive payments or other benefits that causes a dealer to refrain from selling any used motor vehicle subject to (a) recall, (b) stop sale directive, (c)

technical service bulletin, or (d) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on a dealer's used motor vehicles in its inventory when there is no remedy or there are no parts to remediate each such affected used motor vehicle from the manufacturer, factory branch, distributor, or distributor branch and for 90 days after the termination of such agreement, program, incentive program, or provision for loss of incentive payments or other benefits.

The data on which the manufacturer or distributor seeks to rely under this subsection shall only be for a period or periods not excluded under this subsection. For any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance during the period or periods excluded under this subsection, a dealer shall be deemed in compliance with any such program requirements related to sales performance or sales or service customer satisfaction performance of a dealer.

This subsection shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory; or (4) instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

C. A dealer may apply to the manufacturer, factory branch, distributor, or distributor branch for adjustment to data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance for any period of time that such dealer has at least five percent of its new motor vehicle inventory subject to a recall or stop sale directive and for 90 days after the end of such period of time. Within 30 days of application for adjustment, the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to review and adjust the data, calculations, or other statistical determinations back to the date that the dealer was prevented from selling the new motor vehicles. A dealer applying for adjustment shall have the burden of showing that the prevention of sale had a material, adverse impact on such dealer's new vehicle sales performance or sales and service customer satisfaction performance, and the adjustments by the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to remediate the effect of the impact shown on the data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance.

The manufacturer shall take into consideration any adjustments to a dealer's new vehicle sales performance or sales and service customer satisfaction performance made by the manufacturer under this subsection in determining a dealer's compliance with a manufacturer performance standard or program.

2001, cc. 165, 173; 2016, cc. 432, 534.

§ 46.2-1573. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. In every case of a hearing before the Commissioner authorized under this article based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.

B. The hearing process before the Commissioner under this article shall commence within 90 days of the request for a hearing by prehearing conference between the hearing officer and the parties in person, by telephone, or by other electronic means designated by the Commissioner. The hearing officer will set the hearing on a date or dates consistent with the rights of due process of the parties. The Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia within 60 days following the request for a hearing. Reasonable efforts shall be made to ensure that a hearing officer shall have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth, shall have telephone and email capability, and shall be an active member of the Virginia State Bar. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information by the Motor Vehicle Dealer Board or any other person indicating a possible violation of any provision of this article. The Commissioner shall issue a response to the Motor Vehicle Dealer Board or person reporting the alleged violation and any other party to the investigation providing an explanation of action taken under this section and the reason for such action.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6 and 7b of § 46.2-1569 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;

2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's capitalization to the franchisor's standards and the adequacy of the dealer's facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under motor vehicle warranties;

6. The dealer's performance under the terms of its franchise;

7. Other economic and geographical factors reasonably associated with the proposed action; and

8. The recommendations, if any, from a three-member panel composed of members of the Board who are franchised dealers not of the same line-make involved in the hearing and who are appointed to the panel by the Commissioner.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed $1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

F. During the hearing process, parties may obtain documents and materials by discovery pursuant to Rules 4:9 and 4:9A of the Supreme Court of Virginia. The parties shall exchange reports of experts, which shall meet the standard of Rule 4:1 of the Supreme Court of Virginia, at times to be established by the hearing officer. The parties may utilize any other form of discovery provided under the Rules of Supreme Court of Virginia if allowed by the hearing officer based on good cause shown. For discovery permitted under the Rules of Supreme Court of Virginia, a party may object to the discovery sought or seek to limit the discovery sought on any grounds permitted by the Rules or applicable law.

1988, c. 865, § 46.1-550.5:32; 1989, c. 727; 1992, c. 115; 1994, c. 702; 1995, cc. 767, 816; 2000, c. 106; 2001, cc. 165, 173; 2009, cc. 173, 176; 2010, cc. 284, 318; 2011, c. 650; 2015, c. 557; 2019, c. 751; 2020, cc. 1230, 1275.

§ 46.2-1573.01. Recovery of attorney's fees.

Any party to a proceeding under § 46.2-1573 who is found to have violated any provision of this article may be ordered by the circuit court before which an application therefor is pending to pay the reasonable attorney's fees and costs incurred by the complaining party, including those attorney's fees and costs incurred as a result of any appeal. Following issuance of the Commissioner's case decision finding that such violation has occurred, the complaining party may make application to an appropriate circuit court for entry of an order awarding it reasonable attorney's fees and costs. Notice of an initial application for entry of such order shall be served in the manner provided by law for the service of a summons in an action. The court shall take such evidence thereon as it deems necessary. Entry of a

judgment in conformity with any order awarding such fees and costs shall be stayed pending any appeal of such order or pending any appeal of the Commissioner's underlying decision on the merits. Such application shall be made within sixty days following the date of the Commissioner's order. Venue for the application shall be the circuit court before which any appeal of the Commissioner's decision is pending, and the application may be considered concurrently with consideration of the appeal; otherwise, venue shall be as provided in § 2.2-4003.

2001, cc. 812, 843.

§ 46.2-1573.02. Limited right of dealers to sell new motor vehicles following termination of franchise.

Notwithstanding any provision of this title to the contrary, a motor vehicle dealer shall have the right, for 180 days following the termination of its franchise, to continue to sell and advertise as new any existing new motor vehicle inventory of the line-make of the terminated franchise, under the following circumstances:

1. The vehicle was acquired in the ordinary course of business as a new vehicle by a dealer franchised to sell that vehicle;

2. The franchise agreement of the dealer is terminated, canceled, or rejected by the manufacturer, factory branch, distributor, or distributor branch and the termination, cancellation, or rejection is not a result of the revocation of the dealer's license to operate as a dealer or the dealer's conviction of a crime; and

3. The vehicle was held in the inventory of the dealer on the date of the franchise agreement's termination.

This provision does not entitle a dealer whose franchise agreement has been terminated, canceled, or rejected to continue to perform warranty service repairs or continue to be eligible to offer or receive consumer or dealer incentives offered by the manufacturer, factory branch, distributor, or distributor branch, except as earned by the dealer prior to termination of the franchise agreement.

2010, cc. 284, 318.

Article 7.1 - LATE MODEL AND FACTORY REPURCHASE FRANCHISES

§ 46.2-1573.1. Late model and factory repurchase franchises.

Franchised late model or factory repurchase motor vehicle dealers shall have the same rights and obligations as provided for franchised new motor vehicle dealers in Article 7 (§ 46.2-1566 et seq.) of this chapter, mutatis mutandis.

1992, c. 572.

Article 7.2 - RECREATIONAL VEHICLE FRANCHISES

§ 46.2-1573.2. Filing of franchises.

Each recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a recreational vehicle dealer or prospective recreational vehicle dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a recreational vehicle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

1995, cc. 767, 816, § 46.2-1973; 2015, c. 615.

§ 46.2-1573.3. Exemption of franchises from Retail Franchising Act.

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

1995, cc. 767, 816, § 46.2-1974; 2015, c. 615.

§ 46.2-1573.4. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts prohibited; penalty.

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail recreational vehicle dealer or prospective retail recreational vehicle dealer in the Commonwealth to sell, assign, or transfer any retail installment sales contract, obtained by the dealer in connection with the sale by him in the Commonwealth of recreational vehicles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the recreational vehicle on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the recreational vehicle, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on recreational vehicles manufactured or sold by the manufacturer or distributor to a finance company, class of finance companies, or other specified person, because of any relationship or

affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

1995, cc. 767, 816, § 46.2-1975; 1996, cc. 1043, 1052; 2015, c. 615.

§ 46.2-1573.5. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of recreational vehicles, parts, and accessories.

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any recreational vehicle or recreational vehicles, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of recreational vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such

additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new recreational vehicle dealer within two miles of the existing site of the relocating dealer.

6. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period and, after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised recreational vehicle dealer or filing of any petition by or against the franchised recreational vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;

b. Failure of the franchised recreational vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised recreational vehicle dealer;

c. Revocation of any license that the franchised recreational vehicle dealer is required to have to operate a dealership; or

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal.

7. To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance.

8. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

9. To fail to ship monthly to any dealer, if ordered by the dealer, the number of new recreational vehicles of each make, series, and model needed by the dealer to receive a percentage of total new recreational vehicle sales of each make, series, and model equitably related to the total new recreational vehicle production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new recreational vehicles are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all recreational vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

10. To require or otherwise coerce a dealer to underutilize the dealer's facilities.

11. To include in any franchise with a recreational vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

12. To require under any franchise agreement a recreational vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

13. To fail to include in any franchise with a recreational vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

1995, cc. 767, 816, § 46.2-1976; 1996, cc. 1043, 1052; 2015, c. 615.

§ 46.2-1573.6. Manufacturer or distributor right of first refusal.

Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new recreational vehicle dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

1995, cc. 767, 816, § 46.2-1977; 1996, cc. 1043, 1052; 2015, c. 615.

§ 46.2-1573.7. Discontinuation of distributors.

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to recreational vehicle dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the

manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute recreational vehicles of the same line-make or the same recreational vehicles of a renamed line-make shall be substituted for the discontinued distributor under the existing recreational vehicle dealer franchises, and those franchises shall be modified accordingly.

1995, cc. 767, 816, § 46.2-1978; 2015, c. 615.

§ 46.2-1573.8. Warranty obligations.

A. Each recreational vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its recreational vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production recreational vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a recreational vehicle;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to recreational vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the recreational vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its recreational vehicle dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance, or design of the recreational vehicle are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the recreational vehicle; or

8. Shift or attempt to shift to the recreational vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its recreational vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of recreational vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the recreational vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every recreational vehicle dealer franchise issued to, amended, or renewed for recreational vehicle dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new recreational vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new recreational vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a recreational vehicle is otherwise damaged prior to delivery to the new recreational vehicle dealer, the new recreational vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new recreational vehicle to the new recreational vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the recreational vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the recreational vehicle because damage

exceeds the three percent rule, ownership of the new recreational vehicle shall revert to the manufacturer or distributor, and the new recreational vehicle dealer shall have no obligation, financial or otherwise, with respect to such recreational vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided that the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new recreational vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the recreational vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the recreational vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

1995, cc. 767, 816, § 46.2-1979; 1996, cc. 453, 1043, 1052; 2015, c. 615.

§ 46.2-1573.9. Operation of dealership by manufacturer.

It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any recreational vehicle dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership;

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest;

4. The ownership, operation, or control of a dealership dealing exclusively with school buses by a school bus manufacturer or school bus parts manufacturer or a person who assembles school buses; or

5. The ownership, operation, or control of a dealership dealing exclusively with refined fuels truck tanks by a manufacturer of refined fuels truck tanks or by a person who assembles refined fuels truck tanks.

1995, cc. 767, 816, § 46.2-1980; 2015, c. 615.

§ 46.2-1573.10. Ownership of service facilities.

It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any recreational vehicle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or service of recreational vehicles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a recreational vehicle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

The preceding provisions of this section shall not apply to manufacturers of refined fuels truck tanks or to persons who assemble refined fuels truck tanks or to persons who exclusively manufacture or assemble school buses or school bus parts.

1995, cc. 767, 816, § 46.2-1981; 2015, c. 615.

§ 46.2-1573.11. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.5 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;

2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under recreational vehicle warranties;

6. The dealer's performance under the terms of its franchise; and

7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed $1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

1995, cc. 767, 816, § 46.2-1982; 2000, c. 106; 2015, c. 615; 2020, cc. 1230, 1275.

§ 46.2-1573.12. Late model and factory repurchase franchises.

Franchised late model or factory repurchase recreational vehicle dealers shall have the same rights and obligations as provided for franchised new recreational vehicle dealers in this article, mutatis mutandis.

1995, cc. 767, 816, § 46.2-1983; 2015, c. 615.

Article 7.3 - TRAILER FRANCHISES

§ 46.2-1573.13. Watercraft trailer dealers and watercraft trailers.

For the purposes of this article:

"Dealer" and "trailer dealer" includes watercraft trailer dealers.

"Trailer" includes watercraft trailers.

2015, c. 615.

§ 46.2-1573.14. Trailer dealers filing of franchises.

Each trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a trailer dealer or prospective trailer dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a trailer dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

1996, cc. 1043, 1052, § 46.2-1992.66; 2015, c. 615.

§ 46.2-1573.15. Exemption of franchises from Retail Franchising Act.

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

1996, cc. 1043, 1052, § 46.2-1992.67; 2015, c. 615.

§ 46.2-1573.16. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts prohibited; penalty.

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail trailer dealer or prospective retail trailer dealer in the Commonwealth to sell, assign, or transfer any retail installment sales contract obtained by the dealer in connection with the sale by him in the Commonwealth of trailers manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the trailer on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the trailer, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on trailers manufactured or sold by the manufacturer or distributor to a finance company, or class of finance companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

1996, cc. 1043, 1052, § 46.2-1992.68; 2015, c. 615.

§ 46.2-1573.17. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of trailers, parts, and accessories.

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any trailer or trailers, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold,

assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of trailer in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new trailer dealer within two miles of the existing site of the relocating dealer.

6. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period, and after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised trailer dealer or filing of any petition by or against the franchised trailer dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;

b. Failure of the franchised trailer dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised trailer dealer;

c. Revocation of any license that the franchised trailer dealer is required to have to operate a dealership; or

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal.

7. To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance.

8. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

9. To fail to ship monthly to any dealer, if ordered by the dealer, the number of new trailers of each make, series, and model needed by the dealer to receive a percentage of total new trailer sales of each make, series, and model equitably related to the total new trailer production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new trailers are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to

the dealer, within 30 days of such demand, all records of sales and all records of distribution of all trailers to the same line-make dealers who compete with the dealer requesting the hearing.

10. To require or otherwise coerce a dealer to underutilize the dealer's facilities.

11. To include in any franchise with a trailer dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

12. To require under any franchise agreement a trailer dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

13. To fail to include in any franchise with a trailer dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

1996, cc. 1043, 1052, § 46.2-1992.69; 2015, c. 615.

§ 46.2-1573.18. Manufacturer or distributor right of first refusal.

Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new trailer dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

1996, cc. 1043, 1052, § 46.2-1992.70; 2015, c. 615.

§ 46.2-1573.19. Discontinuation of distributors.

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to trailer dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute trailers of the same line-make or the same trailers of a renamed line-make shall be substituted for the discontinued distributor under the existing trailer dealer franchises, and those franchises shall be modified accordingly.

1996, cc. 1043, 1052, § 46.2-1992.71; 2015, c. 615.

§ 46.2-1573.20. Warranty obligations.

A. Each trailer manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its trailer dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as

defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of non-warranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any trailer manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a trailer;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to trailer owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the trailer dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its trailer dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of trailers that warranties with respect to the manufacture, performance, or design of the trailer are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the trailer; or

8. Shift or attempt to shift to the trailer dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any trailer manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its trailer dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of trailers, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the trailer or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every trailer dealer franchise issued to, amended, or renewed for trailer dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new trailer, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new trailer is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a trailer is otherwise damaged prior to delivery to the new trailer dealer, the new trailer dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new trailer to the new trailer dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the trailer exceeds the three percent rule, in which case the dealer may reject the trailer within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the trailer because damage exceeds the three percent rule, ownership of the new trailer shall revert to the manufacturer or distributor, and the new trailer dealer shall have no obligation, financial or otherwise, with respect to such trailer. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided that the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new trailer in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the trailer is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the

dealer shall accept the trailer and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the trailer as defined in § 59.1-207.11.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

1996, cc. 1043, 1052, § 46.2-1992.72; 2015, c. 615.

§ 46.2-1573.21. Operation of dealership by manufacturer.

It shall be unlawful for any trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any trailer dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership; or

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest.

1996, cc. 1043, 1052, § 46.2-1992.73; 2015, c. 615.

§ 46.2-1573.22. Ownership of service facilities.

It shall be unlawful for any trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any trailer warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or service of trailers owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a trailer manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

1996, cc. 1043, 1052, § 46.2-1992.74; 2015, c. 615.

§ 46.2-1573.23. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.16 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;

2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under trailer warranties;

6. The dealer's performance under the terms of its franchise; and

7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed $1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

1996, cc. 1043, 1052, § 46.2-1992.75; 2000, c. 106; 2015, c. 615; 2020, cc. 1230, 1275.

§ 46.2-1573.24. Late model and factory repurchase franchises.

Franchised late model or factory repurchase trailer dealers shall have the same rights and obligations as provided for franchised new trailer dealers in this article, mutatis mutandis.

1996, cc. 1043, 1052, § 46.2-1992.76; 2015, c. 615.

Article 7.4 - MOTORCYCLE FRANCHISES

§ 46.2-1573.25. Motorcycle dealers filing of franchises.

Except as otherwise provided in this section, each motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a motorcycle dealer or prospective motorcycle dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a motorcycle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

The provisions of this article shall not apply to a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road motorcycles that does not also manufacture or does not also distribute in the Commonwealth any motorcycle designed for lawful use on the public highways.

1996, cc. 1043, 1052, § 46.2-1993.64; 2003, c. 334; 2015, c. 615.

§ 46.2-1573.26. Exemption of franchises from Retail Franchising Act.

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

1996, cc. 1043, 1052, § 46.2-1993.65; 2015, c. 615.

§ 46.2-1573.27. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts and extended warranties prohibited; penalty.

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail motorcycle dealer or prospective retail motorcycle dealer in the Commonwealth to sell or offer to sell extended warranties or to sell, assign, or transfer any retail installment sales contract obtained by the dealer in connection with the sale by him in the Commonwealth of motorcycles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the motorcycle on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the motorcycle, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on motorcycles manufactured or sold by the manufacturer or distributor to a finance company, or class of finance companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

1996, cc. 1043, 1052, § 46.2-1993.66; 2015, c. 615.

§ 46.2-1573.28. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of motorcycles, parts, and accessories.

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any motorcycle or motorcycles, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of motorcycle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing, by certified mail, return receipt requested, all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site

from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motorcycle dealer within two miles of the existing site of the relocating dealer.

6. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period, and after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motorcycle dealer or filing of any petition by or against the franchised motorcycle dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;

b. Failure of the franchised motorcycle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motorcycle dealer;

c. Revocation of any license that the franchised motorcycle dealer is required to have to operate a dealership; or

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation, or nonrenewal.

7. To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make that was discontinued prior to January 1, 1989.

8. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

9. To fail to ship monthly to any dealer, if ordered by the dealer, the number of new motorcycles of each make, series, and model needed by the dealer to receive a percentage of total new motorcycle sales of each make, series, and model equitably related to the total new motorcycle production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motorcycles are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motorcycles to the same line-make dealers who compete with the dealer requesting the hearing.

10. To require or otherwise coerce a dealer to underutilize the dealer's facilities.

11. To include in any franchise with a motorcycle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

12. To require under any franchise agreement a motorcycle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

13. To fail to include in any franchise with a motorcycle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

14. To include in any franchise agreement with a motorcycle dealer terms that prohibit a motorcycle dealer from exercising his right to a trial by jury in any action where such right otherwise exists.

1996, cc. 1043, 1052, § 46.2-1993.67; 1997, c. 802; 2010, c. 610; 2015, c. 615.

§ 46.2-1573.29. When discontinuation, cancellation, or nonrenewal of franchise unfair.

A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement, is not undertaken in good faith, is not undertaken for good cause, or is based on an alleged breach of the franchise agreement that is not in fact a material and substantial breach.

1997, c. 802, § 46.2-1993.67:1; 2015, c. 615.

§ 46.2-1573.30. Repurchase of vehicles, parts, and equipment in the event of involuntary discontinuation, cancellation, or nonrenewal of franchise agreement.

A. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, within 60 days from the effective date of the discontinuation, cancellation, or nonrenewal of a franchise agreement, repurchase at the price equal to the amount paid therefor by the motorcycle dealer, less all incentives and allowances received by the dealer, (i) all new, unused, undamaged, and unaltered motorcycles, all-terrain vehicles, or off-road motorcycles of the current or previous model year that the manufacturer or distributor sold to the dealer and (ii) any other such motorcycle, all-terrain vehicle, or off-road motorcycle that it sold to the dealer not more than 180 days prior to the notice of termination. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the motorcycles, all-terrain vehicles, and off-road motorcycles prior to their repurchase.

B. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, if so requested by the dealer within the same 60-day period, also repurchase all genuine new and unused motorcycle, all-terrain vehicle, and off-road motorcycle parts and accessories that the manufacturer or distributor sold to the dealer so long as such parts and accessories are undamaged, in their original packaging, and listed in the current parts and accessories price list of the manufacturer or distributor. Such parts and accessories shall be repurchased at a price equal to the wholesale price stated in the current parts and accessories price list of the manufacturer or distributor, less all incentives and allowances received by the dealer and without reduction for such repurchase or for processing or handling the repurchase. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the parts and accessories prior to their repurchase.

C. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, if so requested by the dealer within the same 60-day period, repurchase the new and used equipment that the manufacturer or distributor sold to the dealer at its then fair market value, including signs, special tools, and manuals that the manufacturer or distributor required the dealer to purchase. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the equipment prior to its repurchase.

2004, c. 107, § 46.2-1993.67:2; 2015, c. 615.

§ 46.2-1573.31. Manufacturer or distributor right of first refusal.

Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new motorcycle dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

1996, cc. 1043, 1052, § 46.2-1993.68; 2015, c. 615.

§ 46.2-1573.32. Discontinuation of distributors.

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to motorcycle dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute motorcycles of the same line-make or the same motorcycles of a renamed line-make shall be substituted for the discontinued distributor under the existing motorcycle dealer franchises, and those franchises shall be modified accordingly.

1996, cc. 1043, 1052, § 46.2-1993.69; 2015, c. 615.

§ 46.2-1573.33. Warranty obligations.

A. Each motorcycle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motorcycle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motorcycles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall

only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a motorcycle;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to motorcycle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the motorcycle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its motorcycle dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of motorcycles that warranties with respect to the manufacture, performance, or design of the motorcycle are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the motorcycle; or

8. Shift or attempt to shift to the motorcycle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motorcycle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motorcycle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motorcycles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the motorcycle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that

come within this subsection whenever reasonably practicable to do so. Every motorcycle dealer franchise issued to, amended, or renewed for motorcycle dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motorcycle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to tires are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motorcycle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motorcycle is otherwise damaged prior to delivery to the new motorcycle dealer, the new motorcycle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motorcycle to the new motorcycle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the motorcycle exceeds the three percent rule, in which case the dealer may reject the motorcycle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the motorcycle because damage exceeds the three percent rule, ownership of the new motorcycle shall revert to the manufacturer or distributor, and the new motorcycle dealer shall have no obligation, financial or otherwise, with respect to such motorcycle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motorcycle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motorcycle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the motorcycle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the motorcycle as defined in § 59.1-207.11.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

1996, cc. 1043, 1052, § 46.2-1993.70; 2015, c. 615.

§ 46.2-1573.34. Operation of dealership by manufacturer.

It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any motorcycle dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership; or

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest.

1996, cc. 1043, 1052, § 46.2-1993.71; 2015, c. 615.

§ 46.2-1573.35. Ownership of service facilities.

It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any motorcycle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or service of motorcycles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a motorcycle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

1996, cc. 1043, 1052, § 46.2-1993.72; 2015, c. 615.

§ 46.2-1573.36. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). In every case of a hearing before the Commissioner authorized under this article based on a request or petition of a dealer, the

manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action for which the dealer has filed the petition for a hearing or that such action is reasonable if required under the relevant provision.

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.28 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;

2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under motorcycle warranties;

6. The dealer's performance under the terms of its franchise; and

7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under

judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed $1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

1996, cc. 1043, 1052, § 46.2-1993.73; 2000, c. 106; 2015, c. 615; 2020, cc. 984, 1230, 1275.

§ 46.2-1573.37. Late model and factory repurchase franchises.

Franchised late model or factory repurchase motorcycle dealers shall have the same rights and obligations as provided for franchised new motorcycle dealers in this article, mutatis mutandis.

1996, cc. 1043, 1052, § 46.2-1993.74; 2015, c. 615.

Article 8 - DENIAL, SUSPENSION, AND REVOCATION OF DEALER LICENSES

§ 46.2-1574. Acts of officers, directors, partners, and salespersons.

If a licensee or registrant is a partnership or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a license or certificate of dealer registration that any officer, director, or trustee of the partnership or corporation, or any member in the case of a partnership or the dealer-operator, has committed any act or omitted any duty which would be cause for refusing, suspending, or revoking a license or certificate of dealer registration issued to him as an individual under this chapter. Each licensee or registrant shall be responsible for the acts of any of his salespersons while acting as his agent, if the licensee approved of those acts or had knowledge of those acts or other similar acts and after such knowledge retained the benefit, proceeds, profits, or advantages accruing from those acts or otherwise ratified those acts.

1988, c. 865, § 46.1-550.5:33; 1989, c. 727.

§ 46.2-1575. Grounds for denying, suspending, or revoking licenses or certificates of dealer registration or qualification.

A license or certificate of dealer registration or qualification issued under this subtitle may be denied, suspended, or revoked on any one or more of the following grounds:

1. Material misstatement or omission in application for license, dealer's license plates, certificate of dealer registration, certificate of qualification, or certificate of title;

2. Failure to comply subsequent to receipt of a written warning from the Department or the Board or any willful failure to comply with any provision of this chapter or any regulation promulgated by the Commissioner or the Board under this chapter;

3. Failure to have an established place of business as defined in § 46.2-1510 or failure to have as the dealer-operator an individual who holds a valid certificate of qualification;

4. Defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's or registrant's business;

5. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of the Commonwealth with respect to the retaking of vehicles under retail installment contracts and the redemption and resale of those vehicles;

6. Having used deceptive acts or practices;

7. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of the business licensed or registered or for which a license or registration is sought;

8. Having been convicted of any fraudulent act in connection with the business of selling vehicles or any consumer-related fraud;

9. Having been convicted of any criminal act involving the business of selling vehicles;

10. Willfully retaining in his possession title to a motor vehicle that has not been completely and legally assigned to him;

11. Failure to comply with any provision of Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 or any regulation promulgated pursuant to that chapter;

12. Leasing, renting, lending, or otherwise allowing the use of a dealer's license plate by persons not specifically authorized under this title;

13. Having been convicted of a felony;

14. Failure to submit to the Department, within thirty days from the date of sale, any application, tax, or fee collected for the Department on behalf of a buyer;

15. Having been convicted of larceny of a vehicle or receipt or sale of a stolen vehicle;

16. Having been convicted of odometer tampering or any related violation;

17. If a salvage dealer, salvage pool, or rebuilder, failing to comply with any provision of Chapter 16 (§ 46.2-1600 et seq.) of this title or any regulation promulgated by the Commissioner under that chapter;

18. Failing to maintain automobile liability insurance, issued by a company licensed to do business in the Commonwealth, or a certificate of self-insurance as defined in § 46.2-368, with respect to each dealer's license plate issued to the dealer by the Department; or

19. Failing or refusing to pay civil penalties imposed by the Board pursuant to § 46.2-1507.

1988, c. 865, § 46.1-550.5:34; 1989, c. 727; 1990, cc. 197, 954; 1995, cc. 767, 816; 1999, c. 217.

§ 46.2-1576. Suspension, revocation, and refusal to renew licenses or certificates of dealer registration or qualification; notice and hearing.

A. Except as provided in § 46.2-1527.7 and subsections B and C of this section, no license or certificate of dealer registration or qualification issued under this subtitle shall be suspended or revoked, or renewal thereof refused, until a written copy of the complaint made has been furnished to the licensee, registrant, or qualifier against whom the same is directed and a public hearing thereon has been had before a hearing officer designated by the Board. At least ten days' written notice of the time and place of the hearing shall be given to the licensee, registrant, or qualifier by registered mail addressed to his last known post office address or as shown on his license or certificate or other record of information in possession of the Board. At the hearing the licensee, registrant, or qualifier shall have the right to be heard personally or by counsel. The hearing officer shall provide recommendations to the Board within ninety days of the conclusion of the hearing. After receiving the recommendations from the hearing officer, the Board may suspend, revoke, or refuse to renew the license or certificate in question. A Board member shall disqualify himself and withdraw from any case in which he cannot accord fair and impartial consideration. Any party may request the disqualification of any Board member by stating with particularity the grounds upon which it is claimed that fair and impartial consideration cannot be accorded. The remaining members of the Board shall determine whether the individual should be disqualified. Immediate notice of any suspension, revocation, or refusal shall be given to the licensee, registrant, or qualifier in the manner provided in this section in the case of notices of hearing.

B. Should a dealer fail to maintain an established place of business, the Board may cancel the license of the dealer without a hearing after notification of the intent to cancel has been sent, by return receipt mail, to the dealer at the dealer's residence and business addresses, and the notices are returned undelivered or the dealer does not respond within twenty days from the date the notices were sent. Any subsequent application for a dealer's license shall be treated as an original application.

C. Should a dealer fail or refuse to pay civil penalties imposed by the Board pursuant to § 46.2-1507, the Board may deny, revoke, or suspend the dealer's license without a hearing after notice of imposition of civil penalties has been sent, by certified mail, return receipt requested, to the dealer at the dealer's business address and such civil penalty is not paid in full within thirty days after receipt of the notice.

1988, c. 865, § 46.1-550.5:35; 1989, c. 727; 1990, c. 197; 1995, cc. 767, 816; 1996, cc. 639, 658; 1999, c. 217.

§ 46.2-1577. Appeals from actions of the Board.

Any person aggrieved by the action of the Board in refusing to grant or renew a license or certificate of dealer registration or qualification issued under this chapter, or by any other action of the Board which is alleged to be improper, unreasonable, or unlawful under the provisions of this chapter is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

1988, c. 865, § 46.1-550.5:36; 1989, c. 727; 1990, c. 197; 1995, cc. 767, 816.

§ 46.2-1578. Appeals to Court of Appeals; bond.

Either party may appeal from the decision of the court under § 46.2-1577 to the Court of Appeals. These appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases appealed as a matter of right to the Court of Appeals.

1988, c. 865, § 46.1-550.5:37; 1989, c. 727; 1990, c. 197; 1996, c. 573.

§ 46.2-1579. Equitable remedies not impaired.

The remedy at law provided by §§ 46.2-1577 and 46.2-1578 shall not in any manner impair the right to applicable equitable relief. That right to equitable relief is hereby preserved, notwithstanding the provisions of §§ 46.2-1577 and 46.2-1578.

1988, c. 865, § 46.1-550.5:38; 1989, c. 727.

Article 9 - Motor Vehicle Dealer Advertising

§§ 46.2-1580 . Repealed.

Repealed by Acts 2020, c. 706, cl. 2.

§ 46.2-1581. Regulated advertising practices.

For purposes of this chapter, a violation of the following regulated advertising practices shall be an unfair, deceptive, or misleading act or practice.

1. A vehicle shall not be advertised as new, either by word or implication, unless it is one which conforms to the requirements of § 46.2-1500.

2. When advertising any vehicle which does not conform to the definition of "new" as provided in § 46.2-1500, the fact that it is used shall be clearly and unequivocally expressed by the term "used" or by such other term as is commonly understood to mean that the vehicle is used. By way of example but not by limitation, "special purchase" by itself is not a satisfactory disclosure; however, such terms as "demonstrator" or "former leased vehicles" used alone clearly express that the vehicles are used for advertising purposes.

3. Advertisement of finance charges or other interest rates shall not be used when there is a cost to buy-down said charge or rate which is passed on, in whole or in part, to the purchaser.

4. Terms, conditions, and disclaimers shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but shall not be used as a means of contradicting or changing the meaning of an advertised statement.

5. The expiration date of an advertised sale shall be clearly and conspicuously disclosed.

6. The term "list price," "sticker price," or "suggested retail price" and similar terms, shall be used only in reference to the manufacturer's suggested retail price for new vehicles or the dealer's own usual and customary price for used vehicles.

7. Terms such as "at cost," "below cost," "$off cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale. Terms such as "invoice

price," "$over invoice," may be used, provided that the invoice referred to is the manufacturer's factory invoice or a bona fide bill of sale and the invoice or bill of sale is available for customer inspection.

"Manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges.

8. When the price or credit terms of a vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the seller, except buyer-selected options, state and local fees and taxes, and manufacturer's or distributor's freight or destination charges, and a processing fee, if any. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be (i) clearly and conspicuously disclosed in not less than eight-point boldface type or (ii) not smaller than the largest typeface within the advertisement. If the processing fee is not included in the advertised price, the amount of the processing fee may be omitted from any advertisement in which the largest type size is less than eight-point typeface, so long as the dealer participates in a media-provided listing of processing fees and the dealer's advertisement includes an asterisk or other such notation to refer the reader to the listing of the fees.

9. Advertisements which set out a policy of matching or bettering competitors' prices shall not be used unless the terms of the offer are specific, verifiable and reasonable.

10. Advertisements of "dealer rebates" shall not be used. This does not affect advertisement of manufacturer rebates.

11. "Free," "at no cost," or other words to that effect shall not be used unless the "free" item, merchandise, or service is available without a purchase. This provision shall not apply to advertising placed by manufacturers, distributors, or line-make marketing groups.

12. "Bait" advertising, in which an advertiser may have no intention to sell at the price or terms advertised, shall not be used. By way of example, but not by limitation:

a. If a specific vehicle is advertised, the seller shall be in possession of a reasonable supply of said vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, that shall be stated in the advertisement. For purposes of this subdivision, the listing of a vehicle by stock number or vehicle identification number in the advertisement is one means of satisfactorily disclosing a limitation of availability.

b. Advertising a vehicle at a certain price, including "as low as" statements, but having available for sale only vehicles equipped with dealer added cost "options" which increase the selling price, above the advertised price, shall also be considered "bait" advertising.

c. If a lease payment is advertised, the fact that it is a lease arrangement shall be disclosed.

13. The term "repossessed" shall be used only to describe vehicles that have been sold, registered, titled and then taken back from a purchaser and not yet resold to an ultimate user. Advertisers offering repossessed vehicles for sale shall provide proof of repossession upon request.

14. Words such as "finance" or "loan" shall not be used in a motor vehicle advertiser's firm name or trade name, unless that person is actually engaged in the financing of motor vehicles.

15. Any advertisement which gives the impression a dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used.

1989, c. 308, § 46.1-550.5:40; 1990, c. 84; 1991, c. 626; 1996, c. 1027; 1998, c. 325; 2008, c. 166.

§ 46.2-1582. Enforcement; regulations.

A. The Board may promulgate regulations reasonably necessary for enforcement of this article.

B. In addition to any other sanctions or remedies available to the Board under this chapter, the Board may assess a civil penalty not to exceed $1,000 for any single violation of this article. Each day that a violation continues shall constitute a separate violation.

C. The authority granted in this article shall be in addition to and not a substitute for the powers and authority granted pursuant to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

1989, c. 308, § 46.1-550.5:41; 1995, cc. 767, 816; 2020, c. 706.

Chapter 16 - SALVAGE, NONREPAIRABLE, AND REBUILT VEHICLES

§ 46.2-1600. (Effective until July 1, 2021) Definitions.

The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context indicates otherwise:

"Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to damage as determined, using recognized evaluation sources, either (i) by an insurance company responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the Department.

"Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage dealer, rebuilder, demolisher, or scrap metal processor.

"Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as determined by the insurer responsible for paying the claim, or (ii) if no insurance company is responsible therefor, 25 percent of the actual cash value.

"Demolisher" means any person whose business is to crush, flatten, bale, shred, log, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

"Diminished value compensation" means the amount of compensation that an insurance company pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle due to damage.

"Independent appraisal firm" means any business providing cost estimates for the repair of damaged motor vehicles for insurance purposes and having all required business licenses and zoning approvals. This term shall not include insurance companies that provide the same service, nor shall any such entity be a rebuilder or affiliated with a rebuilder.

"Late model vehicle" means the current-year model of a vehicle and the five preceding model years, or any vehicle whose actual cash value is determined to have been at least $10,000 prior to being damaged.

"Licensee" means any person who is licensed or is required to be licensed under this chapter.

"Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission; (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

"Nonrepairable certificate" means a document of ownership issued by the Department for any nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage certificate.

"Nonrepairable vehicle" means any vehicle that has been determined by its insurer or owner to have no value except for use as parts and scrap metal or for which a nonrepairable certificate has been issued or applied for.

"Rebuilder" means any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a 12-month period.

"Rebuilt vehicle" means (i) any salvage vehicle that has been repaired for use on the public highways or (ii) any late model vehicle that has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

"Repairable vehicle" means a late model vehicle that is not a rebuilt vehicle, but is repaired to its preloss condition by an insurance company and is not accepted by the owner of said vehicle immediately prior to its acquisition by said insurance company as part of the claims process.

"Salvage certificate" means a document of ownership issued by the Department for any salvage vehicle upon surrender or cancellation of the vehicle's title and registration.

"Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2 of § 46.2-1602.

"Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company that stores and

displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

"Salvage vehicle" means (i) any late model vehicle that has been (a) acquired by an insurance company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii) any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle that is determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

"Scrap metal processor" means any person who acquires one or more whole vehicles to process into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

"Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the purposes of this chapter, a major component shall not be considered a vehicle.

"Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

1979, c. 401, § 46.1-550.6; 1988, cc. 842, 865; 1989, c. 727; 1992, c. 148; 1993, c. 376; 2000, cc. 123, 235, 257; 2003, c. 304; 2009, c. 664; 2012, cc. 64, 280; 2015, cc. 33, 177; 2017, cc. 277, 342, 362.

§ 46.2-1600. (Effective July 1, 2021) Definitions.

The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context indicates otherwise:

"Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to damage as determined, using recognized evaluation sources, either (i) by an insurance company responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the Department.

"Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage dealer, rebuilder, demolisher, or scrap metal processor.

"Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by the manufacturer or (ii) damage that requires any repair to enable a vehicle to pass a

safety inspection pursuant to § 46.2-1157. The cost for cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the calculation for a nonrepairable vehicle.

"Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as determined by the insurer responsible for paying the claim, or (ii) if no insurance company is responsible therefor, 25 percent of the actual cash value.

"Demolisher" means any person whose business is to crush, flatten, bale, shred, log, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

"Diminished value compensation" means the amount of compensation that an insurance company pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle due to damage.

"Independent appraisal firm" means any business providing cost estimates for the repair of damaged motor vehicles for insurance purposes and having all required business licenses and zoning approvals. This term shall not include insurance companies that provide the same service, nor shall any such entity be a rebuilder or affiliated with a rebuilder.

"Late model vehicle" means the current-year model of a vehicle and the five preceding model years, or any vehicle whose actual cash value is determined to have been at least $ 10,000 prior to being damaged.

"Licensee" means any person who is licensed or is required to be licensed under this chapter.

"Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission; (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

"Nonrepairable certificate" means a document of ownership issued by the Department for any nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage certificate.

"Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose estimated cost of repair, excluding the cost to repair cosmetic damages, exceeds 90 percent of its actual cash value prior to damage; (ii) any vehicle that has been determined to be nonrepairable by its insurer or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other vehicle that has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

"Rebuilder" means any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a 12-month period.

"Rebuilt vehicle" means (i) any salvage vehicle that has been repaired for use on the public highways and the estimated cost of repair did not exceed 90 percent of its actual cash value or (ii) any late

model vehicle that has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

"Repairable vehicle" means a late model vehicle that is not a rebuilt vehicle, but is repaired to its pre-loss condition by an insurance company and is not accepted by the owner of said vehicle immediately prior to its acquisition by said insurance company as part of the claims process.

"Salvage certificate" means a document of ownership issued by the Department for any salvage vehicle upon surrender or cancellation of the vehicle's title and registration.

"Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2 of § 46.2-1602.

"Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company that stores and displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

"Salvage vehicle" means (i) any late model vehicle that has been (a) acquired by an insurance company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii) any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle that is determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

"Scrap metal processor" means any person who acquires one or more whole vehicles to process into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

"Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the purposes of this chapter, a major component shall not be considered a vehicle.

"Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

1979, c. 401, § 46.1-550.6; 1988, cc. 842, 865; 1989, c. 727; 1992, c. 148; 1993, c. 376; 2000, cc. 123, 235, 257; 2003, c. 304; 2009, c. 664; 2012, cc. 64, 280; 2015, cc. 33, 177; 2017, cc. 277.

§ 46.2-1601. Licensing of dealers of salvage vehicles; fees.

A. It shall be unlawful for any person to engage in business in the Commonwealth as an auto recycler, salvage pool, or vehicle removal operator without first acquiring a license issued by the Commissioner for each such business at each location. The fee for the first such license issued or renewed under this chapter shall be $100 per license year or part thereof. The fee for each additional license issued or renewed under this chapter for the same location shall be $25 per license year or part thereof. However, no fee shall be charged for supplemental locations of a business located within 500 yards of the licensed location.

B. No license shall be issued or renewed for any person unless (i) the licensed business contains at least 600 square feet of enclosed space, (ii) the licensed business is shown to be in compliance with all applicable zoning ordinances, and (iii) the applicant may (a) certify to the Commissioner that the licensed business is permitted under a Virginia Pollutant Discharge Elimination System individual or general permit issued by the State Water Control Board for discharges of storm water associated with industrial activity and provides the permit number(s) from such permit(s) or (b) certify to the Commissioner that the licensed business is otherwise exempt from such permitting requirements. Nothing in this section shall authorize any person to act as a motor vehicle dealer or salesperson without being licensed under Chapter 15 (§ 46.2-1500 et seq.) and meeting all requirements imposed by such chapter.

C. Licenses issued under this section shall be deemed not to have expired if the renewal application and required fees as set forth in subsection A are received by the Commissioner or postmarked not more than 30 days after the expiration date of such license. Whenever the renewal application is received by the Commissioner or postmarked not more than 30 days after the expiration date of such license, the license fees shall be 150 percent of the fees provided for in subsection A.

D. The Commissioner may offer an optional multiyear license for any license set forth in this section. When such option is offered and chosen by the licensee, all fees due at the time of licensing shall be multiplied by the number of years for which the license will be issued.

1988, c. 865, § 46.1-550.7:1; 1989, c. 727; 1990, c. 197; 1992, c. 148; 1999, c. 53; 2009, c. 664; 2014, c. 58; 2015, cc. 33, 177.

§ 46.2-1601.1. Advertising and display of license; business hours.

A. Any license issued under this chapter shall be conspicuously displayed at the licensed place of business.

The licensee shall display his usual business hours at the licensed place of business. The hours shall be posted and maintained conspicuously on or near the main entrance of each place of business. Each licensee shall include his usual business hours on the original and every renewal application for

a license issued under this chapter. Changes to these hours shall be immediately filed with the Commissioner.

B. The purchase, sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle or the major component parts of such vehicle shall not be advertised to the public unless the advertiser is a licensee or an individual authorized to dispose of a salvage vehicle under subdivision B 2 of § 46.2-1602. The licensee advertiser shall display in such advertisement its license number issued under this chapter.

C. Advertisements by a licensee, subject to the provisions of subsection B, in a newspaper, on a website, or by any other means of electronic communication for the purchase, sale, transport, delivery, removal, or receipt of any salvage or nonrepairable vehicle or the major component parts of such vehicle shall clearly state the correct company name, physical address, telephone number, and license number issued under this chapter.

2014, c. 58; 2015, cc. 240, 254.

§ 46.2-1601.2. Acts of officers, directors, and partners.

If a licensee is a partnership or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a license that any officer, director, or trustee of the partnership or corporation, or any member in the case of a partnership, has committed any act or omitted any duty which would be cause for refusing, suspending, or revoking a license issued to him as an individual under this chapter.

2014, c. 58.

§ 46.2-1601.3. Grounds for denying, suspending, or revoking licenses.

The Commissioner may deny, suspend, or revoke a license under this chapter on any one or more of the following grounds:

1. Material misstatement or omission in application for license, certificate of title, salvage certificate, or nonrepairable certificate;

2. Failure to comply subsequent to receipt of a written warning from the Commissioner;

3. Failure to comply with the requirements of subsection B of § 46.2-1601;

4. Defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's business;

5. Having used deceptive acts or practices;

6. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of the business licensed for which a license is sought;

7. Having been convicted of any fraudulent act in connection with the business of selling vehicles, vehicle parts, or major components;

8. Having been convicted of any criminal act involving the business of selling vehicles, vehicle parts, or major components;

9. Willfully retaining in his possession title to a motor vehicle or a salvage certificate that has not been completely and legally assigned to him;

10. Having been convicted of a felony;

11. Having been convicted of larceny of a vehicle or receipt or sale of a stolen vehicle;

12. Having been convicted of odometer tampering or any related violation;

13. Having been convicted of a violation of § 46.2-1074 or 46.2-1075;

14. Failure to comply with federal reporting requirements pursuant to subsection G of § 46.2-1603.1;

15. Failure or refusal to pay civil penalties imposed by the Commissioner pursuant to § 46.2-1609;

16. Failure to comply with the requirements of § 46.2-1205;

17. Failure to comply with the requirements of § 46.2-1608.2; or

18. Failure to comply with any other provision of this chapter.

Suspension or revocation under this section shall only be imposed on the specific business found to be in violation.

2014, c. 58.

§ 46.2-1602. Certain sales prohibited; exceptions.

A. It shall be unlawful:

1. For any scrap metal processor to sell a vehicle or vehicle components or parts;

2. For any salvage pool to sell either in person or through any Internet auction a salvage vehicle stored in the Commonwealth to any person who is not licensed as an auto recycler, motor vehicle dealer, or vehicle removal operator by the Commonwealth or regulated as a similar business under the laws of another state;

3. For any person to sell a nonrepairable vehicle to any person who is not licensed as an auto recycler or vehicle removal operator by the Commonwealth or regulated as a similar business under the laws of another state; or

4. For any person to sell a rebuilt vehicle without first having disclosed the fact that the vehicle is a rebuilt vehicle to the buyer in writing on a form prescribed by the Commissioner.

B. Notwithstanding the provisions of subsection A of this section, it shall not be unlawful:

1. For a salvage dealer to sell vehicle components or parts to unlicensed persons; or

2. For an individual to dispose of a salvage vehicle acquired or retained for his own use when it has been acquired or retained and used in good faith and not for the purpose of avoiding the provisions of this chapter.

1979, c. 401, § 46.1-550.6; 1988, cc. 842, 865; 1989, c. 727; 1992, c. 148; 2015, cc. 33, 177.

§ 46.2-1602.1. Duties of insurance companies upon acquiring certain vehicles.

Every insurance company which acquires, as a result of the claims process, any late model vehicle titled in the Commonwealth or any recovered stolen vehicle whose estimated cost of repair exceeds seventy-five percent of its actual cash value shall apply to and obtain from the Department either (i) a salvage certificate or certificate of title as provided in § 46.2-1603 or (ii) a nonrepairable certificate as provided in § 46.2-1603.2 for each such vehicle. An insurance company may apply to and obtain from the Department either a salvage certificate as provided in § 46.2-1603 or a nonrepairable certificate as provided in § 46.2-1603.2 for any other vehicle which is determined to be either a salvage vehicle or a nonrepairable vehicle.

1992, c. 148; 1993, c. 376; 2000, cc. 235, 257.

§ 46.2-1602.2. Exemptions.

A repairable vehicle, as defined in § 46.2-1600, shall be exempt from the remaining provisions of this chapter, provided that the insurance company responsible for repair (i) notifies the Department of each late model vehicle declared repairable, and that (ii) upon discovery by the Department that such vehicle was incorrectly designated as a repairable vehicle, the Department may require that vehicle's certificate status be corrected.

2012, cc. 64, 280.

§ 46.2-1603. Obtaining salvage certificate or certificate of title for an unrecovered stolen vehicle.

A. The owner of any vehicle titled in the Commonwealth may declare such vehicle to be a salvage vehicle and apply to the Department and obtain a salvage certificate for that vehicle.

B. Every insurance company or its authorized agent shall apply to the Department and obtain a salvage certificate for each late model vehicle acquired by the insurance company as the result of the claims process if such vehicle is titled in the Commonwealth and is a salvage vehicle. Whenever the insurance company or its agent makes application for a salvage certificate and is unable to present a certificate of title, the Department may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the salvage certificate, it may issue a salvage certificate to the person entitled to it. The Commissioner may charge a fee of $25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

C. Every insurance company or its authorized agent shall apply to the Department and obtain a certificate of title for each stolen vehicle acquired by the insurance company as the result of the claims process if such vehicle is titled in the Commonwealth and has not been recovered at the time of application to the Department. For each recovered stolen vehicle, acquired as a result of the claims process, whose estimated cost of repair exceeds 75 percent of its actual cash value, the insurance company or its authorized agent shall apply to the Department and obtain a salvage certificate. The application shall be accompanied by the vehicle's title certificate and shall contain a description of the damage to the salvage vehicle and an itemized estimate of the cost of repairs up to the point where a non-repairable certificate would be issued. Application for the certificate of title shall be made within 15 days after payment has been made to the owner, lienholder, or both. Application for the salvage certificate shall be made within 15 days after the stolen vehicle is recovered.

D. Every insurance company or its authorized agent shall notify the Department of each late model vehicle titled in the Commonwealth on which a claim for damage to the vehicle has been paid by the insurance company if (i) the estimated cost of repair exceeds 75 percent of actual cash value of the vehicle and (ii) the vehicle is to be retained by its owner. No such notification shall be required for a vehicle when a supplemental claim has been paid for the cost of repairs to the engine, transmission, or drive axle assembly if such components are replaced by components of like kind and quality.

E. Every owner of an uninsured or self-insured late model vehicle titled in the Commonwealth that sustains damage to such an extent that the estimated cost of repairs exceeds 75 percent of the actual cash value of the vehicle prior to being damaged shall similarly apply for and obtain a salvage certificate. If no estimated cost of repairs is available from an insurance company, the owner of the vehicle may provide an estimate from an independent appraisal firm. Any such estimate from an independent appraisal firm shall be verified by the Department in such a manner as may be provided for by Department regulations.

F. The fee for issuance of the salvage certificate shall be $10. If a salvage vehicle is sold after a salvage certificate has been issued, the owner of the salvage vehicle shall make proper assignment to the purchaser.

G. The Department, upon receipt of an application for a salvage certificate for a vehicle titled in the Commonwealth, or upon receipt of notification from an insurance company or its authorized agent as provided in subsection D of this section, shall cause the title of such vehicle to be cancelled and the appropriate certificate issued to the vehicle's owner.

H. All provisions of this Code applicable to a motor vehicle certificate of title shall apply, mutatis mutandis, to a salvage certificate, except that no registration or license plates shall be issued for the vehicle described in the salvage certificate. A vehicle for which a salvage certificate has been issued may be retitled for use on the highways in accordance with the provisions of § 46.2-1605.

1979, c. 401, § 46.1-550.8; 1982, c. 671; 1989, c. 727; 1992, c. 148; 1993, c. 376; 2000, cc. 235, 257; 2009, c. 171; 2017, c. 277.

§ 46.2-1603.1. Duties of licensees.

A. If a salvage vehicle is purchased by a salvage dealer and the vehicle is sold as a unit to anyone other than a demolisher, rebuilder, vehicle removal operator, or scrap metal processor, the purchaser shall obtain from the Department a salvage certificate. If the sale is to a demolisher or vehicle removal operator, the salvage vehicle shall be assigned in the space provided for such assignments on the existing salvage certificate. If a vehicle is purchased by a salvage dealer and disassembled for parts only or demolished by a demolisher, the salvage dealer shall immediately and conspicuously indicate on the salvage certificate or title that the vehicle was disassembled for parts only or demolished and immediately forward the salvage certificate or title to the Department for cancellation. The Department shall cancel the title or salvage certificate and issue a nonrepairable certificate for the vehicle to the salvage dealer.

1. If a vehicle for which a title or salvage certificate or other ownership document has been issued by a foreign jurisdiction and is purchased by a salvage dealer or demolisher and disassembled for parts only or demolished by a demolisher, the salvage dealer or demolisher shall immediately and conspicuously indicate on the salvage certificate, title, or other ownership document that the vehicle was disassembled for parts only or demolished and immediately forward the salvage certificate, title or other ownership document to the Department for cancellation. The Department shall cancel the title, salvage certificate, or other ownership document and issue a nonrepairable certificate for the vehicle to the salvage dealer.

2. There shall be no fee for the issuance of a nonrepairable certificate.

B. If a licensee acquires any late model vehicle, he shall immediately compare the vehicle identification number assigned by the manufacturer or the Department or the identification number issued or assigned by another state with the title or salvage certificate of the vehicle and shall notify the Department as provided in subsection C. Such comparison and notification shall not be required of a demolisher if the vehicle was acquired from a licensed salvage dealer, rebuilder, salvage pool, or vehicle removal operator and such licensee delivers to the demolisher a title or salvage certificate for the vehicle.

C. If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the licensee shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the licensee whether the vehicle can be freed from this limitation. In no event shall the vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the licensee shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

D. Except as provided in § 46.2-1203, after a vehicle has been demolished, the demolisher shall, within five working days, deliver to the Department the salvage certificate or title, certifying on the face of the document that the vehicle has been destroyed.

E. Except as provided in § 46.2-1203, it shall be unlawful for any licensee to purchase, receive, take into inventory, or otherwise accept from any person any late model vehicle unless, as a part of any such transaction, the licensee also receives a title, salvage certificate, nonrepairable certificate, or other ownership documents, issued by an appropriate regulatory agency within or without the Commonwealth, relating to such vehicle. Every licensee shall maintain as a part of his business records a title, salvage certificate, nonrepairable certificate, or other ownership documents, issued by an appropriate regulatory agency within or without the Commonwealth, pertaining to every late model vehicle in his inventory or possession.

F. If a licensee intends to utilize machinery to crush, flatten, or otherwise reduce one or more vehicles to a state where it can no longer be considered a vehicle at a location other than the location specified on the license filed with the Department, the licensee shall apply to the Department for a permit of operation in a manner prescribed by the Commissioner. Each permit shall be valid for a period not to exceed 15 days and shall specify the location of intended operation. The cost of each permit shall be $15.

G. The licensee shall comply with all applicable federal title reporting requirements, including the reporting requirements of the National Motor Vehicle Title Information System pursuant to 28 C.F.R. § 25.56.

1992, c. 148; 1995, cc. 390, 394; 2004, c. 369; 2011, c. 824; 2014, c. 58.

§ 46.2-1603.2. Owner may declare vehicle nonrepairable; insurance company required to obtain a nonrepairable certificate; applicability of certain other laws to nonrepairable certificates; titling and registration of nonrepairable vehicle prohibited.

A. The owner of any vehicle titled in the Commonwealth may declare such vehicle to be a nonrepairable vehicle by applying to the Department for a nonrepairable certificate. The application shall be accompanied by the vehicle's title certificate or salvage certificate.

B. Every insurance company or its authorized agent shall apply to the Department and obtain a nonrepairable certificate for each vehicle acquired by the insurance company as a result of the claims process if such vehicle is titled in the Commonwealth and is (i) a late model nonrepairable vehicle or (ii) a stolen vehicle that has been recovered and determined to be a nonrepairable vehicle. The application shall be accompanied by the vehicle's title certificate or salvage certificate. Application for the nonrepairable certificate shall be made within 15 days after payment has been made to the owner, lienholder, or both.

C. Every insurance company or its authorized agent shall notify the Department of each late model vehicle titled in the Commonwealth upon which a claim has been paid if such vehicle is a nonrepairable vehicle that is retained by its owner.

D. The Department, upon receipt of an application for a nonrepairable certificate for a vehicle titled in the Commonwealth, or upon receipt of notification from an insurance company or its authorized agent as provided in subsection C of this section that a vehicle registered in the Commonwealth has become a nonrepairable vehicle, shall cause the title of such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

There shall be no fee for the issuance of a nonrepairable certificate. All provisions of this Code applicable to a motor vehicle certificate of title shall apply, mutatis mutandis, to a nonrepairable certificate, except that no registration or license plates shall be issued for the vehicle described in a nonrepairable certificate. Except as otherwise provided in this chapter, no vehicle for which a nonrepairable certificate has been issued shall ever be titled or registered for use on the highways in the Commonwealth.

E. The Department, upon receipt of a title, salvage certificate, or other ownership document from a licensed salvage dealer or demolisher pursuant to subdivision A 1 of § 46.2-1603.1, shall cause the title, salvage certificate, or other ownership document to such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

F. For purposes of this chapter, any vehicle for which a brand or indicator has been issued by another state as reported to the National Motor Vehicle Title Information System or has been printed or stamped on the vehicle's out-of-state title or other document proving ownership issued by that state identifying such vehicle as "junk," "for destruction," "for parts only," "not to be repaired," or other similar designation shall be deemed to have been issued a nonrepairable certificate by that state.

1992, c. 148; 1993, c. 376; 1995, c. 390; 2015, cc. 33, 177; 2017, c. 277.

§ 46.2-1604. Rebuilders required to possess certificate of title or salvage certificate.

Each rebuilder shall have in his possession a certificate of title or salvage certificate assigned to him for each vehicle in his inventory for resale. If a rebuilder purchases a salvage vehicle to be used or sold for parts only, he shall conspicuously indicate on the salvage certificate that the vehicle will be sold or used as parts only and immediately forward the salvage certificate to the Department for cancellation. The Department shall issue a nonrepairable certificate for that vehicle.

1979, c. 401, § 46.1-550.9; 1989, c. 727; 1992, c. 148; 2017, c. 277.

§ 46.2-1605. Vehicles rebuilt for highway use; examinations; branding of titles.

A. Each salvage vehicle that has been rebuilt for use on the highways shall be submitted for a state safety inspection in accordance with § 46.2-1157. The inspection shall be conducted by an inspector wholly unaffiliated with the person requesting the inspection of the vehicle.

B. 1. Upon passage of a state safety inspection, each rebuilt vehicle shall be examined by the Department prior to the issuance of a title for the vehicle. The examination by the Department shall include a review of video or photographic images of the vehicle prior to being rebuilt, if available; all documentation for the parts and labor used for the repair of the salvage vehicle; and verification of the vehicle's identification number, confidential number, odometer reading, and engine, transmission, or

electronic modules, if applicable. This inspection shall serve as an antitheft and antifraud measure and shall not certify the safety or roadworthiness of the vehicle. The Commissioner shall ensure that, in scheduling and performing examinations of salvage vehicles under this section, single vehicles owned by private owner-operators are afforded no lower priority than examinations of vehicles owned by motor vehicle dealers, salvage pools, licensed auto recyclers, or vehicle removal operators. The Commissioner may charge a fee of $125 per vehicle, for the examination of rebuilt vehicles.

2. The examination described in subdivision 1 shall not be required for a rebuilt vehicle if (i) the person rebuilding the vehicle has been licensed under this chapter for at least 10 years and has not incurred any penalties pursuant to the provisions of this chapter; (ii) the rebuilt vehicle is at least 10 years old but does not qualify as an antique motor vehicle; and (iii) the resale value of the rebuilt vehicle is less than $10,000. Any rebuilder who sells a rebuilt vehicle without an examination, as authorized by this subdivision, shall be required to maintain all required records for rebuilt vehicles described in subdivision 1 for inspection upon request of the Department or any law-enforcement official.

C. Any salvage vehicle whose vehicle identification number or confidential number has been altered, is missing, or appears to have been tampered with may be impounded by the Department until completion of an investigation by the Department. The vehicle may not be moved, sold, or tampered with until the completion of this investigation. Upon completion of an investigation by the Department, if the vehicle identification number is found to be missing or altered, a new vehicle identification number may be issued by the Department. If the vehicle is found to be a stolen vehicle and its owner can be determined, the vehicle shall be returned to him. If the owner cannot be determined or located and the person seeking to title the vehicle has been convicted of a violation of § 46.2-1074 or 46.2-1075, the vehicle shall be deemed forfeited to the Commonwealth and said forfeiture shall proceed in accordance with Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

D. If the Department's examination of a rebuilt salvage vehicle indicates no irregularities, a title and registration may be issued for the vehicle upon application therefor to the Department by the owner of the salvage vehicle. The title issued by the Department and any subsequent title thereafter issued for the rebuilt vehicle shall be permanently branded to indicate that it is a rebuilt vehicle. All rebuilt vehicles shall be subject to all safety equipment requirements provided by law. Except as otherwise provided in this chapter, no title or registration shall be issued by the Department for any rebuilt vehicle that has not first passed a safety inspection or for any vehicle for which a nonrepairable certificate has ever been issued.

E. If the Department's examination of a rebuilt salvage vehicle reveals irregularities in the required documentation or obvious defects, the Department shall identify to the owner the irregularities and defects that must be corrected before the Department's examination can be completed.

F. Notwithstanding § 46.2-1550, a licensed salvage dealer or rebuilder who is also licensed as a motor vehicle dealer pursuant to Chapter 15 (§ 46.2-1500 et seq.) may use dealer's license plates for

the sole purpose of transporting a rebuilt salvage vehicle to and from an official safety inspection station. Such dealer's license plates may not be used on any vehicle not owned by the licensed salvage dealer or rebuilder. For all other rebuilt salvage vehicles, when necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for this purpose.

1979, c. 401, § 46.1-550.10; 1986, c. 161; 1989, c. 727; 1992, c. 148; 1994, c. 73; 1996, cc. 21, 843; 2003, c. 304; 2006, c. 615; 2011, c. 824; 2012, cc. 283, 756; 2015, cc. 33, 177; 2017, c. 277; 2020, c. 867.

§ 46.2-1606. Certificates of title issued by other states; nonnegotiable titles.

A. The Commissioner may accept certificates of titles for salvage vehicles or other documents deemed appropriate by the Department issued by other states indicating a vehicle has been declared salvage, and shall carry forward all appropriate brands or indicators. If the vehicle has not been rebuilt and the requirements of § 46.2-1605 have not been met, the Department shall issue a salvage certificate for the vehicle.

B. The Department shall issue a nonnegotiable title for a vehicle that has been rebuilt, titled, and registered out of state when (i) an application for title has been received for a vehicle for which the National Motor Vehicle Title Information System or the vehicle's current out-of-state title or other document proving ownership issued by another state indicates that a brand or indicator has been issued by another state identifying such vehicle as "junk," "for destruction," "for parts only," "not to be repaired," or other similar designation and (ii) documentation to show such repairs accompanies the application. Any negotiable security interests in the vehicle shall be shown on the face of the nonnegotiable title. The provisions of §§ 46.2-636, 46.2-636.1, 46.2-637, 46.2-638, 46.2-639, 46.2-640, 46.2-640.1, 46.2-641, 46.2-642, and 46.2-643 shall apply to nonnegotiable titles. However, no negotiable title shall ever be issued for such vehicle. At any time, the vehicle owner may declare a vehicle titled under this subsection to be nonrepairable, in accordance with § 46.2-1603.2.

A nonnegotiable title issued under this subsection shall not be transferred except as provided in §§ 46.2-633, 46.2-633.2, or 46.2-634 or when the vehicle is acquired by an insurance company as the result of the claims process. The transferee may not add as a co-owner an individual not entitled to possession of the vehicle under §§ 46.2-633, 46.2-633.2, or 46.2-634. If the vehicle will not be registered for use by the transferee, the transferee shall declare the vehicle to be nonrepairable by applying for a nonrepairable certificate in accordance with § 46.2-1603.2.

Any vehicle for which a nonnegotiable title has been issued pursuant to this section may be registered for use on the highways in the Commonwealth.

1979, c. 401, § 46.1-550.11; 1981, c. 9; 1989, c. 727; 1992, c. 148; 2017, c. 277.

§ 46.2-1607. Inspection of records and examination of inventory.

The Commissioner or any person authorized by the Commissioner or any law-enforcement officer, during the usual business hours, may examine any records, books, papers, or other documents required to be maintained by this chapter, and may examine any vehicle or component part of any vehicle

located in the yard, garage, or storage area of any salvage dealer, rebuilder, demolisher, salvage pool, scrap metal processor, or vehicle removal operator to ensure compliance with this chapter.

1979, c. 401, § 46.1-550.12; 1987, c. 325; 1989, c. 727; 1992, c. 148.

§ 46.2-1608. Maintenance and contents of records.

A. Each licensee shall maintain a record of the receipt and sale of any vehicle. Such record shall be maintained at the licensee's place of business. The record, at a minimum, shall contain:

1. A description of each vehicle sold, purchased, exchanged, or acquired by the licensee, including, but not limited to, the model, make, year of the vehicle as well as the vehicle's title number with state of issuance and vehicle identification number;

2. The price paid for each vehicle;

3. The name and address of the seller from whom each vehicle is purchased, exchanged, or acquired and the name and address of the buyer to whom the vehicle is sold;

4. The date and hour the sale, purchase, exchange, or acquisition was made;

5. A photocopy of the seller's and buyer's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph;

6. For the sale of nonrepairable vehicles, a photocopy of the buyer's business license if the buyer is authorized to purchase a vehicle under § 46.2-1602 or, if the buyer represents a third party authorized to purchase a vehicle under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of that third party;

7. Digital photographs of the seller, the buyer, and the vehicle that is being sold, purchased, exchanged, or acquired through or from the licensee; and

8. The signature of the licensee, the seller, and the buyer as executed at the time of the sale, purchase, exchange, or acquisition of the vehicle by the licensee.

B. If any major component, as defined in § 46.2-1600, is sold, the salvage dealer shall provide, upon request of any law-enforcement official, the information required by this section as to the vehicle from which the part was taken.

C. The provisions of subdivisions A 5, 6, and 7 shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in § 46.2-1206 or this chapter.

D. The provisions of this section shall not apply to salvage pools as defined in § 46.2-1600, except that salvage pools shall maintain a record of the receipt of any vehicle that contains (i) the date of receipt of the vehicle and its make, year, model, and identification number; (ii) the name and address of the person from whom it was acquired; (iii) the name and address of the buyer as well as (a) a photocopy of the buyer's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph and (b) a photocopy of the buyer's business license or, if the buyer represents a third party authorized to purchase the vehicle

under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of the third party; and (iv) the vehicle's title number and state of issuance.

1979, c. 401, § 46.1-550.13; 1989, c. 727; 1992, c. 148; 2000, c. 123; 2010, c. 873; 2014, c. 58; 2015, cc. 33, 177.

§ 46.2-1608.1. Reports to police department; local ordinance; holding period; penalty.

A. The governing body of any county, city, or town may by ordinance require each licensee within the jurisdiction to make a written or electronic report of the information required to be maintained by § 46.2-1608, at the request of the police department or sheriff, on a daily basis or such other frequency as requested by the police department or sheriff, of every purchase, exchange or acquisition of any salvage or scrap vehicle. The ordinance may also require that the photocopy of the seller's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph and a copy of the digital photograph required by § 46.2-1608 be electronically transmitted to the police department or sheriff on a weekly basis at an electronic address to be provided. Any local governing body, by such ordinance, may assess and retain a fine of not more than $2,500 for its violation.

B. No licensee shall crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle until it has been in his possession for up to 10 days unless the vehicle is accompanied by proper documentation pursuant to subsection C. This subsection shall not apply to inoperable vehicles. For purposes of this subsection, an "inoperable vehicle" shall mean any vehicle that is physically damaged beyond use or any vehicle that does not contain or have an engine in running condition or does not have any other essential parts required for operation of the vehicle.

C. The provisions of this section shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in § 46.2-1206 or this chapter.

D. The provisions of this section shall not apply to scrap metal processors as defined in § 59.1-136.1 or to salvage pools as defined in § 46.2-1600.

2010, c. 873.

§ 46.2-1608.2. Licensees to update records of the Department for motor vehicles that are to be demolished or dismantled.

A. A licensed auto recycler may be exempted from the waiting period in subsection B of § 46.2-1608.1 by:

1. Entering into a contractual agreement with the Department to update records of motor vehicles to be demolished or dismantled if such motor vehicles have either been issued a certificate of title, salvage certificate, or nonrepairable certificate in the Commonwealth or are titled in another state. In addition to the contractual agreement, the licensed auto recycler shall be required to comply with the Department's procedures for securely accessing and updating the Department's records; and

2. Notifying the Department that a motor vehicle is being demolished or dismantled or of the intention to demolish, dismantle, or reduce the motor vehicle to a state where it can no longer be considered a motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number.

B. Licensed auto recyclers in possession of the certificate of title, salvage certificate, or nonrepairable certificate from the Commonwealth may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number within required time frames pursuant to subsection D of § 46.2-1603.1.

C. Licensed auto recyclers in possession of a certificate of title issued by another state may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title number, vehicle identification number, year, make, and model within required time frames pursuant to subsection D of § 46.2-1603.1.

D. Licensed auto recyclers that do not possess a certificate of title, salvage certificate, or nonrepairable certificate may demolish the subject motor vehicle if the motor vehicle is a model year that is at least 10 years older than the current model year. The licensed auto recycler shall provide electronically to the Department the vehicle identification number and the year, make, and model of the motor vehicle and shall remit to the Department the fees set out in § 46.2-627 and an additional $10 transaction fee. Upon receipt of such notification, the Department shall check the records of nationally recognized databases. The licensed auto recycler may not demolish or dismantle the vehicle until the Department has notified the licensed auto recycler of the results of that inquiry. If a licensed auto recycler is not in possession of the certificate of title, salvage certificate, or nonrepairable certificate and the subject motor vehicle is of the current model year or of a model year that is nine years old or less, that vehicle shall be processed in accordance with § 46.2-1202.

E. Nothing in this section shall release a licensed auto recycler from complying with the provisions of §§ 46.2-1603.1, 46.2-1608, and 46.2-1608.1.

2011, c. 279; 2015, cc. 33, 177.

§ 46.2-1609. Penalties.

A. First violations of any provision of this chapter shall constitute a Class 1 misdemeanor, and second and subsequent violations of any provision of this chapter shall constitute a Class 5 felony. Upon receipt of any such conviction, the Commissioner may suspend, revoke, cancel, or refuse to renew the license of any licensee under this chapter, and the Commissioner may also assess a civil penalty against such licensee not to exceed $2,500 for any conviction.

B. Except as otherwise provided in this chapter, any licensee violating any of the provisions of this chapter may be assessed a civil penalty by the Commissioner not to exceed $1,000 for any single violation.

C. Notice of an order suspending, revoking, canceling, or denying renewal of a license, imposing a limitation on operation, or imposing a civil penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by first-class mail to the address as shown on the licensee's most recent application for a license and shall be considered served when mailed. No order required by this section shall become effective until the Commissioner has offered the licensee an opportunity for an administrative hearing to show cause why the order should not be enforced. Notice of the opportunity for an administrative hearing may be included in the order. Any request for an administrative hearing made by such person must be received by the Department within 30 days of the issuance date of the order unless the person presents to the Department evidence of military service as defined by the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.), incarceration, commitment, hospitalization, or physical presence outside the United States at the time the order was issued.

D. Upon receipt of a request for a hearing appealing the suspension or imposition of civil penalties, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. Any suspension shall remain in effect pending the outcome of the hearing.

1979, c. 401, § 46.1-550.14; 1989, c. 727; 1992, c. 148; 2011, c. 824; 2014, c. 58.

§ 46.2-1610. Disposition of fees.

All fees collected under this chapter shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the expenses of the vehicle identification number and salvage vehicle inspection programs.

1987, c. 696, § 46.1-550.15; 1989, c. 727; 2006, c. 615.

Chapter 17 - Driver Training Schools

Article 1 - Driver Training Schools, Generally

§ 46.2-1700. (For expiration – see Acts 2019, c. 750, cl. 3) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Behind-the-wheel instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider who provides behind-the-wheel training involving the actual operation of a commercial motor vehicle by an entry-level driver on a range or a public road.

"Behind-the-wheel training" means training provided by a licensed behind-the-wheel instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a range or on a public road. "Behind-the-wheel training" does not include time an entry-level driver spends observing the operation of a commercial motor vehicle when he is not in control of the vehicle.

"Class A licensee" means a driver training school that provides training in the operation of commercial motor vehicles as defined in § 46.2-341.4.

"Class B licensee" means a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in § 46.2-341.4.

"Computer-based driver education course" means the classroom portion of driver education offered by a computer-based driver education provider through the Internet or other electronic means approved by the Department whose content and quality is comparable to that of courses offered in the Commonwealth's public schools.

"Computer-based driver education provider" means a driver training school licensed by the Department in accordance with this chapter to conduct computer-based driver education courses.

"Driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. "Driver training school" or "school" does not mean any institution of higher education, school established pursuant to § 46.2-1314, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof, training programs for school bus operators established pursuant to § 22.1-181, driver education programs established pursuant to § 22.1-205, or schools accredited by accrediting associations approved by the Department of Education; however, if any such entity or program excluded from the definition of "driver training school" offers driver education and training through a contractual arrangement with another person for consideration, then that other person shall be considered a driver training school subject to the requirements of this chapter.

"Entry-level driver" means the same as defined in § 46.2-341.4.

"Entry-level driver training" means the same as defined in § 46.2-341.4.

"FMCSA" means the same as defined in § 46.2-341.4.

"Instructor" means any person, whether acting for himself as operator of a driver training school or for such school for compensation, who teaches, conducts classes, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.

"Key information" means the training provider name, address, phone number, type or types of training offered, training provider status, and any change in state licensure, certification, or accreditation status.

"Range" means an area that is free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

"Theory instruction" means knowledge instruction on the operation of a commercial motor vehicle and related matters provided by a licensed theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

"Theory instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider and who provides knowledge instruction on the operation of a commercial motor vehicle.

"Training provider" means the same as defined in § 46.2-341.4.

1990, c. 466; 2004, c. 587; 2016, c. 437; 2019, c. 750.

§ 46.2-1701. Licenses required for school and instructor; fees.

No driver training school shall be established or continue operation unless the school obtains from the Commissioner a license authorizing the school to operate within this Commonwealth.

No instructor shall perform the actions enumerated in the definition of "instructor" in § 46.2-1700 unless he obtains from the Commissioner a license authorizing him to act as driving instructor.

The Commissioner shall have authority to set and collect school and instructor licensing fees. All licensing fees collected by the Commissioner under this chapter shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department of Motor Vehicles.

Upon application of a driver training school licensed in accordance with this chapter, the Commissioner may license such driver training school using criteria established by the Commissioner pursuant to § 46.2-1702 to provide computer-based driver education courses using curricula approved by the Commissioner. A nonrefundable annual licensing fee of $100 shall be required with each application. Such annual licensing fee shall be in addition to fees permitted under this chapter.

1990, c. 466; 2004, c. 587; 2016, c. 437.

§ 46.2-1701.1. Bond of applicants.

The applicant shall file a surety bond in the amount of $100,000 for a Class A licensee and $5,000 for a Class B licensee. The bond shall be payable to the Commonwealth of Virginia and conditioned to protect the contractual rights of students. The bonding requirement for a Class A license may be reduced, at the discretion of the Department, on a showing by the school that no course of study for which tuition is collected lasts longer than thirty days or that the school collects no advance tuition other than equal monthly installments based on the length of the course of study. The minimum bond for any school shall be $5,000. The Department may collect against this bond in the case that the driver training school violates applicable state or federal law or regulation.

1991, c. 214; 2019, c. 750.

§ 46.2-1701.2. Schools required to have established places of business.

No license shall be issued or renewed to any driver training school unless it has an established place of business in the Commonwealth that:

1. Satisfies all local zoning regulations;

2. Has office space in which the driver training school houses all records required to be maintained under § 46.2-1701.3 and which:

a. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the school, and working utilities;

b. Complies with federal, state, and local health, fire, and building code requirements; and

c. Meets all other place of business and recordkeeping requirements set forth in this chapter and established in regulations promulgated by the Department.

2004, c. 587.

§ 46.2-1701.3. Student records to be maintained.

All student records and other records, as required by the Department, shall be maintained on the premises of the licensed location. The Commissioner may, on written request from a driver training school, permit records to be maintained at a location other than the premises of the licensed location for good cause shown. All records shall be preserved in original form or in film, magnetic, electronic, or optical media, including but not limited to microfilm or microfiche, for a period of three years in a manner that permits systematic retrieval. All records required to be maintained by the provisions of this section or by regulation shall be available to the Commissioner or his agents during regular business hours or at any other reasonable time, as determined by the Commissioner.

2004, c. 587.

§ 46.2-1701.4. Reports and records of licensed computer-based driver education providers.

The Commissioner may require annual, periodic, or special reports from computer-based driver education providers in a manner and form approved by the Commissioner. The Commissioner may require a computer-based driver education provider to file with the Department a true copy of any contract, agreement, or arrangement between such computer-based driver education provider and any person in relation to the provisions of this chapter. The Commissioner may prescribe the forms of any accounts, records, and memoranda to be kept by computer-based driver education providers and the length of time such accounts, records, and memoranda shall be preserved.

2016, c. 437.

§ 46.2-1702. Certification of driver education courses by Commissioner.

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any comprehensive community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete

those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any comprehensive community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses, including the parent/student driver education component of the driver education curriculum as established in § 22.1-205. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component of the driver education curriculum pursuant to § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer the parent/student driver education component of the driver education curriculum through a virtual, computer-based program. Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes (a) parental responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant to this Code, and (c) the dangers of driving while intoxicated and underage consumption of alcohol.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer knowledge or behind-the-wheel examinations unless authorized pursuant to § 46.2-326.1. Driver

education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept, in lieu of requirements established by the Department of Education for instructor qualification, (1) 20 years' service with the Virginia Department of State Police by a law-enforcement officer who retired or resigned while in good standing from such Department or (2)(i) 20 years' service as a traffic enforcement officer with patrol experience with any local police department by a law-enforcement officer who has been certified by the Virginia Department of Criminal Justice Services pursuant to § 15.2-1706, (ii) who retired or resigned while in good standing from such department, and (iii) who has been certified to teach driver training by the Virginia Department of Criminal Justice Services.

1990, c. 466; 1991, c. 214; 2004, c. 587; 2014, cc. 666, 685, 753; 2016, c. 437; 2017, c. 144; 2018, cc. 521, 619; 2019, cc. 78, 155.

§ 46.2-1703. Authority to promulgate regulations.

The Commissioner may promulgate regulations necessary to (i) enforce the provisions of this chapter, (ii) provide adequate training for students, (iii) protect student and public safety and (iv) carry out the other provisions of this chapter. These regulations shall include but need not be limited to curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications and other requirements for instructors, school ownership requirements, surety bond requirements, and financial stability of schools.

1990, c. 466; 1991, c. 214; 2004, c. 587.

§ 46.2-1704. Action on applications; hearing on denial.

The Commissioner shall act on any application for a license under this chapter within thirty days after receipt by either granting or denying the application. Any applicant denied a license shall, on his written request made within thirty days, be given a hearing at a time and place determined by the Commissioner or his designee. All hearings under this section shall be public and shall be held promptly. The applicant may be represented by counsel. Any applicant denied a license may not apply again for a license for thirty days from the date of denial of the application.

1991, c. 214.

§ 46.2-1705. Suspension, revocation, cancellation or refusal to renew license; limitations on operations; imposition of monetary penalties.

A. Except as otherwise provided in this section, no license issued under this chapter shall be suspended, revoked, or cancelled or renewal thereof denied, no limitation on operations shall be imposed pursuant to subsection F of this section, and no monetary penalty shall be imposed pursuant to § 46.2-1706, unless the licensee has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.

B. The order suspending, revoking, cancelling, or denying renewal of a license, imposing a limitation on operation, or imposing a monetary penalty, except as otherwise provided in subsection E of this section, shall not become effective until the licensee has had 30 days after notice of the opportunity for a hearing to make a written request for such a hearing. If no hearing has been requested within such 30-day period, the order shall become effective and no hearing shall thereafter be held. A timely request for a hearing shall automatically stay operation of the order until after the hearing.

C. Notice of an order suspending, revoking, cancelling or denying renewal of a license, imposing a limitation on operation, or imposing a monetary penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by registered mail to the school address as shown on the licensee's most recent application for license and shall be considered served when mailed.

D. No licensee whose license has been revoked or cancelled or who has been denied renewal shall apply for a new license within 180 days of such action.

E. Notwithstanding the provisions of subsection B of this section, an order suspending, revoking, cancelling, or denying renewal of an instructor license shall be effective immediately if the order is based upon a finding by the Commissioner (i) that the instructor's driving record is such that he is not presently qualified to act as an instructor or (ii) that he is otherwise a danger to the safety of his students or the public. Such finding by the Commissioner shall be based on records of driver's license suspension or revocation, upon records of conviction of serious motor vehicle related offenses punishable as a misdemeanor or felony including driving under the influence or reckless driving, and upon such other criteria as the Commissioner may establish by regulation.

Notice of the order of suspension, revocation, cancellation, or denial shall be in writing and mailed in accordance with subsection C. Upon receipt of a request for a hearing appealing the suspension, revocation, cancellation, or denial, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

F. If the Commissioner makes a finding that the conduct of a licensee is in violation of this chapter or regulations adopted pursuant to this chapter, he may suspend, revoke, cancel, or refuse to renew the license of such licensee or may order the licensee, in accordance with subsections A, B and C of this section, to limit the types of driver education training provided, restrict the use of the licensee's training vehicles, or both. Whenever the Commissioner takes action limiting operations under this subsection, the Commissioner shall require the licensee to post conspicuous notice of the Commissioner's action under this subsection at the same location as the licensee's license was issued under this chapter, as soon as the Commissioner's order becomes effective. Orders of the Commissioner limiting operations and requiring posting of notices shall remain in effect until (i) the time period for the limitations or restriction has expired and the Commissioner makes a finding that the violations causing the imposition of such limitations or restrictions have been remedied by the licensee or (ii) the Commissioner's order is lifted as the result of an appeal under § 46.2-1704 or by a court of competent jurisdiction.

G. If the Commissioner makes a finding, after conducting a preliminary investigation, that the conduct of a licensee (i) is in violation of this chapter or regulations adopted pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Commissioner may issue an order suspending the licensee's license to operate a driver training school. Notice of the suspension shall be in writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a hearing appealing the suspension, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The suspension shall remain in effect pending the outcome of the hearing.

1991, c. 214; 2000, c. 179; 2004, c. 587.

§ 46.2-1706. Civil penalties.

In addition to any other sanctions or remedies available to the Commissioner under this chapter, the Commissioner may assess a civil penalty not to exceed $1,000 for any violation of any provision of this chapter or any regulation promulgated thereunder. The penalty may be sued for and recovered in the name of the Commonwealth.

1991, c. 214.

§ 46.2-1707. Unlawful acts; prosecution; proceedings in equity.

A. It shall be unlawful for any person to engage in any of the following acts:

1. Practicing as a driver training school or as an instructor without holding a valid license as required by statute or regulation;

2. Making use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed;

3. Performing any act or function which is restricted by statute or regulation to persons holding a driver training school or instructor license or certification, without being duly certified or licensed;

4. Materially misrepresenting facts in an application for licensure, certification or registration;

5. Willfully refusing to furnish the Department information or records required or requested pursuant to statute or regulation; or

6. Violating any statute or regulation governing the practice of any driver training school or instructor regulated pursuant to this chapter.

Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a Class 1 misdemeanor. However, the third or any subsequent conviction for violating this section during a 36-month period shall constitute a Class 6 felony.

B. In addition to the provisions of subsection A of this section, the Department may institute proceedings in equity to enjoin any person from engaging in any unlawful act enumerated in this section. Such proceedings shall be brought in the name of the Commonwealth in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

1991, c. 214; 2004, c. 587.

Article 2 - Entry-Level Driver Training Providers

§ 46.2-1708. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Licenses required for school and instructors.

A. If a Class A driver training school elects to provide entry-level driver training to driver trainees, that Class A driver training school shall not provide such training until it has (i) been licensed to provide training in the Commonwealth pursuant to this section and (ii) provided the Commissioner with its unique Training Provider Registry number issued by FMCSA pursuant to 49 C.F.R. § 380.703 in a form prescribed by the Department.

B. If a Class A driver training school elects to provide entry-level driver training, upon application for a Class A license by such driver training school the applicant driver training school shall also provide evidence that:

1. The curriculum used for theory instruction and behind-the-wheel training complies with the curriculum requirements prescribed by the Department;

2. The facilities used for entry-level driver training for both theory instruction and behind-the-wheel training comply with all federal and state safety requirements;

3. The instructors employed by the applicant driver training school are licensed under this section;

4. The applicant driver training school (i) uses written assessments that comply with the requirements prescribed by the Department to determine the driver trainee's proficiency in the knowledge objectives of each unit of instruction in the curriculum and (ii) requires driver trainees to achieve an overall minimum score of 80 percent for passage of the theory instruction portion of the course; and

5. The applicant driver training school instructors evaluate and document the driver trainee's proficiency in the behind-the-wheel skills in accordance with the curriculum requirements prescribed by the Department.

C. The Commissioner shall not license a behind-the-wheel instructor or theory instructor unless the applicant provides evidence that his commercial driver's license has not been disqualified, canceled, suspended, or revoked due to any of the disqualifying offenses identified in 49 C.F.R. § 383.51, unless his commercial driver's license was reinstated more than two years prior to the application date, and that he either:

1. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided and has at least two years of experience driving a commercial motor vehicle requiring a commercial driver's license of the same or higher class or the same endorsement; or

2. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided, and has at least two years of experience as a behind-the-wheel commercial motor vehicle instructor.

D. The Commissioner may issue an order suspending, revoking, cancelling, or denying renewal of a training provider's license, certification, or authorization to provide training effective immediately if the order is based upon the removal of the school from the federal Training Provider Registry pursuant to 49 C.F.R. § 380.723. Notice of such order shall be in writing and mailed to the training provider by registered mail to the address as shown on the training provider's most recent application and shall be considered served when mailed. Upon receipt of a request for a hearing appealing such order, the training provider shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

2019, c. 750; 2020, c. 546.

§ 46.2-1709. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Business and equipment requirements.

A. A training provider shall:

1. Permit the Department and FMCSA to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the entry-level driver training program without prior notice;

2. Use vehicles that comply with all federal and state safety requirements and are in the same group and type that the driver trainees intend to operate for the commercial driver's license skills test;

3. Require all driver trainees to certify that they will comply with state and federal laws and regulations and local laws related to alcohol and controlled substances testing, age requirements for driving commercial vehicles, medical certifications, licensing, and driver records;

4. Verify that all accepted behind-the-wheel applicants hold a valid commercial learner's permit or commercial driver's license;

5. Electronically transmit, by midnight of the second business day after the driver trainee completes the training, the driver trainee's certification information through the federal Training Provider Registry website including:

a. Driver-trainee name, license or permit number, and state of licensure;

b. Type of class or endorsement training the driver trainee completed;

c. Total number of clock hours the driver trainee spent to complete the behind-the-wheel training, if applicable;

d. Name of the training provider and its unique Training Provider Registry number; and

e. Date or dates of successful training completion.

6. Update the Entry-Level Driver Training Provider Registration Form once every two years;

7. Report to FMCSA changes to key information on the Entry-Level Driver Training Provider Registration Form within 30 days of such changes;

8. Maintain documentation of the school's licensure, registration, certification or authorization to provide training in Virginia;

9. Ensure that all records specified in § 46.2-1710 are available to FMCSA or its authorized representative, upon request, and provide such records to FMCSA within 48 hours of such request; and

10. Administer both the range and public road portion of the behind-the-wheel curriculum.

B. If a training provider receives notice of proposed removal from FMCSA pursuant to 49 C.F.R. § 380.723, the training provider shall (i) notify all current driver trainees and driver trainees scheduled for future training of such receipt and (ii) provide a copy of the notice to the Department within one business day of receiving such notice.

C. If a training provider is removed from the federal Training Provider Registry by FMCSA pursuant to 49 C.F.R. § 380.723, such training provider shall (i) cease providing entry-level driver training upon receipt and in accordance with FMCSA guidance and (ii) provide the Department with a copy of the notice of proposed removal within one business day of receipt. No training conducted after the date of removal from the federal Training Provider Registry shall be considered valid.

2019, c. 750; 2020, c. 546.

§ 46.2-1710. (For effective date – see Acts 2019, c. 750, cl. 3) Records to be maintained.
Each training provider shall retain, in addition to any other records that entity is required to retain by Virginia law or regulation, the following records:

1. Self-certifications by all accepted applicants for behind-the-wheel training attesting that they will comply with state and federal laws and regulations and local laws related to alcohol and controlled substances testing, age requirements for driving commercial vehicles, medical certifications, licensing, and driver records, as required by subdivision A 3 of § 46.2-1709;

2. A copy of all driver trainee commercial learner's permits or commercial driver's licenses;

3. Instructor qualification documentation indicating driving or training experience for each instructor and copies of commercial driver's licenses and applicable endorsements held by behind-the-wheel instructors or theory instructors;

4. The Training Provider Registration Form submitted to the federal Training Provider Registry pursuant to 49 C.F.R. § 380.703;

5. Lesson plans for theory instruction and behind-the-wheel training curricula; and

6. Records of individual entry-level driver training assessments completed pursuant to 49 C.F.R. § 380.715.

Such records shall be maintained for at least three years from the date the record was generated or received by the training provider. If any document or record has expired or been canceled, the most recent, valid record shall be maintained.

2019, c. 750.

§ 46.2-1711. (For effective date - see Acts 2019, c. 750, cl. 3) Government entities authorized to provide entry-level driver training.
Any government entity, including the military, any comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or any department, agency, or instrumentality of a local government, is authorized to provide entry-level driving training to driver trainees, provided that such government entity complies with the requirements of this article. Notwithstanding the provisions of § 46.2-1708, no government entity or trainer employed by a government entity will be required to be licensed by the Department to provide entry-level driver training.

2019, c. 750.

Chapter 18 - VIRGINIA MOTOR VEHICLE SCRAPPAGE PROGRAM [Repealed]

§§ 46.2-1801 through 46.2-1805. Repealed.
Repealed by Acts 1996, cc. 165 and 926.

Chapter 19 - T&M VEHICLE DEALERS [Repealed]

§§ 46.2-1900 through 46.2-1991. Repealed.
Repealed by Acts 2015, c. 615, cl. 9.

Chapter 19.1 - TRAILER DEALERS [Repealed]

§§ 46.2-1992 through § 46.2-1992.85. Repealed.
Repealed by Acts 2015, c. 615, cl. 9.

Chapter 19.2 - MOTORCYCLE DEALERS [Repealed]

§§ 46.2-1993 through 46.2-1993.82. Repealed.
Repealed by Acts 2015, c. 615, cl. 9.

Subtitle V - MOTOR CARRIERS

Chapter 20 - REGULATION OF PASSENGER CARRIERS

Article 1 - MOTOR CARRIERS OF PASSENGERS -- GENERALLY

§ 46.2-2000. Definitions.
Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter except for transportation pursuant to Article 15 (§ 46.2-2099.45 et seq.), or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier, which carrier uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract passenger carrier, a sight-seeing carrier, a transportation network company, or a nonemergency medical transportation carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter. "Common carrier" does not include nonemergency medical transportation carriers, transportation network companies, or TNC partners as defined in this section.

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier. "Contract passenger carrier" does not include a transportation network company or TNC partner as defined in this section.

"Department" means the Department of Motor Vehicles.

"Digital platform" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with TNC partners.

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"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 this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued by the Department to show one or more of the following: (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1; (ii) proof of the possession of a certificate or permit issued pursuant to this chapter; or (iii) proof of compliance with the insurance requirements of this chapter.

"Interstate" means transportation of passengers between states.

"Intrastate" means transportation of passengers solely within a state.

"License" means a license issued by the Department to a broker or a TNC broker.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than 31 passengers, including the driver, and used in the transportation of passengers.

"Motor carrier" means any person who undertakes, whether directly or by lease, to transport passengers for compensation over the highways of the Commonwealth.

"Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of 50 passengers. "Motor launch" does not include sight-seeing vessels, special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be regarded as a steamship company.

"Nonemergency medical transportation carrier" means a motor carrier that exclusively provides nonemergency medical transportation and provides such transportation only (i) through the Department of Medical Assistance Services; (ii) through a broker operating under a contract with the Department of Medical Assistance Services; or (iii) as a Medicaid Managed Care Organization or through a contractor of a Medicaid Managed Care Organization contracted with the Department of Medical Assistance Services to provide such transportation.

"Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in §§ 501(c)(3) and 501(c)(4) of the Internal Revenue Code, as amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the transportation, for compensation, of members of such organization if it is a membership corporation, or of elderly, disabled, or economically disadvantaged members of the community if it is not a membership corporation.

"Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"Operation of a TNC partner vehicle" means (i) any time a TNC partner is logged into a digital platform and is available to pick up passengers; (ii) any time a passenger is in the TNC partner vehicle; and (iii) any time the TNC partner has accepted a prearranged ride request through the digital platform and is en route to a passenger.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Permit" means a permit issued by the Department to carriers operating as employee haulers or nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab service under this chapter.

"Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Personal vehicle" means a motor vehicle that is not used to transport passengers for compensation except as a TNC partner vehicle.

"Prearranged ride" means passenger transportation for compensation in a TNC partner vehicle arranged through a digital platform. "Prearranged ride" includes the period of time that begins when a TNC partner accepts a ride requested through a digital platform, continues while the TNC partner transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner vehicle.

"Restricted common carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers for compensation, whereby such transportation service has been restricted. "Restricted common carrier" does not include a transportation network company or TNC partner as defined in this section.

"Route," when used in connection with or with respect to a certificate of public convenience and necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefor, whether such road or highway is designated by one or more highway numbers.

"Services" and "transportation" include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or

implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or the performance of any service in connection therewith.

"Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience and enjoyment or the promotion of tourism.

"Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby the primary purpose of the operation is the passengers' experience and enjoyment or the promotion of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other qualified jurisdictions.

"Special or charter party carrier by boat" means a restricted common carrier which transports groups of persons under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported. Special or charter party carriers by boat shall not be regarded as steamship companies.

"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier, transportation network company, TNC partner, or nonemergency medical transportation carrier as defined in this chapter.

"TNC broker" means any person who (i) is not a transportation network company or TNC partner and (ii) is not a bona fide employee or agent of a transportation network company or TNC partner, and who contracts or enters into an agreement or arrangement, with a transportation network company and who, in accordance with such contract, agreement or arrangement, arranges any transportation subject to Article 15 (§ 46.2-2099.45 et seq.) or negotiates for or holds himself out by solicitation, advertisement, or otherwise as one who arranges for such transportation but does not control the manner in which such transportation is provided.

"TNC broker insurance" means a motor vehicle liability insurance policy that specifically covers liabilities arising while the TNC partner is en route to a passenger pursuant to arrangements made by a TNC broker.

"TNC insurance" means a motor vehicle liability insurance policy that specifically covers liabilities arising from a TNC partner's operation of a TNC partner vehicle.

"TNC partner" means a person authorized by a transportation network company to use a TNC partner vehicle to provide prearranged rides on an intrastate basis in the Commonwealth.

"TNC partner vehicle" means a personal vehicle authorized by a transportation network company and used by a TNC partner to provide prearranged rides on an intrastate basis in the Commonwealth.

"Trade dress" means a logo, insignia, or emblem attached to or visible from the exterior of a TNC partner vehicle that identifies a transportation network company or digital platform with which the TNC partner vehicle is affiliated.

"Transportation network company" means a person who provides prearranged rides using a digital platform that connects passengers with TNC partners.

Code 1950, § 56-273; 1950, p. 368; 1966, c. 543; 1973, cc. 306, 460; 1982, c. 257; 1989, c. 625; 1995, cc. 744, 803; 2001, c. 596; 2002, c. 861; 2004, c. 780; 2011, cc. 881, 889; 2012, cc. 22, 111; 2015, cc. 2, 3; 2017, cc. 554, 635, 694, 708.

§ 46.2-2000.1. Vehicles excluded from operation of chapter.

This chapter shall not be construed to include:

1. Motor vehicles employed solely in transporting school children and teachers;

2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating capacity of not more than six passengers, excluding the driver, while operating in a county, city, or town which has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a bona fide taxicab service, and not operating on a regular route or between fixed termini;

3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the transportation of hotel patronage between hotels and local railroad or other common carrier stations;

4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality or any other political subdivision of this Commonwealth, including passenger-carrying motor vehicles while being operated under an exclusive contract with the United States;

5. Any motor vehicle designed with a seating capacity for and used to transport not more than 15 passengers, including the driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share not more than the expenses of operation of the vehicle. Regular payments toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing the vehicle are to be considered eligible expenses of operation;

6. Unless otherwise provided, motor vehicles while used exclusively in the transportation of passengers within the corporate limits of incorporated cities or towns, and motor vehicles used exclusively in the regular transportation of passengers within the boundaries of such cities or towns and adjacent counties where such vehicles are being operated by such county or pursuant to a contract with the board of supervisors of such county;

7. Motor vehicles while operated under the exclusive regulatory control of a transportation district commission acting pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2;

8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties; and

9. Emergency medical services vehicles as defined in § 32.1-111.1.

Code 1950, § 56-274; 1950, p. 370; 1958, c. 285; 1966, c. 575; 1968, c. 183; 1970, c. 33; 1973, c. 460; 1975, c. 122; 1976, cc. 378, 411; 1977, c. 514; 1978, c. 152; 1979, cc. 608, 618; 1980, c. 230; 1982, c. 257; 1983, c. 112; 1985, c. 88; 1986, c. 420; 1989, c. 625; 1995, cc. 744, 803; 2001, c. 596; 2002, c. 337; 2011, cc. 881, 889; 2015, cc. 502, 503.

§ 46.2-2000.2. Repealed.

Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2000.3. Disposition of funds collected.

Except as otherwise provided, all fees collected by the Department pursuant to this chapter shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

2001, c. 596.

§ 46.2-2001. Regulation by Department; reports; prevention of discrimination; regulation of leasing of motor vehicles.

The Department shall supervise, regulate and control all motor carriers, carriers by rail, TNC brokers, and brokers not exempted under this chapter doing business in the Commonwealth, and all matters relating to the performance of their public duties and their charges therefor as provided by this chapter, and shall correct abuses therein by such carriers; and to that end the Department may prescribe reasonable rules, regulations, forms and reports for such carriers and brokers in furtherance of the administration and operation of this chapter; and the Department shall have the right at all times to require from such motor carriers, carriers by rail, TNC brokers, and brokers special reports and statements, under oath, concerning their business.

The Department shall make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any carrier, TNC broker, or broker in favor of, or against, any person, locality, community or connecting carrier in the matter of service, schedule, efficiency of transportation or otherwise, in connection with the public duties of such carrier, TNC broker, or broker. The Department shall administer and enforce all provisions of this chapter, and may prescribe reasonable rules, regulations and procedure looking to that end.

The Department may prescribe and enforce such reasonable requirements, rules and regulations in the matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory powers.

The Department shall work in conjunction with the Department of State Police and local law-enforcement officials to promote uniform enforcement of the laws pertaining to motor carriers and the rules, regulations, forms, and reports prescribed under the provisions of this chapter.

Code 1950, § 56-276; 1964, c. 571; 1995, cc. 744, 803; 2001, c. 596; 2002, c. 861; 2012, cc. 22, 111; 2017, c. 635.

§ 46.2-2001.1. License, permit, or certificate required.

A. It shall be unlawful for any person to operate, offer, advertise, provide, procure, furnish, or arrange by contract, agreement, or arrangement to transport passengers for compensation as a TNC broker, broker, motor carrier or excursion train operator without first obtaining a license, permit, or certificate, unless otherwise exempted, as provided in this chapter.

B. Beginning July 1, 2014, any person making application for a license, permit, or certificate pursuant to this chapter who has violated § 46.2-2001.1, either as a result of a conviction or as a result of an imposition of a civil penalty, shall be denied such license, permit, or certificate for a period of 12 months from the date the final disposition of the conviction or imposition of the civil penalty has been rendered.

The Department of Motor Vehicles shall require applicants for a license, permit, or certificate to report any conviction or imposition of civil penalties for violations of § 46.2-2001.1.

2001, c. 596; 2002, c. 861; 2013, cc. 165, 582; 2017, c. 635.

§ 46.2-2001.2. Identification marker required.

Each motor carrier shall be issued an identification marker, unless the operation is interstate in nature and the carrier has been issued a single state registration receipt by the Department or other qualified jurisdiction. The identification marker issued by the Department shall be displayed on each vehicle as prescribed by the Department and shall be valid for the period of time prescribed by the Department.

2001, c. 596.

§ 46.2-2001.3. Application; notice requirements.

A. Applications for a license, permit, certificate, or identification marker or renewal of a license, permit, certificate, or identification marker under this chapter shall be made to the Department and contain such information and exhibits as the Department shall require. Such information shall include, in the application or otherwise, the matters set forth in § 46.2-2011.24 as grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of the public interest.

Notwithstanding any other provision of this chapter, the Commissioner may require all or certain applications for a license, permit, certificate, or identification marker to be filed electronically.

B. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every

motor carrier holding the same type of certificate issued by the Department and operating or providing service within the area proposed to be served by the applicant.

C. For any application for original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, the Department shall publish a notice of such application on the Department's public website in the form and in the manner prescribed by the Department.

D. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate of public convenience and necessity, shall cause a publication of a summary of the application to be made in a newspaper having a general circulation in the proposed area to be served or area where the primary business office is located within such time as the Department may prescribe.

2001, c. 596; 2002, c. 870; 2011, cc. 881, 889; 2012, cc. 22, 111; 2013, cc. 165, 582; 2015, cc. 2, 3; 2017, cc. 694, 708.

§§ 46.2-2002 through 46.2-2004. Repealed.

Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2005. Action on applications; hearings on denials and protests.

A. The Department may act upon any application required under this chapter for a certificate of public convenience and necessity without a hearing, unless such application is protested by any aggrieved party, except that no protest shall be heard in such cases whereby the applicant has received a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk or the County of Henrico. Aggrieved parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's interest and how the party could be aggrieved if the application were granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) a statement of the specific relief sought; (iv) the case number assigned to the application; and (v) a certification that a copy of the protest was sent to the applicant.

B. The Department may act upon any application required under this chapter for a license or certificate of fitness without a hearing, unless such application is protested by any party based upon fitness allegations. Parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's objections to the application being granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) the case number assigned to the application; and (iv) a certification that a copy of the protest was sent to the applicant. The Department shall have full discretion as to whether a hearing is warranted based on the merits of any protest filed.

C. Any applicant denied without a hearing an original license, permit, or certificate under subsection A or B of this section or subsection B of § 46.2-2001.1, or any request for a transfer of such a license or

certificate, shall be given a hearing at a time and place determined by the Commissioner or his designee upon the applicant's written request for such hearing made within 30 days of denial.

Code 1950, § 56-279; 1995, cc. 744, 803; 2001, c. 596; 2002, cc. 681, 734, 870; 2011, cc. 424, 881, 889; 2013, cc. 165, 582.

§ 46.2-2005.1. Determination for issuance for license, permit, or certificate.

If the Department finds the applicant for a license, permit, or certificate has met all the requirements of this chapter, it shall issue a license, permit, or certificate to the applicant, subject to such terms, limitations, and restrictions as the Department may deem proper.

2001, c. 596.

§§ 46.2-2006 through 46.2-2010. Repealed.

Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2011. Considerations for determination of issuance of license or certificate.

In determining whether a license or certificate required by this chapter shall be granted, the Department may, among other things, consider the applicant's experience, qualifications, character, fitness, financial responsibility, and compliance with the requirements of this chapter.

Code 1950, § 56-282; 1979, c. 609; 1995, cc. 744, 803; 2001, c. 596.

§ 46.2-2011.1. Issuance of temporary authority.

To enable the provision of service for which there is an immediate and urgent need to a point or between points in Virginia where certificated carriers are unable to perform the service, or within a territory having no certificated carrier, the Department may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a carrier that would otherwise be required to obtain a certificate under this chapter. Such temporary authority, unless suspended or revoked in accordance with § 46.2-2011.26, shall be valid for such time as the Department shall specify, but for not more than an aggregate of 180 days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

1996, c. 170; 2001, c. 596.

§ 46.2-2011.2. Temporary emergency operation.

In an emergency, the Department or its agents may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker for not more than ten days.

2001, c. 596.

§ 46.2-2011.3. Issuance, expiration, and renewal of license, permit, and certificate.

All licenses, permits, and certificates issued under this chapter shall be issued for a period of twelve consecutive months except, at the discretion of the Department, the periods may be adjusted as necessary. Such licenses, permits, and certificates shall expire if not renewed annually. Such expiration shall be effective thirty days after the Department has provided the licensee, permittee, or certificate

holder notice of non-renewal. If the license, permit, or certificate is renewed within thirty days after notice of non-renewal, then the license, permit, or certificate shall not expire.

2001, c. 596.

§ 46.2-2011.4. Conversion of contract bus certificates.

All contract bus carriers that hold a certificate issued prior to July 1, 2012, shall be issued a replacement certificate of fitness as a contract passenger carrier. The holder of such certificate shall not be required to apply for a replacement certificate.

2001, c. 596; 2002, c. 861; 2011, cc. 881, 889; 2012, cc. 22, 111.

§ 46.2-2011.5. Filing and application fees.

A. Unless otherwise provided, every applicant, other than a transportation network company, for an original license, permit, or certificate issued under this chapter and transfer of a license or certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of $50.

B. An applicant for a certificate under § 46.2-2099.45 shall elect and remit to the Department one of the following fees:

1. An annual fee of $100,000 to accompany an application for an original certificate or a fee of $60,000 to accompany an application for renewal thereof; or

2. A fee of $20 per report to accompany payment for each driving history research report the applicant obtains from the Department pursuant to subdivision B 2 of § 46.2-2099.49, which fee shall be in addition to any other fees that are authorized for such reports.

A transportation network company may change its election under this subsection when applying for renewal of its certificate.

If the Department does not approve an application for an original certificate, the Department shall refund to the applicant $90,000 of the application fee paid under subdivision 1.

C. The Department shall collect a fee of $3 for the issuance of a duplicate license, permit, or certificate issued under this chapter.

2001, c. 596; 2015, cc. 2, 3; 2017, cc. 74, 126.

§ 46.2-2011.6. Vehicle fees.

Every person, other than a TNC partner, who operates a passenger vehicle for compensation over the highways of the Commonwealth, unless such operation is exempted from this chapter, shall be required to pay an annual fee of $3 for each such vehicle so operated, unless a vehicle identification marker fee has been paid to the Department as to such vehicle for the current year under the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1. Such fee shall be paid through the single state registration system established pursuant to 49 U.S.C. § 14504 and 49 C.F.R. Part 367 or through the unified carrier registration system established pursuant to 49 U.S.C. § 14504a and the federal

regulations promulgated thereunder for carriers registered pursuant to those provisions. No more than one vehicle fee shall be charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 and this chapter, including payments made pursuant to the single state registration system or the unified carrier registration system.

2001, c. 596; 2003, c. 322; 2006, c. 208; 2015, cc. 2, 3.

§ 46.2-2011.7. Certificate holders must provide services.

Every holder of a certificate of public convenience and necessity shall provide services in accordance with this chapter and any terms, limitations, conditions, or restrictions as the Department may place on such certificate.

2001, c. 596.

§ 46.2-2011.8. Transfers of certificates of public convenience and necessity.

Any certificate of public convenience and necessity issued under this chapter may be transferred, subject to the approval of the Department, and under such reasonable rules and regulations as may be prescribed by the Department. An application for such approval shall be made jointly by the transferor and transferee. The transfer of a certificate of public convenience and necessity can only be made upon a satisfactory showing that such purchaser or transferee can and will comply with the applicable motor carrier or broker laws, rules and regulations of the Department, is fit, willing and able to properly perform the services, and all taxes due the Commonwealth have been paid, or payment guaranteed.

2001, c. 596; 2011, cc. 881, 889; 2012, cc. 22, 111.

§ 46.2-2011.9. Bond and letter of credit requirements.

A. Every applicant for an original certificate under this chapter shall obtain and file with the Department, along with the application, a surety bond or an irrevocable letter of credit, in addition to any other bond or letter of credit required by law, in the amount of $25,000, which shall remain in effect for the first three years of licensure. The bond or letter of credit shall be in a form and content acceptable to the Department. The bond or letter of credit shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The Department may, without holding a hearing, suspend the certificate during the period that the certificate holder does not have a sufficient bond or letter of credit on file.

B. Every applicant for an original license pursuant to this chapter shall obtain and file with the Department, along with the application, a surety bond or an irrevocable letter of credit, in addition to any other bond or letter of credit required by law, in the amount of $25,000. The bond or letter of credit shall be in a form and content acceptable to the Department. The bond or letter of credit shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The Department may, without holding a hearing, suspend the license during the period that the licensee does not have a sufficient bond or letter of credit on file.

C. If a person suffers any of the following: (i) loss or damage in connection with the transportation service by reason of fraud practiced on him or fraudulent representation made to him by a licensee or certificate holder or his agent or employee acting within the scope of employment; (ii) loss or damage by reason of a violation by a licensee or certificate holder or his agent or employee of any provision of this chapter in connection with the transportation service; or (iii) loss or damage resulting from a breach of a contract entered into on or after the effective date of this act, that person shall have a claim against the licensee or certificate holder's bond or letter of credit, and may recover from such bond or letter of credit the amount awarded to such person by final judgment of a court of competent jurisdiction against the licensee or certificate holder as a result of such loss or damage up to, but not exceeding, the amount of the bond or letter of credit.

D. The licensee or certificate holder's surety shall notify the Department when a claim is made against a licensee or certificate holder's bond, when a claim is paid and when the bond is canceled. Such notification shall include the amount of a claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation.

E. The surety on any bond filed by a licensee or certificate holder shall be released and discharged from all liability accruing on such bond after the expiration of 60 days from the date on which the surety files with the Department a written request to be released and discharged. Such request shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the 60-day period.

2001, c. 596; 2013, cc. 165, 582.

§ 46.2-2011.10. Advertisements.

A. No person shall advertise or permit to be advertised by any means a transportation service unless such person first obtains a license, permit, or certificate as provided in this chapter. Whenever any licensee, permittee, or certificate holder places an advertisement in any newspaper or publication advertising a transportation service, there shall appear within such advertisement the license, permit, or certificate number. If multiple licenses, permits, or certificates are held, only one number must appear.

B. It shall be unlawful for any licensee, permittee, or certificate holder to knowingly advertise by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, permit, or certificate is held.

C. The requirement of subsection A of this section to include a license, permit, or certificate number in advertisements shall not apply to excursion train operators.

2001, c. 596; 2002, c. 861.

§ 46.2-2011.11. Established place of business.

A. No license or certificate shall be issued to any applicant that does not have an established place of business, owned or leased by the applicant, where a substantial portion of the activity of the motor carrier, TNC broker, or broker business will be routinely conducted and that:

1. Satisfies all applicable local zoning regulations;

2. Houses all records that the motor carrier, TNC broker, or broker is required to maintain by this chapter or by regulations promulgated pursuant to this chapter; and

3. Is equipped with a working telephone listed or advertised in the name of the motor carrier, TNC broker, or broker.

B. Every licensee and certificate holder shall maintain an established place of business in accordance with subsection A of this section and keep on file a physical address with the Department. Every licensee and certificate holder shall inform the Department by certified letter or other manner prescribed by the Department of any changes to the motor carrier, TNC broker, or broker's mailing address, physical location, telephone number, and legal status, legal name of company, or trade name of company within 30 days of such change.

C. Any licensee or certificate holder that relocates his established place of business shall confirm to the Department that the new established place of business conforms to the requirements of subsection A.

2001, c. 596; 2012, cc. 22, 111; 2013, cc. 165, 582; 2017, c. 635.

§ 46.2-2011.12. Transportation of baggage with passengers.

A certificate authorizing the transportation of passengers as a motor carrier shall also be deemed to include authority to transport in the same vehicle with passengers the baggage of passengers.

2001, c. 596.

§ 46.2-2011.13. Stowing of baggage, parcels, etc.

Motor carriers transporting baggage or other property of passengers shall do so only when such articles are stowed in a manner to assure:

1. Unrestricted freedom of motion to the driver for proper operation of the vehicle.

2. Unobstructed passage to regular and emergency exits by any person.

3. Adequate protection from personal injury that may result from the displacement or fall of such articles.

2001, c. 596.

§ 46.2-2011.14. Notice of abandonment of service.

Every motor carrier, TNC broker, broker, or excursion train operator who ceases operation or abandons his rights under a license, certificate, or permit issued shall notify the Department within 30 days of such cessation or abandonment.

2001, c. 596; 2002, c. 861; 2017, c. 635.

§ 46.2-2011.15. Department may seek judgment for refunds due public and collect and distribute same.

If any motor carrier or broker, upon the final decision of an appeal from the action of the Department prescribing rates, charges, tariffs, or classification of traffic, confirming or modifying the action of the Department, fails to refund in the manner and within the time prescribed in the notice of the Department all amounts that the appealing carrier or broker may have collected, pending the appeal, in excess of that authorized by such final decision, upon notice to such carrier or broker by the Department of such final decision, then the Department, after thirty days' notice to any such carrier or broker, may, unless the amount required by such final decision is paid to the Department, seek judgment in the name of the Commonwealth, for the use of the persons, firms and corporations entitled to the same, against any such carrier or broker for the aggregate amount of such collections and for costs, and may enforce the amount of such judgment and costs by process of execution, as provided by law. The Department shall, upon the collection of such judgment, forthwith distribute the amount thereof among the parties entitled thereto, respectively, in such manner as it may by its rules or regulations prescribe, and shall, upon the payment or collection of any such judgment, mark the same satisfied upon its records, and have the same entered satisfied on the judgment lien docket of the court where the same may have been docketed; the satisfaction of any such judgment shall be a bar to any further action or recovery against any such carrier or broker to the extent of such recovery.

2001, c. 596; 2002, c. 861.

§ 46.2-2011.16. Reports, records, etc.

A. The Department is hereby authorized to require annual, periodical, or special reports from motor carriers, except such as are exempt from the operation of the provisions of this chapter; to prescribe the manner and form in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to the provisions of this chapter.

B. The Department may, in its discretion, prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by motor carriers and (ii) the length of time such accounts, records, and memoranda shall be preserved, as well as of the receipts and expenditures of money. The Department or its employees shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with their operations and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The Department and its employees shall have authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. These provisions shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Department, to persons having control, direct or indirect, over or affiliated with any motor carrier.

C. As used in this section the term "motor carriers" includes TNC brokers, brokers, and excursion train operators.

2001, c. 596; 2002, c. 861; 2017, c. 635.

§ 46.2-2011.17. Certificate, license, or permit holder not relieved of liability for negligence.
Nothing in this chapter shall relieve any holder of a certificate, license, or permit issued by and under the authority of the Department from any liability resulting from his negligence, whether or not he has complied with the requirements of this chapter.

2001, c. 596.

§ 46.2-2011.18. Violation by passengers; misdemeanor; ejection.
All persons who fail, while using transportation services of a common carrier or restricted common carrier, to act in an orderly manner so as to permit the safe operation of a vehicle by the driver, or who fail to obey the directions of any such driver, operator, or other person in charge to act in such orderly manner, shall be deemed guilty of a Class 4 misdemeanor. Furthermore, such persons may be ejected from any such vehicle by any driver, operator, or person in charge of such vehicle, or by any police officer or other conservator of the peace; and in case such persons ejected have paid their fares upon such vehicle, they shall not be entitled to the return of any part of the same. For the refusal of any such passenger to abide by the direction of the person in charge of such vehicle as aforesaid, and his consequent ejection from such vehicle, neither the driver, operator, person in charge, owner, manager, nor common carrier or restricted common carrier operating such vehicle shall be liable for damages in any court.

2001, c. 596.

§ 46.2-2011.19. Vehicle seizure; penalty.
A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

2001, c. 596.

§ 46.2-2011.20. Unlawful use of registration and identification markers.
It shall be unlawful for any person to operate or cause to be operated on any highway in the Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that this chapter requires, (ii) does not display an identification marker in such manner as is prescribed by the Department, or (iii) bears registration or identification markers of persons whose license, permit, or

certificate issued by the Department has been canceled, revoked, or suspended or whose renewal thereof has been denied in accordance with this chapter.

2001, c. 596; 2015, cc. 2, 3; 2017, cc. 694, 708.

§ 46.2-2011.21. Registration and identification violations; penalties.

A. The following violations of laws shall be punished as follows:

1. Any person who does not obtain a proper registration card, identification marker, or other evidence of registration as required by this chapter shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification that this article requires or any motor vehicle that does not display (i) an identification marker in such manner as is prescribed by the Department or (ii) other identifying information that this article requires it to display shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any identification marker or other identification that has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

4. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration from the Department under this title after such registration cards or identification markers have been revoked, canceled or suspended shall be guilty of a Class 3 misdemeanor.

B. The officer charging the violation under this section shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

2001, c. 596.

§ 46.2-2011.22. Violation; criminal penalties.

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, is guilty of a misdemeanor and, upon conviction, shall be fined not more than $2,500 for the first offense and not more than $5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, TNC broker, broker, or any officer, employee, agent, or representative thereof, or a TNC partner, who knowingly and willfully by any such means or otherwise fraudulently seeks to evade or defeat regulation as in this chapter shall be deemed guilty of a misdemeanor and,

upon conviction thereof, be fined not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

C. Any motor carrier, TNC broker, broker, or excursion train operator or any officer, agent, employee, or representative thereof, or a TNC partner, who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record, or memorandum, or knowingly and willfully files any false report, account, record, or memorandum, is guilty of a misdemeanor and, upon conviction, be subject for each offense to a fine of not less than $100 and not more than $5,000.

2001, c. 596; 2002, c. 861; 2015, cc. 2, 3; 2017, c. 635.

§ 46.2-2011.23. Violations; civil penalties.

The Department may impose a civil penalty not exceeding $1,000 if any person has:

1. Made any misrepresentation of a material fact to obtain proper operating credentials as required by this chapter or other requirements in this Code regulating the operation of motor vehicles;

2. Failed to make any report required in this chapter;

3. Failed to pay any fee or tax properly assessed against him; or

4. Failed to comply with any provision of this chapter or lawful order, rule or regulation of the Department or any term or condition of any certificate, permit, or license.

Any such penalty shall be imposed by order; however, no order issued pursuant to this section shall become effective until the Department has offered the person an opportunity for an administrative hearing to show cause why the order should not be enforced. Instead of or in addition to imposing such penalty, the Department may suspend, revoke, or cancel any license, permit, certificate, registration card or identification marker issued pursuant to this title. If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department shall enter order therefor.

For the purposes of this section, each separate violation shall be subject to the civil penalty.

2001, c. 596; 2013, cc. 165, 582.

§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.

A license, permit, or certificate issued pursuant to this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license, certificate, permit, identification marker, or vehicle registration;

2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term, condition, or restriction of a license, permit, or certificate;

3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;

4. Use of deceptive business acts or practices;

5. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate, permit, identification marker, or vehicle registration is held or sought;

6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a license, permit, or certificate is held or sought or any consumer-related fraud;

7. Having been convicted of any criminal act involving the business for which a license, permit, or certificate is held or sought;

8. Failure to comply with § 46.2-2056 or any regulation promulgated pursuant thereto;

9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate, permit, identification marker, or vehicle registration;

10. Having been convicted of a felony;

11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;

12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;

13. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;

14. Knowingly and willfully filing any false report, account, record, or memorandum;

15. Failure to meet or maintain application certifications or requirements of public convenience and necessity, character, fitness, and financial responsibility pursuant to this chapter;

16. Willfully altering or changing the appearance or wording of any license, permit, certificate, identification marker, license plate, or vehicle registration;

17. Failure to provide services in accordance with license, permit, or certificate terms, limitations, conditions, or requirements;

18. Failure to maintain and keep on file with the Department motor carrier liability insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

19. Failure to comply with the Workers' Compensation Act of Title 65.2;

20. Failure to properly register a motor vehicle under this title;

21. Failure to comply with any federal motor carrier statute, rule, or regulation;

22. Failure to comply with the requirements of the Americans with Disabilities Act or the Virginians with Disabilities Act (§ 51.5-1 et seq.);

23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate or permit for a period of greater than three months; or

24. Failure to comply with any provision regarding the filing and registered agent requirements set forth in Title 13.1.

2001, c. 596; 2013, cc. 165, 582; 2015, cc. 2, 3.

§ 46.2-2011.25. Altering or amending licenses, permits, or certificates.

The Department may alter or amend a license, permit, or certificate at the request of a licensee, permittee, or certificate holder, or upon a finding by the Department that a licensee, permittee, or certificate holder failed to observe any of the provisions within this chapter, or any of the rules or regulations of the Department, or any term, condition, or limitation of such license, permit, or certificate.

2001, c. 596.

§ 46.2-2011.26. Suspension, revocation, and refusal to renew licenses, permits, or certificates; notice and hearing.

A. Except as provided in subsection D of this section, unless otherwise provided in this chapter, no license, permit, or certificate issued under this chapter shall be suspended or revoked, or renewal thereof refused, unless the licensee, permittee, or certificate holder has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.

B. The order suspending, revoking, or denying renewal of a license, permit, or certificate shall not become effective until the licensee, permittee, or certificate holder has, after notice of the opportunity for a hearing, had thirty days to make a written request for such a hearing. If no hearing has been requested within such thirty-day period, the order shall become effective and no hearing shall thereafter be held. A timely request for a hearing shall automatically stay operation of the order until after the hearing.

C. Notice of an order suspending, revoking, or denying renewal of a license, permit, or certificate and an opportunity for a hearing shall be mailed to the licensee, permittee, or certificate holder by registered or certified mail at the address as shown on the license, permit, or certificate or other record of information in possession of the Department and shall be considered served when mailed.

D. If the Department makes a finding, after conducting a preliminary investigation, that the conduct of a licensee, permittee, or certificate holder (i) is in violation of this chapter or regulations adopted pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Department may issue an order suspending the license, permit, or certificate. Notice of the suspension shall be in writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a hearing appealing the suspension, the licensee, permittee, or certificate holder shall be afforded the

opportunity for a hearing within thirty days. The suspension shall remain in effect pending the outcome of the hearing.

2001, c. 596.

§ 46.2-2011.27. Basis for reinstatement of suspended licenses, permits, or certificates; reinstatement fees.

A. The Department shall reinstate any license, permit, or certificate suspended pursuant to this chapter provided the grounds upon which the suspension action was taken have been satisfied and the appropriate reinstatement fee and other applicable fees have been paid to the Department.

B. The reinstatement fee for suspensions issued pursuant to this chapter shall be fifty dollars. In the event multiple credentials have been suspended under this chapter for the same violation, only one reinstatement fee shall be applicable.

C. In addition to a reinstatement fee, a fee of $500 shall be paid for failure of a motor carrier to keep in force at all times insurance, a bond or bonds, in an amount required by this chapter. Any motor carrier who applies for a new license, permit, or certificate because his prior license, permit, or certificate was revoked for failure to keep in force at all times insurance, a bond or bonds, in an amount required by this chapter, shall also be subject to a fee of $500.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2011.28. Basis for relicensure after revocation of licenses, permits, or certificates; fees.

The Department shall not accept an application for a license, permit, or certificate from an applicant where such credentials have been revoked pursuant to this chapter until the period of revocation imposed by the Department has passed. The Department shall process such applications under the same provisions, procedures, and requirements as an original application for such license, permit, or certificate. The Department shall issue such license, permit, or certificate provided the applicant has met all the appropriate qualifications and requirements, has satisfied the grounds upon which the revocation action was taken, and has paid the appropriate application or filing fees to the Department.

2001, c. 596.

§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.

A. It shall be unlawful for a licensee, permittee, or certificate holder whose license, permit, or certificate has expired or been revoked, suspended, or canceled or whose renewal thereof has been denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.

B. It shall be unlawful for a vehicle owner who is not the holder of a valid permit or certificate or whose vehicle is not validly leased to a motor carrier holding an active permit or certificate to fail or refuse to surrender to the Department on demand license plates, identification markers, and registration cards issued under this title.

C. If any law-enforcement officer finds that a vehicle bearing Virginia license plates or temporary transport plates is in violation of subsection A or B, such law-enforcement officer may remove the license plate, identification marker, and registration card. If a law-enforcement officer removes a license plate, identification marker, or registration card, he shall forward the same to the Department.

D. When informed that a vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.

2001, c. 596; 2015, cc. 2, 3, 258; 2017, cc. 694, 708.

§ 46.2-2011.30. No property rights in highways conferred by chapter.
Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

2001, c. 596.

§ 46.2-2011.31. Licenses, taxes, etc., not affected.
Nothing in this chapter shall be construed to relieve any person from the payment of any licenses, fees, taxes or levies now or hereafter imposed by law.

2001, c. 596.

§ 46.2-2011.32. Title to plates and markers.
All registration cards and identification markers issued by the Department shall remain the property of the Department.

2001, c. 596.

§ 46.2-2011.33. Prohibition on taxicab operators; registered sex offender.
No person who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 for a Tier III offense, as defined in § 9.1-902, or who is listed on the U.S. Department of Justice's National Sex Offender Public Website for an offense that is similar to a Tier III offense may operate a taxicab for the transportation of passengers for remuneration over the highways of the Commonwealth.

2019, c. 480; 2020, c. 829.

§§ 46.2-2012 through 46.2-2041. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2042. Repealed.
Repealed by Acts 2001, c. 137.

§§ 46.2-2043 through 46.2-2050. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Article 2 - INSURANCE REQUIREMENTS

§ 46.2-2051. Application of article.

Unless otherwise stated, this article shall apply to all motor carriers except transportation network companies.

2001, c. 596; 2015, cc. 2, 3.

§ 46.2-2052. Bonds or insurance to be kept in force; amounts.

Each motor carrier shall keep in force at all times insurance, a bond, or bonds, in an amount required by this article.

2001, c. 596.

§ 46.2-2053. Surety bonds, insurance, letter of credit, or securities required prior to issuance of registration; amounts.

A. No certificate, permit, identification marker, registration card, or license plate shall be issued by the Department to any vehicle operated by a motor carrier until the motor carrier certifies to the Department that the vehicle is covered by:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an authorized insurer, or in the case of bonds, is in an amount approved by the Department. The bonds may be issued by the Commonwealth of Virginia, the United States of America, or any municipality in the Commonwealth. Such bonds shall be deposited with the State Treasurer and the surety shall not be reduced except in accordance with an order of the Department;

3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates motor vehicles in the Commonwealth; or

4. In the case of a lessor who acts as a registrant for purposes of consolidating lessees' vehicle registration applications, a statement that the registrant has, before leasing a vehicle, obtained from the lessee an insurance policy, bond, or certificate of insurance in lieu of the insurance policy or bond and can make available said proof of insurance coverage upon demand.

Vehicles operated by carriers who have filed proof of financial responsibility in accordance with the single state registration system authorized by 49 U.S.C. § 14504 or the Unified Carrier Registration System authorized by 49 U.S.C. § 14504a are deemed to have fulfilled the requirements of this article for insurance purposes, provided there is on board the vehicle a copy of an insurance receipt issued pursuant to the federal regulations promulgated pursuant to 49 U.S.C. § 14504 or 14504a. The Department is further authorized to issue single state registration system or unified carrier registration system receipts to any qualified carrier as well as to collect and disperse the fees for and to qualified jurisdictions.

B. All motor carriers shall keep in force at all times insurance, a bond or bonds, in an amount required by this section. Except for taxicabs, the minimum financial responsibility requirements for motor

carriers operating intrastate shall be based on the number of passengers a vehicle is designed or manufactured to transport, including the driver, and shall be as follows: one to six passengers -- $350,000; seven to 15 passengers -- $1,500,000; 16 or more passengers -- $5,000,000. All motor carriers operating exclusively taxicabs or other motor vehicles performing a taxicab service shall maintain liability insurance of at least $125,000.

C. The minimum insurance for motor carriers operating in interstate commerce shall equal the minimum required by federal law, rule, or regulation. Any motor carrier that meets the minimum federal financial responsibility requirements and also operates in intrastate commerce may submit, in lieu of a separate filing for its intrastate operation, proof of the minimum federal limits, provided that both interstate and intrastate operations are insured.

2001, c. 596; 2006, c. 208.

§ 46.2-2054. Policies or surety bonds to be filed with the Department and securities with State Treasurer.

A. Each motor carrier shall keep on file with the Department proof of an insurance policy or bond in accordance with this article. Record of the policy or bond shall remain in the files of the Department six months after the certificate, registration card, license plate, identification marker or permit is canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card, license plate, certificate, permit or identification marker is canceled for any cause unless otherwise ordered by the Department.

B. The Department may, without holding a hearing, suspend a permit or certificate if the permittee or certificate holder fails to comply with the requirements of this section.

2001, c. 596.

§ 46.2-2055. Condition or obligation of security.

The insurance, bond or other security provided for in § 46.2-2054 shall obligate the insurer or surety to pay any final judgment for (i) injury to any passenger or passengers and (ii) any and all injuries to persons and loss of or damage to property resulting from the negligent operation of any motor vehicle.

2001, c. 596.

§ 46.2-2056. Effect of unfair claims settlement practices on self-insured motor carriers.

The provisions of subdivisions 4, 6, 11, and 12 of subsection A of § 38.2-510 shall apply to each holder of a certificate or permit issued by and under the authority of the Department who, in lieu of filing an insurance policy, has deposited with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. The failure of any such holder of a certificate or permit to comply with the provisions of § 38.2-510 shall be the cause for revocation or suspension of the certificate or permit.

2001, c. 596.

§ 46.2-2057. Taxicab insurance required.

Each operator of a motor vehicle performing a bona fide taxicab service shall file insurance as required under this article unless evidence can be shown to the Department that the operator is a self-insurer under an ordinance of the city or county where the home office of the operator is located.

2001, c. 596.

§ 46.2-2058. When taxicab operator a self-insurer.

If the operator of any taxicab or other motor vehicle performing a taxicab service is a self-insurer under an ordinance of the city or county where the home office of the operator is located, such operator shall not be required to obtain and keep on file with the Department insurance as required by law.

2001, c. 596.

Article 3 - TAXICABS

§ 46.2-2059. Permit required for taxicab service.

It shall be unlawful for any taxicab or other motor vehicle performing a taxicab service to operate on an intrastate basis on any public highway in the Commonwealth outside the corporate limits of incorporated cities or towns without first obtaining from the Department a permit in accordance with the provisions of this chapter.

2001, c. 596.

§ 46.2-2059.1. Repealed.

Repealed by Acts 2017, c. 528, cl. 2, effective March 16, 2017.

§ 46.2-2060. Limitations on advertising.

Within the jurisdictions of Planning District Number Eight, no person shall use the term "taxi" or "taxicab" in any advertisement, sign, or trade name, or hold himself out by means of advertising, signs, trade names, or otherwise as an operator of a taxicab or other motor vehicle performing a taxicab service as defined by § 46.2-2000, unless he complies with the requirements of § 46.2-2059 and any county, city, or town ordinance adopted pursuant to § 46.2-2062. This statute, however, shall not preempt, supersede, or affect in any way the authority of the governing body of any county, city, or town to issue local ordinances under §§ 46.2-2062 through 46.2-2067.

2001, c. 596.

§ 46.2-2061. Article does not make taxicab operators common carriers.

Nothing in this article shall be construed to make or constitute operators of taxicabs or other motor vehicles performing a taxicab service common carriers.

2001, c. 596.

§ 46.2-2062. Regulation of taxicab service by localities; rates and charges.

A. The governing body of any county, city or town in the Commonwealth may by ordinance regulate the rates or charges of any motor vehicles used for the transportation of passengers for a

consideration on any highway, street, road, lane or alley in such county, city or town, and may prescribe such reasonable regulations as to filing of schedules of rates, charges and the general operation of such vehicles; provided that, notwithstanding anything contained in this chapter to the contrary, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof.

B. In considering rates or charges pursuant to this section, or financial responsibility as provided by this chapter, the governing body may require the owner or operator to submit such supporting financial data as may be necessary, including federal or state income tax returns for the two years preceding, provided that the governing body shall not require any owner or operator to submit any audit more extensive than that conducted by such owner or operator in the normal course of business. Such financial data shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body to which it has been submitted. Nothing in this subsection shall make confidential any certificate of insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility.

C. Notwithstanding the provisions of § 3.2-5620, in the absence of any specifications, tolerances, and regulations for software-based taximeter technology published in the National Institute of Standards and Technology Handbook 44, any county, city, or town that has adopted an ordinance regulating taxicabs as provided in subsection A may authorize the use of software-based devices that utilize GPS or other measurement data in the calculation of time-and-distance fares for taxicab service.

2001, c. 596; 2007, c. 238; 2017, c. 528.

§ 46.2-2063. Locality license and payment of locality license tax may be required.

The governing body of any county, city, or town may require a license for and impose upon and collect a license tax from every person, firm, association, or corporation that operates or intends to operate in such county, city, or town any taxicab or other motor vehicle for the transportation of passengers for a consideration. The tax may be upon each such motor vehicle so operated. The governing body of the county, city, or town may by ordinance provide for levying and collecting the tax and may impose penalties for violations of the ordinance and for operating any such vehicle without obtaining the required license. Any person accepting a license issued under authority of this section and operating a taxicab business based in a county, city or town shall be subject to the provision that any complaint relating to taxicab service in the Commonwealth shall be resolved under the license regulations of the county, city, or town from which that person obtained a taxicab license.

2001, c. 596.

§ 46.2-2064. When local license may not be required.

No such county, city or town shall require a license or impose a license tax for the operation of any such motor vehicle for which a similar license is imposed or tax levied by the county, city or town of which the owner or operator of the motor vehicle is a resident, except that such license may be

required and such license tax imposed by any such county, city, or town for the operation of any such motor vehicle if the owner, lessee, or operator thereof maintains a taxicab stand or otherwise solicits business within such county, city, or town; nor, except as herein expressly authorized, shall more than one county, city or town impose any such license fee or tax on the same vehicle. This article shall not be construed to apply to common carriers of persons operating as public carriers by authority of the Department of Motor Vehicles or under a franchise granted by any county, city, or town.

2001, c. 596.

§ 46.2-2065. Local regulation of qualifications of operators; stands.

The governing body of any county, city, or town may prescribe such reasonable regulations as to the character and qualifications of operators of any such vehicle as they deem proper and may provide for the designation and allocation, by the sheriff or chief of police, of stands for such vehicles and the persons who may use the same.

2001, c. 596.

§ 46.2-2066. Penalty for violation of provisions of article or regulations.

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a consideration on any highway, street, road, lane or alley in any county, city or town who violates any of the provisions of this article or regulations of a governing body made pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than $100 for the first offense and not more than $500 for each subsequent offense.

2001, c. 596.

§ 46.2-2067. Local regulation of number of taxicabs.

A. It is the policy of this Commonwealth, based on the public health, safety and welfare, to assure safe and reliable privately operated taxicab service for the riding public in this Commonwealth; and in furtherance of this policy, it is recognized that it is essential that counties, cities and towns be granted the authority to reasonably regulate such taxicab service as to the number of operators and the number of vehicles that shall provide such service and regulations as to the rates or charges for such taxicab service, even though such regulations may have an anti-competitive effect on such service by limiting the number of operators and vehicles within a particular jurisdiction.

B. The governing body of any county, city, or town in the Commonwealth may regulate by ordinance and limit the number of taxicab operators and the number of taxicabs within its jurisdiction in order to provide safe and reliable privately operated taxicab service on any highway, street, road, lane or alley in such county, city, or town. The governing body may promulgate such reasonable regulations to further the provisions of this section including, but not limited to, minimum liability insurance requirements. However, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof; nor shall such ordinances and regulations authorize the governing body to reduce the number of taxicabs permitted to be operated by a taxicab operator or a holder of a certificate issued under such ordinance, other

than for non-use of such taxicabs or for cause as defined by such ordinance, including instances where there is a decrease in the demand for taxicab service. Further, such ordinances and regulations shall not impose (i) regulatory requirements concerning claims settlement practices beyond those imposed by § 46.2-2056 or (ii) financial requirements to qualify as a self-insurer beyond those imposed by § 46.2-2053 on any taxicab operator who, in lieu of filing an insurance policy or surety bond, has qualified as a self-insurer pursuant to § 46.2-2053 by depositing with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. Nothing herein shall be construed to affect or control the authority of counties, cities or towns to set the amount, if any, of locally established liability insurance requirements that may be met by a program of self-insurance.

2001, c. 596; 2012, cc. 35, 105.

Article 4 - EMPLOYEE HAULERS

§ 46.2-2068. Required permit.

No employee hauler, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a permit authorizing such operation.

2001, c. 596.

§ 46.2-2069. Application; requirements.

An applicant for a permit issued pursuant to this article shall furnish, at the time the application is made, a statement in writing signed by the applicant (i) setting forth the names and locations of the factories, plants, offices or other places of like nature to and from which the applicant proposes to operate and (ii) stating that such applicant will transport only bona fide employees of such factories, plants, offices or like places to and from work.

2001, c. 596.

§ 46.2-2070. Permit restrictions.

A permit issued under this article shall authorize the holder named in the permit to transport bona fide employees solely to and from the factories, plants, offices or other places of like nature specified at the time of application.

2001, c. 596.

Article 5 - NONPROFIT/TAX-EXEMPT PASSENGER CARRIERS

§ 46.2-2071. Required permit.

No nonprofit/tax-exempt passenger carrier, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a permit authorizing such operation.

2001, c. 596.

§ 46.2-2072. Operational restrictions.

No nonprofit/tax-exempt passenger carrier shall operate over the same or an adjacent route and on a similar schedule as a public transportation authority or a common carrier holding a certificate of public convenience and necessity issued pursuant to this chapter.

2001, c. 596.

§ 46.2-2073. Exemption from permit filing fees.

The original permit filing fee collected pursuant to this chapter shall not be applicable to non-profit/tax-exempt passenger carriers.

2001, c. 596.

Article 6 - COMMON CARRIERS

§ 46.2-2074. Application of article.

Unless otherwise stated, this article shall only apply to common carriers of passengers over the highways of the Commonwealth.

2001, c. 596.

§ 46.2-2075. Required certificates of public convenience and necessity.

No common carrier not otherwise exempted, other than a sight-seeing carrier, shall engage in intrastate operation on any highway within the Commonwealth without first having obtained from the Department a certificate of public convenience and necessity authorizing such operation.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2076. Application; notice requirements.

In addition to the requirements of § 46.2-2001.3, an applicant for a common carrier certificate of public convenience and necessity issued under this article shall cause a notice of such application, on the form and in the manner prescribed by the Department, on the mayor or principal officer of any city or town and on the chairman of the board of supervisors of every county into or through which the applicant may desire to provide service.

2001, c. 596.

§ 46.2-2077. Considerations for determination of issuance of certificate.

In addition to the requirements of § 46.2-2011, in determining whether a certificate of public convenience and necessity required by this article shall be granted, the Department may consider the present transportation facilities over the proposed route or within the proposed service area, the volume of traffic over such route or in such service area, and the condition of the highway over the proposed route or service area.

2001, c. 596.

§ 46.2-2078. No certificate to issue when service already adequate.

No certificate of public convenience and necessity shall be granted to an applicant proposing to operate over the route of any certificated common carrier unless it is proved to the satisfaction of the Department that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and if the Department is of the opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate over such route.

For the purpose of this section, the transportation of passengers by an urban-suburban bus line, hereby defined as a bus line, the majority of whose passengers use the buses for traveling a distance no more than forty miles, measured one way, on the same day, between their places of abode and their places of work, shopping areas, or schools, shall not be deemed an operation over the route of any common carrier of passengers holding a certificate of public convenience and necessity.

2001, c. 596.

§ 46.2-2079. Certificates for passenger carriers operating over Interstate Highway System.
Notwithstanding the provisions of § 46.2-2078, upon a showing of public convenience and necessity, the Department may, if it finds from the evidence that the public interest will be promoted thereby, issue to any carrier of passengers by motor vehicle a certificate or certificates authorizing operations in the Commonwealth upon highways that are part of the Interstate Highway System. The foregoing shall be applicable only to issuance of certificates for operations over such System. Except as otherwise indicated, all other applicable provisions of this chapter shall apply to such carriers and to such certificates.

2001, c. 596.

§ 46.2-2080. Irregular route passenger certificates.
Notwithstanding any of the provisions of § 46.2-2078, the Department may grant common carrier certificates to applicants to serve irregular routes on an irregular schedule within a specified geographic area. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing regular or irregular route common carrier certificate holders operating within the proposed service area, but shall not deny a certificate solely on the ground that the applicant will operate in the same service area that an existing regular or irregular route common carrier certificate holder is operating. Certificates issued hereunder shall be restricted to operation of vehicles with a passenger-carrying capacity not to exceed 15 persons, including the driver. Certificates hereunder shall also be restricted to prohibit pickup or delivery of passengers at their personal residence in the City of Norfolk, except that this restriction shall not apply to specially equipped vehicles for the transportation of disabled persons.

A motor carrier receiving a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk or the County of Henrico is entitled to a conclusive presumption of a need for such service.

2001, c. 596; 2002, cc. 681, 734; 2007, c. 813; 2011, c. 424.

§ 46.2-2081. Schedule required.

Every common carrier operating pursuant to this chapter shall file with the Department time schedules. A common carrier shall not deviate from its time schedule and can only amend such schedule in accordance with § 46.2-2082.

2001, c. 596.

§ 46.2-2082. Schedule changes require Department approval; posting notice.

A common carrier operating under a certificate issued by the Department pursuant to this article shall not make any change in schedules or service without having first received the approval of the Department for such change in schedules or service and without first posting a notice of such change in a conspicuous place at each station or ticket agency affected at least ten days before the effective date thereon. Any request for a change in schedules or service shall be received by the Department a minimum of ten days prior to the proposed effective date of such change.

2001, c. 596.

§ 46.2-2083. Schedule title page and content.

A. Title page of time schedules shall contain the following:

1. Time schedules must be numbered consecutively in the upper right hand corner, beginning with No. 1, and show the number of the time schedule cancelled thereby, if any.

2. Name of the motor carrier.

3. The termini or points between which the time schedules apply.

4. Date issued and date effective.

5. The name, title, and address of the officer issuing such time schedule, including street address.

B. Time schedules shall show:

1. The time of departure from all termini.

2. The time of departure from intermediate points between termini.

3. What points, if any, on route of carrier at which service cannot be rendered.

2001, c. 596.

§ 46.2-2084. Repealed.

Repealed by Acts 2011, cc. 881 and 889, cl. 2.

§ 46.2-2085. Abandonment, discontinuance, or deviation of service.

Notwithstanding anything contained in this chapter to the contrary, no common carrier regulated pursuant to this article shall abandon or discontinue any service established under the provisions of this chapter without permission of the Department and on such terms as the Department may prescribe. Common carriers may occasionally deviate from their route or routes when authorized to do so by the Department.

2001, c. 596.

§ 46.2-2086. Interruption of service.

All interruptions of regular service that are likely to continue for more than twenty-four hours shall be promptly reported in writing to the Department with a full statement of cause of such interruption and its probable duration; however, any interruption of regular service that results from an act of God need not be reported to the Department unless it continues for more than seventy-two hours.

All interruptions of regular service shall be promptly reported to the agents of the carrier on the routes involved.

2001, c. 596.

§ 46.2-2087. Refusal of service.

No common carrier regulated pursuant to this chapter shall refuse service without good cause. The Department may, at any time, require an explanation from such carrier for its refusal to provide service.

2001, c. 596.

§ 46.2-2088. Duties of carriers of passengers as to through routes, equipment, rates, regulations, etc.

Every common carrier regulated pursuant to this article shall establish reasonable through routes with other such common carriers and shall provide safe and adequate service, equipment, and facilities for the transportation of passengers; shall establish, observe, and enforce just and reasonable individual and joint rates, fares and charges and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, the carrying of baggage, the facilities for transportation, and all other matters relating to or connected with the transportation of passengers; and in case of such joint rates, fares, and charges, shall establish just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

2001, c. 596.

§ 46.2-2089. Undue preference not permitted.

Except as provided in § 46.2-2091, it shall be unlawful for any common carrier regulated pursuant to this article to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; however, this section

shall not be construed to apply to discriminations, prejudice or disadvantage to the traffic of any other carrier of whatever description.

2001, c. 596.

§ 46.2-2090. Tariffs showing rates, fares and charges; available for inspection.

Every common carrier regulated pursuant to this article shall file with the Department at least thirty days before the effective date, and make available for public inspection, tariffs showing all the rates, fares and charges for transportation, and all services in connection therewith, of passengers between points on its own route and points on the route of any other such carrier, or on the route of any common carrier by railroad, air, or water, when a through route and joint rate shall have been established. Such rates, fares, and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information as the Department may prescribe. The Department is authorized to reject any tariff filed with it that is not in consonance with this section. Any tariff rejected by the Department shall be void, and its use shall be unlawful.

2001, c. 596.

§ 46.2-2091. Unlawful to charge other than published tariff.

No common carrier regulated pursuant to this article shall charge or demand or collect or receive greater compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time.

2001, c. 596.

§ 46.2-2092. Changes in tariffs.

No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier regulated pursuant to this article, except after thirty days' notice of the proposed change. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs.

2001, c. 596.

§ 46.2-2093. Joint tariffs; power of attorney.

A. A common carrier regulated pursuant to this article may authorize an agent or may join with another carrier or carriers in the publication of a joint tariff, supplement or amendment, and, where such authority is given, shall file with the Department prior to publication power of attorney or notice of concurrence, which shall specifically set out the authority given.

B. Where a carrier issues a power of attorney to an agent or a concurrence to another carrier for the publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty

days' notice to the Department and the agent or carrier to which the power of attorney or concurrence was issued, except upon special permission of the Department.

2001, c. 596.

§ 46.2-2094. No transportation except when rates have been filed and published.

No common carrier regulated pursuant to this article, unless otherwise provided by this chapter, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this article.

2001, c. 596.

§ 46.2-2095. Terminals; local license taxes on operation.

Counties, cities and towns may impose license taxes for the privilege of operating or conducting terminals for use by common carriers regulated pursuant to this article. Operation of terminals by such carriers in connection with and incidental to their business as such common carriers, and not for profit, or for such carriers where the local agent receives as his compensation a commission on tickets sold shall not be subject to the imposition of any such taxes. Lots used by such carriers for parking, storage and servicing of motor vehicles used in the business of such carriers and for taking on and discharging passengers shall not be deemed terminals. Nothing herein contained shall be construed to exempt the payment of license taxes on any other business that may be conducted on, at, or in any such terminal or lot.

2001, c. 596.

Article 7 - CONTRACT PASSENGER CARRIERS

§ 46.2-2096. Certificates required unless exempted.

Unless otherwise exempted, no person shall engage in the business of a contract passenger carrier by motor vehicle on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of fitness authorizing such business.

2001, c. 596; 2011, cc. 881, 889.

§§ 46.2-2097, 46.2-2097.1. Repealed.

Repealed by Acts 2011, cc. 881 and 889, cl. 2.

§ 46.2-2098. Control, supervision and regulation by Department.

Except as otherwise provided in this chapter, every contract passenger carrier shall be subject to the exclusive control, supervision, and regulation by the Department, except that enforcement of statutes and Department regulations shall be not only by the Department, but also by the Department of State Police and local law-enforcement agencies. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of contract passenger carriers.

2001, c. 596.

§ 46.2-2099. Operation except in accordance with chapter prohibited.

No contract passenger carrier shall operate any motor vehicle for the transportation of passengers for compensation on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter. There shall be no commingling of unrelated passengers by use of a contract between a contract passenger carrier and a licensed broker for the transportation of passengers by motor vehicles.

2001, c. 596.

§ 46.2-2099.1. Operational requirements; penalty.

Contract passenger carriers shall provide service on a prearranged basis only for a minimum of one-hour per vehicle trip under a single contract made with one person for an agreed charge for such movement regardless of the number of passengers transported. Contract passenger carriers shall, prior to and at all times when providing compensated service, carry in each motor vehicle a trip sheet, contract order, or wireless text dispatching device identifying the names of the passengers who have arranged for use of the motor vehicle, the date and approximate time of pickup, and the origin and destination. Such trip sheet, contract order, or wireless text dispatching device shall be made available immediately upon request to authorized representatives of the Department, law-enforcement agencies, and airport authorities. Trip sheets, contract orders, or documentation produced by wireless text dispatching devices shall be retained and available for inspection at the carrier's place of business for a period of at least three years. Trip sheets, contract orders, or documentation may be retained (i) in the form of paper records; (ii) by microfilm, microfiche, similar microphotographic process; or (iii) by electronic means. The fact that a contract passenger carrier stations a motor vehicle at an airport, in front of or across the street from a hotel or motel, or within 100 feet of a recognized taxicab stand shall constitute prima facie evidence that the contract passenger carrier is operating in violation of this section, unless the carrier has (i) a completed trip sheet, contract order, or wireless text dispatching device displaying the information required by this section in the vehicle or (ii) a written agreement with an airport authority or hotel or motel owner providing office space devoted to the carrier's business in the airport, hotel, or motel. Any violation of this section shall be punishable as a Class 3 misdemeanor.

2001, c. 596; 2006, c. 449.

Article 8 - CONTRACT BUS CARRIERS

§§ 46.2-2099.2, 46.2-2099.3. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

Article 9 - SIGHT-SEEING CARRIERS

§ 46.2-2099.4. Required certificate of fitness.

No sight-seeing carrier, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a certificate of fitness authorizing such operation.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2099.5. Specific service and route requirements.

A sight-seeing carrier shall transport passengers from a specific point or points of origin over regular routes to specific points of interest and back to the point or points of origin. Each passenger shall be issued a ticket on which shall be printed the points of interest and the fare charged for the round trip. Passengers shall be transported only on round trips without stopover privileges, and no part of a fare shall be refunded because of a passenger's refusal to complete the round trip.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2099.6. Repealed.

Repealed by Acts 2011, cc. 881 and 889, cl. 2.

§§ 46.2-2099.7 through 46.2-2099.10. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

§ 46.2-2099.11. Refusal of service.

No sight-seeing carrier shall refuse service without good cause. The Department may, at any time, require an explanation from such carrier for its refusal to provide service.

2001, c. 596.

§§ 46.2-2099.12 through 46.2-2099.16. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

Article 10 - BROKERS

§ 46.2-2099.17. Regulation of brokers.

The Department shall regulate TNC brokers and brokers and make and enforce reasonable requirements respecting their licenses, financial responsibility, accounts, records, reports, operations, and practices.

2001, c. 596; 2017, c. 635.

§ 46.2-2099.18. Broker's license required.

No person shall for compensation sell or offer for sale transportation subject to this chapter or shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a TNC broker's license or broker's license issued by the Department to engage in such transactions. However, the provisions of this section shall not apply to (i) any carrier holding a certificate or permit under the provisions of this chapter or to any bona fide employee or agent of such motor carrier, so far

as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits, or (ii) persons operating bed and breakfast establishments, provided that their broker service is provided only to guests of such bed and breakfast establishment.

For the purposes of this section, "bed and breakfast establishment" means any establishment (a) having no more than 15 bedrooms; (b) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (c) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

2001, c. 596; 2017, c. 635; 2018, c. 435.

§ 46.2-2099.19. Broker's license not substitute for other certificates or permits required.

No person who holds a TNC broker's license or broker's license under this article shall engage in transportation subject to this chapter unless he holds a certificate or permit as provided in this chapter. In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such transportation, it shall be unlawful for a broker to employ any carrier by motor vehicle who is not the lawful holder of an effective certificate or permit issued as provided in this chapter or when such certificate or permit does not authorize the carrier to perform the service being acquired.

A person holding a broker's license shall obtain and maintain a copy of the certificate of public convenience and necessity issued to those carriers through which the broker arranges transportation services. A person holding a TNC broker's license shall obtain and maintain a copy of the credential issued by the transportation network company pursuant to subsection H of § 46.2-2099.48 to those TNC partners through which the broker arranges transportation services.

A person holding a TNC broker's license shall, for each TNC partner for whom it arranges transportation, either:

1. Verify that a TNC partner meets all requirements set forth in §§ 46.2-2099.49 and 46.2-2099.50 and obtain all documentation that a transportation network company is required to obtain pursuant to those sections; or

2. Obtain a certification from the transportation network company that authorized the TNC partner that the TNC partner has satisfied all requirements set forth in §§ 46.2-2099.49 and 46.2-2099.50.

2001, c. 596; 2013, cc. 165, 582; 2017, c. 635.

§ 46.2-2099.19:1. TNC broker insurance.

A. A TNC broker shall ensure that any TNC partner with whom it arranges transportation that will be provided pursuant to Article 15 (§ 46.2-2099.45 et seq.) has or is provided with TNC broker insurance as provided in this section. TNC broker insurance shall be in effect from the moment a TNC partner is en route to a passenger pursuant to arrangements made by a TNC broker and end when the TNC partner logs on to the transportation network company's digital platform or when the transportation arranged by the TNC broker has been canceled.

B. TNC broker insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and shall provide liability coverage of at least $1 million for death, bodily injury, and property damage.

C. The requirements for the coverage required by this section may be satisfied by any of the following:

1. TNC broker insurance maintained by a TNC partner;

2. TNC broker insurance maintained by a TNC broker that provides coverage in the event that a TNC partner's insurance policy under subdivision 1 has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC broker insurance; or

3. Any combination of subdivisions 1 and 2.

A TNC broker may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision 1 or 3 only if the TNC broker verifies that a policy is maintained by the TNC partner and such policy is specifically written to cover the TNC partner's use of a vehicle in connection with a TNC broker.

D. In every instance where the TNC broker insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the TNC broker shall provide the coverage required by this section beginning with the first dollar of a claim.

E. This section shall not limit the liability of a TNC broker arising out of an accident involving a TNC partner in any action for damages against a TNC broker for an amount above the required insurance coverage.

F. Any person, or attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a TNC broker and who provides the TNC broker with the date, approximate time, and location of the accident, the name of the TNC partner, if available, and the accident report, if available, may request in writing from the TNC broker information relating to the insurance coverage and the company providing the coverage. The TNC broker shall respond electronically or in writing within 30 days. The TNC broker's response shall contain the following information: (i) the pick-up time of any transportation that the TNC broker had arranged to be provided by the TNC partner within three hours of the automobile accident, (ii) the distance between the site of the automobile accident and the pick-up location, (iii) the name of the insurance carrier providing primary coverage, and (iv) the identity and last known address of the TNC partner.

G. No contract, receipt, rule, or regulation shall exempt any TNC broker from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such TNC broker shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a TNC broker for any loss, damage, or injury to passengers.

H. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

I. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period beginning when such vehicle is en route to a passenger pursuant to arrangements made by a TNC broker and ending when the TNC partner logs on to the transportation network company's digital platform or when the transportation arranged by the TNC broker has been canceled.

J. The Department shall not issue a TNC broker's license to any TNC broker that has not certified to the Department that it will ensure that every TNC partner vehicle for which it arranges transportation will be covered by an insurance policy that meets the requirements of this section.

K. Each TNC broker shall keep on file with the Department proof of an insurance policy maintained by the TNC broker in accordance with subsection C. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the license is revoked or suspended for any cause.

L. The Department may suspend a TNC broker license if the licensee fails to comply with the requirements of this section. Any person whose license has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

M. In a claims coverage investigation, a TNC broker and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and information regarding transportation arranged by it to be provided by the TNC partner through the TNC broker within three hours of the automobile accident.

N. A TNC broker shall indemnify, defend, and hold harmless a transportation network company whose digital platform facilitated the prearranged ride from and against any and all claims, actions, damages, liabilities, and judgments, and losses, costs, fees, penalties, and expenses, including attorney fees, with respect to any claim arising out of or related to an act or omission that occurred in connection with a trip arranged by a TNC broker (i) while a TNC partner is en route to begin a prearranged ride or (ii) during a trip performed in violation of subsection A of § 46.2-2099.48 and facilitated through the TNC broker's digital platform.

2017, c. 635.

Article 11 - SIGHT-SEEING CARRIERS BY BOAT AND SPECIAL OR CHARTER PARTY CARRIERS BY BOAT

§ 46.2-2099.20. Repealed.

Repealed by Acts 2002, c. 861.

§ 46.2-2099.21. Exemptions from operation of article.

This article shall not be construed to include:

1. Persons engaged in operating boats exclusively for fishing;

2. Persons engaged in operating boats that have (i) an approved passenger capacity of twenty-five or less persons and (ii) are operated as special or charter parties under this chapter; or

3. The City of Hampton when acting as a sight-seeing carrier by boat or special or charter party carrier by boat.

2001, c. 596; 2007, c. 813.

§§ 46.2-2099.22 through 46.2-2099.29. Repealed.
Repealed by Acts 2002, c. 861.

§ 46.2-2099.30. Insurance to be kept in force.
Sight-seeing carriers by boat, special or charter party carriers by boat and motor carriers by launch shall keep in force at all times marine protection and indemnity insurance in an amount not less than $500,000 for bodily injury and property damage.

2001, c. 596; 2002, c. 861.

Article 12 - MOTOR CARRIERS BY LAUNCH

§§ 46.2-2099.31 through 46.2-2099.40. Repealed.
Repealed by Acts 2002, c. 861.

Article 13 - EXCURSION TRAINS

§ 46.2-2099.41. Certification requirements.
A. A person may apply to the Department for certification as an operator of an excursion train. The Department shall certify an applicant if the Department determines that the applicant will operate a passenger train that:

1. Is primarily used for tourism or public service; and

2. Leads to the promotion of the tourist industry in the Commonwealth.

B. An application for certification shall include:

1. The name and address of each person who owns an interest of at least 10 percent of the excursion train operation;

2. An address in the Commonwealth where the excursion train is based;

3. An operations plan, including the route to be used and a schedule of operations and stops along the route; and

4. Evidence of insurance that meets the requirements of subsection C.

C. The Department shall not certify to a person under subsection A unless the person files with the Department evidence of insurance providing coverage of liability resulting from injury to persons or damages to property in the amount of at least $10 million for the operation of the train.

D. The Department shall not certify an applicant under subsection A if the applicant or any other person owning interest in the excursion train also owns or operates a regularly scheduled passenger train service with interstate connection.

2001, c. 596; 2003, c. 286; 2007, c. 813; 2016, c. 431.

§ 46.2-2099.42. Assignment of liability.

A. The operator of an excursion train shall be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance, and signalization of the tracks and facilities upon which the excursion train operates.

B. Any county, city, or town may by resolution determine that the provision of excursion train services within the locality promotes tourism and furthers other public purposes. Any railroad company that authorizes the operator of an excursion train to use its tracks and facilities for the purposes of this article shall not be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance, and signalization of the tracks and facilities upon which the excursion train operates.

C. The limitation of liability under subsection B does not apply if:

1. The injury or damages result from intentional misconduct, malice, or gross negligence of the railroad company; or

2. The operator of the excursion train was not operating in accordance with the definition of an excursion train under this chapter and the railroad company had otherwise authorized the operations that were inconsistent with this chapter.

D. Each passenger on the excursion train shall be deemed to have accepted and consented to the limitation of liability under this section. This agreement shall be governed by the laws of the Commonwealth as the place of performance notwithstanding any choice of law rules to the contrary.

E. The railroad company may charge reasonable amounts to the operator of the excursion train for the use of its tracks and facilities as determined by agreement between the railroad company and the operator.

2001, c. 596; 2016, c. 431.

§ 46.2-2099.43. Notice to passengers.

The operator of an excursion train shall:

1. Issue each passenger a ticket with the following statement in twelve point boldface type: "THE RAILROAD COMPANY WHICH OWNS THE TRACKS AND FACILITIES UPON WHICH THIS EXCURSION TRAIN OPERATES SHALL NOT BE LIABLE FOR PERSONAL INJURY OR WRONGFUL DEATH ARISING FROM THE OPERATION OF THE EXCURSION TRAIN, INCLUDING OPERATIONS, MAINTENANCE, AND SIGNALIZATION OF THE TRACKS AND FACILITIES."

2. Post a notice near any passenger boarding area containing the same statement contained in subdivision 1, in letters that are at least two inches high.

2001, c. 596.

Article 14 - NONEMERGENCY MEDICAL TRANSPORTATION CARRIERS

§ 46.2-2099.44. Certificate of fitness required.

No nonemergency medical transportation carrier, unless otherwise exempted, shall transport passengers on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a certificate of fitness authorizing such operation.

2011, cc. 881, 889.

Article 15 - TRANSPORTATION NETWORK COMPANIES

§ 46.2-2099.45. Certificates required unless exempted.

Unless otherwise exempted, no person shall engage in the business of a transportation network company on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of fitness authorizing such business.

2015, cc. 2, 3.

§ 46.2-2099.46. Control, supervision, and regulation by Department.

Except as otherwise provided in this chapter, every transportation network company, TNC partner, and TNC partner vehicle shall be subject to exclusive control, supervision, and regulation by the Department, but enforcement of statutes and Department regulations shall be not only by the Department but also by any other law-enforcement officer. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of transportation network companies, TNC partners, or TNC partner vehicles.

2015, cc. 2, 3.

§ 46.2-2099.47. Operation except in accordance with chapter prohibited.

No transportation network company or TNC partner shall transport passengers for compensation on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter.

2015, cc. 2, 3.

§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partner.

A. A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not provide transportation in any other manner. A TNC partner shall not

solicit, accept, or arrange transportation except through a transportation network company's digital platform or through a TNC broker.

B. A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform.

C. A transportation network company with knowledge that a TNC partner has violated the provisions of subsection A or B shall remove the TNC partner from the transportation network company's digital platform for at least one year.

D. A transportation network company shall publish the following information on its public website and associated digital platform:

1. The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;

2. Information about its TNC partner screening criteria, including a description of the offenses that the transportation network company will regard as grounds for disqualifying an individual from acting as a TNC partner;

3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;

4. Information about the company's training and testing policies for TNC partners;

5. Information about the company's standards for TNC partner vehicles; and

6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

E. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated with a TNC partner by the transportation network company. The transportation network company shall arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by the transportation network company.

F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner and operator, an official of the Washington Metropolitan Area Transit Commission, or any person involved in an accident that occurs during the operation of a TNC partner vehicle. The trans-

portation network company shall require the TNC partner's compliance with the provisions of this subsection.

G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the TNC partner vehicle.

H. A transportation network company shall provide to each of its TNC partners a credential, which may be displayed as part of the digital platform, that includes the following information:

1. The name or logo of the transportation network company;

2. The name and a photograph of the TNC partner; and

3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC partner and the state issuing each such license plate.

The TNC partner shall carry the credential at all times during the operation of a TNC partner vehicle and shall present the credential upon request to law-enforcement officers, airport owners and operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The transportation network company shall require the TNC partner's compliance with this subsection.

I. A transportation network company and its TNC partner shall, at all times during a prearranged ride, make the following information available through its digital platform immediately upon request to representatives of the Department, to law-enforcement officers, to officials of the Washington Metropolitan Area Transit Commission, and to airport owners and operators:

1. The name of the transportation network company;

2. The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company;

3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and

4. The location, date, and approximate time that each passenger was or will be picked up.

J. Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

1. A map of the route taken;

2. The date and the times the trip began and ended;

3. The total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride;

4. The TNC partner's first name and photograph; and

5. Contact information by which additional support may be obtained.

K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

TNC partners shall comply with all applicable laws relating to accommodation of service animals.

A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.

A TNC partner shall immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.

L. No transportation network company or TNC partner shall conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport. The Department may take action against a transportation network company that violates any regulation of an airport owner and operator, including the suspension or revocation of the transportation network company's certificate.

M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.

N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13 hours in any 24-hour period.

2015, cc. 2, 3; 2017, c. 635.

§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.

A. Before authorizing an individual to act as a TNC partner, a transportation network company shall confirm that the person is at least 21 years old and possesses a valid driver's license.

B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing an individual to act as a TNC partner, a transportation network company shall obtain a

national criminal history records check of that person. The background check shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.

2. Before authorizing an individual to act as a TNC partner, and at least once annually after authorizing an individual to act as a TNC partner, a transportation network company shall obtain and review a driving history research report on that person from the individual's state of licensure.

3. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing a person to act as a TNC partner, a transportation network company shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.

C. A transportation network company shall not authorize an individual to act as a TNC partner if the criminal history records check required under subsection B reveals that the individual:

1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the U.S. Department of Justice's National Sex Offender Public Website;

2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United States;

3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391; or

4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3 or 46.2-341.26:3.

D. A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners and shall include a notice concerning the policy on its website and associated digital platform.

E. A transportation network company shall make the following disclosures in writing to a TNC partner or prospective TNC partner:

1. The transportation network company shall disclose the liability insurance coverage and limits of liability that the transportation network company provides while the TNC partner uses a vehicle in connection with the transportation network company's digital platform.

2. The transportation network company shall disclose any physical damage coverage provided by the transportation network company for damage to the vehicle used by the TNC partner in connection with the transportation network company's digital platform.

3. The transportation network company shall disclose the uninsured motorist and underinsured motorist coverage and policy limits provided by the transportation network company while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

4. The transportation network company shall include the following disclosure prominently in writing to a TNC partner or prospective TNC partner: "If the vehicle that you plan to use to transport passengers for our transportation network company has a lien against it, you must notify the lienholder that you will be using the vehicle for transportation services that may violate the terms of your contract with the lienholder."

F. A TNC partner shall inform each transportation network company that has authorized him to act as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

2015, cc. 2, 3; 2017, c. 623.

§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation network company.

A. A TNC partner vehicle shall:

1. Be a personal vehicle;

2. Have a seating capacity of no more than eight persons, including the driver;

3. Be validly titled and registered in the Commonwealth or in another state;

4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;

5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for which the Department of State Police has determined that such motor vehicle safety inspection standards adequately ensure public safety and carry proof of that inspection on or in the vehicle; and

6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable.

No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of this subsection.

B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network company shall confirm that the vehicle meets the requirements of subsection A and shall provide each TNC partner with proof of any TNC insurance policy maintained by the transportation network company.

For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take the form of a removable device that meets the identification and visibility requirements of this subsection.

Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in identifying and communicating with TNC partners. Such devices may use a single steady-burning color while the TNC partner is logged in to a transportation network company's associated digital platform and may change to a different steady-burning color once the TNC partner accepts a request to transport a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall not (i) exceed five candlepower or 62.85 lumens; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv) project a glaring or dazzling light; or (v) attach to the windshield.

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress. Any TNC that issues an illuminated removable interior trade dress device for use in the Commonwealth shall file with the Department the specifications of such device, including the default color.

A TNC partner shall keep the trade dress issued under this subsection visible at all times while the vehicle is being operated as a TNC partner vehicle.

No person shall operate a vehicle bearing trade dress issued under this subsection without the authorization of the transportation network company issuing the trade dress.

2015, cc. 2, 3; 2017, cc. 694, 708; 2018, cc. 356, 443; 2020, c. 393.

§ 46.2-2099.51. TNC insurance until January 1, 2016.

A. Until January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.

B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be $1 million.

2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be $1 million.

3. The requirements of this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.

4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any third

party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary and shall provide liability coverage of at least $125,000 per person and $250,000 per incident for death and bodily injury and at least $50,000 for property damage.

2. The requirements for the coverage required by this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

3. If the TNC partner vehicle is insured under a personal automobile insurance policy that does not exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained by the transportation network company under subdivision 2 c shall provide excess coverage up to at least the limits required by subdivision 1.

D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.

E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.

I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.

K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.

L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is suspended or revoked for any cause.

M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that

the TNC partner logged in and was logged out of the transportation network company's digital platform.

2015, cc. 2, 3.

§ 46.2-2099.52. TNC insurance.

A. On and after January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.

B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be $1 million.

2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be $1 million.

3. The requirements of this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.

4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and shall provide liability coverage of at least $50,000 per person and $100,000 per incident for death and bodily injury and at least $25,000 for property damage.

2. The requirements for the coverage required by this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.

E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.

I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.

K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.

L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is revoked or suspended for any cause.

M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that

the TNC partner logged in and was logged out of the transportation network company's digital platform.

2015, cc. 2, 3.

§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.
A. Records maintained by a transportation network company shall be adequate to confirm compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall at a minimum include:

1. True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC partner;

2. True and accurate results of the driving history research report for each individual that the transportation network company authorizes to act as a TNC partner;

3. Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program;

4. True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC partner;

5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of § 46.2-2099.50;

6. Proof of compliance with the notice and disclosure requirements of subsection D of § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and

7. Proof that the transportation network company obtained certification from the TNC partner that the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

A transportation network company shall retain all records required under this subsection for a period of three years. Such records shall be retained in a manner that permits systematic retrieval and shall be made available to the Department in a format acceptable to the Commissioner for the purposes of conducting an audit on no more than an annual basis.

B. A transportation network company shall maintain the following records and make them available, in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and resolve a complaint or respond to an incident:

1. Data regarding TNC partner activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride;

2. Records regarding any actions taken against a TNC partner;

3. Contracts or agreements between the transportation network company and its TNC partners;

4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and driver's license number and the state issuing the license; and

5. Information identifying each TNC partner vehicle the transportation network company has authorized, including the vehicle's make, model, model year, vehicle identification number, and license plate number and the state issuing the license plate.

Requests for information pursuant to subdivision 2 or 3 shall be in writing.

C. Information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall be considered privileged information and shall only be used by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and operators for purposes specified in subsection A or B. Such information shall not be subject to disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires such information for the purposes specified in subsection A or B.

D. Except as provided in subsection C, information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall not be disclosed to anyone without the transportation network company's express written permission and shall not be subject to disclosure through a court order or through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such information directly from a transportation network company during a court proceeding.

E. Except as required under this section, a transportation network company shall not disclose any personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

1. The transportation network company obtains the user's consent to disclose the personal information;

2. The disclosure is necessary to comply with a legal obligation; or

3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to information about the user that is not personal information as defined in § 2.2-3801.

2015, cc. 2, 3.

Chapter 21 - Regulation of Property Carriers

Article 1 - MOTOR CARRIERS OF PROPERTY -- GENERALLY

§ 46.2-2100. Definitions.

Whenever used in this chapter, unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Certificate of fitness" means a certificate issued by the Department to certain "household goods carriers" under this chapter.

"Constructive weight" means a measurement of seven pounds per cubic foot of properly loaded van space.

"Department" means the Department of Motor Vehicles.

"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 this chapter.

"Gross weight" means the weight of a truck after a shipment has been loaded.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this Commonwealth, excluding the streets and alleys in towns and cities.

"Household goods" means personal effects and property used or to be used in a dwelling, when transported or arranged to be transported (i) between residences or (ii) between a residence and a storage facility with the intent to later transport to a residence. Transportation of such goods must be arranged and paid for by, or on behalf of, the householder.

"Household goods carrier" means a carrier who undertakes, whether directly or by a lease or other arrangement, to transport "household goods," as herein defined, by motor vehicle for compensation, on any highway in this Commonwealth, between two or more points in this Commonwealth, whether over regular or irregular routes.

"Interstate" means the transportation of property between states.

"Intrastate" means the transportation of property solely within a state.

"Motor carrier" means any person who undertakes whether directly or by a lease, to transport property, including household goods, as defined by this chapter, for compensation over the highways of the Commonwealth.

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

"Net weight" means the tare weight subtracted from the gross weight.

"Permit" means a permit issued by the Department authorizing the transportation of property, excluding household goods transported for a distance greater than 30 road miles.

"Person" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Property carrier" means any person, not herein exempted, who undertakes either directly or by a lease, to transport property for compensation.

"Services" and "transportation" includes the services of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier, irrespective of ownership or contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of property or in the performance of any service in connection therewith.

"Tare weight" means the weight of a truck before being loaded at a shipper's residence or place of business, including the pads, dollies, hand-trucks, ramps and other equipment normally used in the transportation of household goods shipments.

Code 1950, § 56-338.1; 1995, cc. 744, 803; 1997, c. 283; 2001, c. 596; 2003, c. 832; 2006, cc. 874, 891; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2101. Exemptions from chapter.

The following are exempt from this chapter:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state, municipality, or any other political subdivision of the Commonwealth.

2. Transportation of property between any point in this Commonwealth and any point outside this Commonwealth or between any points wholly within the limits of any city or town in the Commonwealth. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1 or the insurance requirement imposed on motor carriers pursuant to § 46.2-2143.1.

3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of such association. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof), and forest products, including lumber and staves (but not including manufactured products thereof), (ii) transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv) carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or farms, or (v) collecting and disposing of trash, garbage and other refuse. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air carrier whether or not such property has had or will have a prior or subsequent air movement. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

6. Motor carriers exclusively operating passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less. This exemption shall not apply to the insurance requirements imposed on motor carriers pursuant to § 46.2-2143.1 or 46.2-2143.2.

7. Personal delivery devices as defined in § 46.2-100.

Code 1950, § 56-338.2; 1954, c. 344; 1956, c. 697; 1973, c. 305; 1995, cc. 744, 803; 2001, c. 596; 2003, c. 832; 2012, c. 638; 2017, cc. 251, 788, 790, 815; 2020, c. 1269.

§ 46.2-2102. Compliance with chapter required.

No motor carrier shall operate any motor vehicle for the transportation of property for compensation on any highway in this Commonwealth on an intrastate basis except in accordance with the provisions of this chapter.

Code 1950, § 56-338.3; 1995, cc. 744, 803; 2001, c. 596.

§§ 46.2-2103 through 46.2-2108. Repealed.

Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2108.1. Disposition of funds collected.

Except as otherwise provided, all fees collected by the Commissioner pursuant to this chapter shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

2001, c. 596.

§ 46.2-2108.2. Necessity of a permit or certificate.

It shall be unlawful for any person to operate, offer, advertise, provide, procure, furnish, or arrange to transport property for compensation on an intrastate basis as a motor carrier without first obtaining from the Department a permit or certificate of fitness as required by this chapter.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2108.3. Repealed.

Repealed by Acts 2017, cc. 790 and 815, cl. 2, effective January 1, 2018.

§ 46.2-2108.4. Application; notice requirements.

A. Applications for a permit or certificate of fitness or renewal of a permit or certificate of fitness under this chapter shall be made to the Department and contain such information as the Department shall require. Such information shall include, in the application or otherwise, the matters set forth in §§ 46.2-2133 and 46.2-2134 as grounds for denying permits and certificates.

B. The applicant for a certificate of fitness issued under this chapter shall cause a notice of such application, on the form and in the manner prescribed by the Department, to be served on every affected person who has requested notification.

2001, c. 596; 2011, cc. 881, 889; 2013, cc. 165, 582; 2017, cc. 790, 815.

§ 46.2-2108.5. Registered for fuels tax; business, professional, and occupational license taxes.
Permit and certificate of fitness holders shall be licensed and registered in accordance with the road tax requirements of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 and licensed for payment of local business, professional, and occupational license taxes of Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 as required.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2108.6. Considerations for determination of issuance of permit, or certificate.
In determining whether a permit or certificate of fitness required by this chapter shall be issued, the Department may, among other things, consider compliance with financial responsibility, bonding, and other requirements of this chapter.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2109. Action on applications; hearings on denials and protests.
A. The Department may act upon any application required under this chapter without a hearing, unless such application is protested by any party based upon fitness allegations. Parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's objections to the application being granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) the case number assigned to the application; and (iv) a certification that a copy of the protest was sent to the applicant. The Department shall have full discretion as to whether a hearing is warranted based on the merits of any protest filed.

B. Any applicant denied without a hearing an original certificate of fitness under subsection A shall be given a hearing at a time and place determined by the Commissioner or his designee upon the applicant's written request for such hearing made within thirty days of denial.

Code 1950, § 56-338.11; 1995, cc. 744, 803; 2001, c. 596; 2002, c. 870; 2011, cc. 881, 889; 2017, cc. 790, 815.

§§ 46.2-2110 through 46.2-2114. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

§ 46.2-2114.1. Expired.
Expired.

§ 46.2-2115. Determination for issuance of permit or certificate.
If the Department finds the applicant has met all requirements of this chapter, it shall issue a permit or certificate of fitness to the applicant, subject to such terms, limitations and restrictions as the Department may deem proper.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2116. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

§ 46.2-2117. Temporary emergency operation.

In an emergency, the Department or its agents may, by letter, telegram, or other means, authorize a vehicle to be operated in the Commonwealth without a proper registration card or identification marker for not more than ten days.

2001, c. 596.

§ 46.2-2118. Issuance, expiration, and renewal of permit and certificate.

All permits and certificates of fitness issued under this chapter shall be issued for a period of 12 consecutive months except, at the discretion of the Department, the periods may be adjusted as necessary. Such permits and certificates shall expire if not renewed annually. Such expiration shall be effective 30 days after the Department has provided the permittee or certificate holder notice of nonrenewal. If the permit or certificate is renewed within 30 days after notice of nonrenewal, then the permit or certificate shall not expire.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2119. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

§ 46.2-2120. Filing and application fees.

Every applicant for an original certificate of fitness issued under this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of $50. The Department shall collect a fee of $3 for the issuance of a duplicate certificate of fitness.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2121. Vehicle fees.

Every person who operates a property-carrying vehicle for compensation over the highways of the Commonwealth shall be required to pay an annual fee of $10 for each such vehicle so operated, unless (i) such operation is exempted from this chapter; (ii) the property-carrying vehicle is a passenger car, motorcycle, autocycle, moped, or vehicle with a gross vehicle weight rating of 10,000 pounds or less; (iii) a vehicle identification marker fee has been paid to the Department as to such vehicle for the current year under the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1; or (iv) a fee has been paid for the vehicle through the unified carrier registration system established pursuant to 49 U.S.C. § 14504a and the regulations promulgated thereunder for carriers registered pursuant to those provisions. No more than one vehicle fee shall be charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 and this chapter, including payments made pursuant to the unified carrier registration system.

2001, c. 596; 2003, c. 322; 2006, c. 208; 2017, cc. 790, 815.

§ 46.2-2121.1. Declaration of for-hire operation; presumption of nonbusiness use.

Before any motor vehicle is used by a motor carrier to transport property for compensation over the highways of the Commonwealth, the owner of the vehicle shall declare to the Department that the operation of such vehicle is for hire.

Any passenger car, motorcycle, autocycle, or pickup or panel truck, as defined in § 46.2-100, subject to the declaration required by this section and determined pursuant to § 58.1-3523 to be (i) privately owned, (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle, or (iii) held in a private trust for nonbusiness purposes and registered with the Department as a personal vehicle shall be presumed to be used for nonbusiness purposes in determining whether such vehicle is a qualifying vehicle under § 58.1-3523 absent clear and convincing evidence to the contrary. Any declaration given pursuant to this section shall not create any presumption of business or commercial use of the vehicle or of business activity on the part of the vehicle owner, lessee, or operator for purposes of any state or local requirement.

2017, cc. 790, 815.

§ 46.2-2122. Bond and letter of credit requirements of applicants for certificate.

A. Every applicant for an original certificate of fitness under this chapter shall obtain and file with the Department, along with the application, a surety bond or an irrevocable letter of credit, in addition to any other bond or letter of credit required by law, in the amount of $50,000, which shall remain in effect for the first five years of licensure. The bond or letter of credit shall be in a form and content acceptable to the Department. The bond or letter of credit shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The Department may, without holding a hearing, suspend the certificate of fitness during the period that the certificate holder does not have a sufficient bond or letter of credit on file.

B. If a person suffers any of the following: (i) loss or damage in connection with the transportation service by reason of fraud practiced on him or fraudulent representation made to him by a certificate holder or his agent or employee acting within the scope of employment; (ii) loss or damage by reason of a violation by a certificate holder or his agent or employee of any provision of this chapter in connection with the transportation service; or (iii) loss or damage resulting from a breach of a contract entered into on or after July 1, 2002, that person shall have a claim against the certificate holder's bond or letter of credit, and may recover from such bond or letter of credit the amount awarded to such person by final judgment of a court of competent jurisdiction against the certificate holder as a result of such loss or damage up to, but not exceeding, the amount of the bond or letter of credit.

C. The certificate holder's surety shall notify the Department when a claim is made against a certificate holder's bond, when a claim is paid and/or when the bond is canceled. Such notification shall include the amount of a claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation.

D. The surety on any bond filed by a certificate holder shall be released and discharged from all liability accruing on such bond after the expiration of 60 days from the date on which the surety files with the Department a written request to be released and discharged. Such request shall not operate to relieve, release, or discharge the surety from any liability already accrued or that shall accrue before the expiration of the 60-day period.

2001, c. 596; 2011, cc. 881, 889; 2013, cc. 165, 582; 2017, cc. 790, 815.

§ 46.2-2123. Repealed.

Repealed by Acts 2012, cc. 22 and 111, cl. 2.

§ 46.2-2124. Notice of discontinuance of service.

Every motor carrier who ceases operation or abandons his rights under a permit or certificate of fitness issued shall notify the Department within 30 days of such cessation or abandonment.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2125. Reports, records, etc.

A. The Department is hereby authorized to require annual, periodical, or special reports from motor carriers, except such as are exempted from the operation of the provisions of this chapter; to prescribe the manner and form in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the Department may deem information to be necessary. Such reports shall be under oath whenever the Department so requires. The Department may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to the provisions of this chapter.

B. The Department may prescribe (i) the forms of any and all accounts, records, and memoranda to be kept by motor carriers and (ii) the length of time such accounts, records, and memoranda shall be preserved, as well as of the receipts and expenditures of money. The Department or its employees shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with their operations and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The Department and its employees shall have authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. These provisions shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Department, to persons having control, direct or indirect, over or affiliated with any motor carrier.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2126. Certificate or permit holder not relieved of liability for negligence.

Nothing in this chapter shall relieve any holder of a certificate or permit by and under the authority of the Department from any liability resulting from his negligence, whether or not he has complied with the requirements of this chapter.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2127. Freight bill violation.

Any motor carrier that consistently submits a freight bill to a shipper for services rendered, which bill is more than ten percent above the written estimate of charges for such services, shall be subject to penalties and/or revocation or suspension of certificate as provided in this chapter.

2001, c. 596.

§ 46.2-2128. Vehicle seizure; penalty.

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of fieri facias. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

2001, c. 596.

§ 46.2-2129. Unlawful use of registration and identification markers.

It shall be unlawful for any person to operate or cause to be operated on any highway in the Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that this title requires, (ii) does not display an identification marker issued for such vehicle by the Department in such manner as is prescribed by the Department, or (iii) bears registration or identification markers of persons whose permit or certificate issued by the Department has been revoked, suspended, or renewal thereof denied in accordance with this chapter.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2130. Registration violations; penalties.

A. The following violations of laws shall be punished as follows:

1. Any person who does not declare a motor vehicle to be operated for hire when required by § 46.2-2121.1 or otherwise obtain a proper registration card or other evidence of registration as required by Chapter 6 (§ 46.2-600 et seq.) is guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that does not carry the proper registration and identification that this title requires or any motor vehicle that does not display (i) an identification marker issued for such vehicle by the Department in such manner as is prescribed by the Department or (ii) other identifying information that this title requires it to display is guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any identification marker or other identification that has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so is guilty of a Class 3 misdemeanor.

4. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle requiring registration from the Department under this title or Title 58.1 after such registration cards or identification markers have been revoked, canceled or suspended is guilty of a Class 3 misdemeanor.

B. The officer charging the violation under this section shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2131. Violation; criminal penalties.

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate or permit for which a penalty is not otherwise herein provided, shall, upon conviction thereof, be fined not more than $2,500 for the first offense and not more than $5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, shipper, or consignee, or any officer, employee, agent, or representative thereof, who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this chapter provided for motor carriers, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

C. Any motor carrier or any officer, agent, employee, or representative thereof who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record or memorandum, or knowingly and willfully files any false report, account, record or memorandum, is guilty of a misdemeanor and upon conviction thereof shall be subject for each offense to a fine of not less than $100 and not more than $5,000.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2132. Violations; civil penalties.

The Department may impose a civil penalty not exceeding $1,000 if any person has:

1. Made any misrepresentation of a material fact to obtain proper operating credentials as required by this chapter or other requirements in this title regulating the operation of motor vehicles;

2. Failed to make any report required in this chapter;

3. Failed to pay any fee or tax properly assessed against him; or

4. Failed to comply with any provision of this chapter or lawful order, rule or regulation of the Department or any term or condition of any certificate or permit.

Any such penalty shall be imposed by order; however, no order issued pursuant to this section shall become effective until the Department has offered the person an opportunity for an administrative hearing to show cause why the order should not be enforced. Instead of or in addition to imposing such penalty, the Department may suspend, revoke, or cancel any permit, certificate of fitness, or registration card or identification marker issued pursuant to this title. If, in any such case, it appears that the defendant owes any fee or tax to the Commonwealth, the Department shall enter order therefor.

For the purposes of this section, each separate violation shall be subject to the civil penalty.

2001, c. 596; 2011, cc. 881, 889; 2013, cc. 165, 582; 2017, cc. 790, 815.

§ 46.2-2133. Grounds for denying, suspending, or revoking certificates.

A certificate of fitness issued under this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for certificate of fitness or vehicle registration;

2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term or condition of any certificate of fitness;

3. Use of deceptive business acts or practices;

4. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a certificate of fitness or vehicle registration is held or sought;

5. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a certificate of fitness is held or sought or any consumer-related fraud;

6. Having been convicted of any criminal act involving the business for which a certificate of fitness is held or sought;

7. Improper leasing, renting, lending, or otherwise allowing the improper use of a certificate of fitness, identification marker issued by the Department, or vehicle registration;

8. Having been convicted of a felony;

9. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;

10. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;

11. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;

12. Knowingly and willfully filing any false report, account, record, or memorandum;

13. Failure to meet or maintain application certifications or requirements of character, fitness, and financial responsibility pursuant to this chapter;

14. Willfully altering or changing the appearance or wording of any license, certificate, identification marker issued by the Department, license plate, or vehicle registration;

15. Failure to provide services in accordance with certificate of fitness terms, limitations, conditions, or requirements;

16. Failure to maintain and keep on file with the Department motor carrier liability insurance or cargo insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

17. Failure to comply with the Workers' Compensation Act of Title 65.2;

18. Failure to properly register a motor vehicle under this title;

19. Failure to comply with any federal motor carrier statute, rule, or regulation; or

20. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate for a period of greater than three months.

2001, c. 596; 2011, cc. 881, 889; 2013, cc. 165, 582; 2017, cc. 790, 815.

§ 46.2-2134. Grounds for denying, suspending, or revoking permits.

A permit issued under this chapter may be denied, suspended, or revoked on any one or more of the following grounds:

1. Failure to submit to the Department any tax, fees, fines, or penalties owed to the Department.

2. Failure to maintain and keep on file with the Department motor carrier liability insurance or cargo insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth.

3. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such permit for a period of greater than three months.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2135. Altering or amending permits or certificates.

The Department may alter or amend a permit or certificate of fitness at the request of a permittee or certificate holder or upon a finding by the Department that a permittee or certificate holder failed to observe any of the provisions within this chapter, or any of the rules or regulations of the Department, or any term, condition, or limitation of such permit or certificate.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2136. Suspension, revocation, and refusal to renew permit or certificate; notice and hearing.
A. Except as provided in subsection D, unless otherwise provided in this chapter, no permit or certificate of fitness issued under this chapter shall be suspended or revoked, or renewal thereof refused, unless the permittee or certificate holder has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.

B. The order suspending, revoking, or denying renewal of a permit or certificate of fitness shall not become effective until the permittee or certificate holder has, after notice of the opportunity for a hearing, had 30 days to make a written request for such a hearing. If no hearing has been requested within such 30-day period, the order shall become effective and no hearing shall thereafter be held. A timely request for a hearing shall automatically stay operation of the order until after the hearing.

C. Notice of an order suspending, revoking, or denying renewal of a permit or certificate of fitness and an opportunity for a hearing shall be mailed to the permittee or certificate holder by registered or certified mail at the address as shown on the permit or certificate or other record of information in possession of the Department and shall be considered served when mailed.

D. If the Department makes a finding, after conducting a preliminary investigation, that the conduct of a permittee or certificate holder (i) is in violation of this chapter or regulations adopted pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Department may issue an order suspending the permit or certificate. Notice of the suspension shall be in writing and mailed in accordance with subsection C. Upon receipt of a request for a hearing appealing the suspension, the permittee or certificate holder shall be afforded the opportunity for a hearing within 30 days. The suspension shall remain in effect pending the outcome of the hearing.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2137. Basis for reinstatement of suspended permits or certificates; reinstatement fees.
A. The Department shall reinstate any permit or certificate suspended pursuant to this chapter provided the grounds upon which the suspension action was taken have been satisfied and the appropriate reinstatement fee and other applicable fees have been paid to the Department.

B. The reinstatement fee for suspensions issued pursuant to this chapter shall be $50. In the event multiple credentials have been suspended under this chapter for the same violation only one reinstatement fee shall be applicable.

C. In addition to a reinstatement fee, a fee of $500 shall be paid for failure of a motor carrier to keep in force at all times insurance, a bond or bonds, in an amount required by this chapter. Any motor carrier who applies for a new permit or certificate because his prior permit or certificate was revoked for failure to keep in force at all times insurance, a bond or bonds, in an amount required by this chapter, shall also be subject to a fee of $500.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2138. Basis for reissuance after revocation of permits or certificates; fees.

The Department shall not accept an application for a permit or certificate from an applicant where such credentials have been revoked pursuant to this chapter until the period of revocation imposed by the Department has passed. The Department shall process such applications under the same provisions, procedures and requirements as an original application for such permit or certificate. The Department shall issue such permit or certificate, provided that the applicant has met all the appropriate qualifications and requirements, has satisfied the grounds upon which the revocation action was taken, and has paid the appropriate application or filing fees to the Department.

2001, c. 596; 2017, cc. 790, 815.

§ 46.2-2139. Surrender of license plate and registration card; removal by law enforcement; operation of vehicle denied.

A. It shall be unlawful for a permittee or certificate holder whose permit or certificate has expired or been revoked or suspended or whose renewal thereof has been denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates and registration cards issued under this title.

B. It shall be unlawful for a vehicle owner who is not the holder of a valid permit or certificate or whose vehicle is not validly leased to a motor carrier holding an active permit or certificate to fail or refuse to surrender to the Department on demand license plates and registration cards issued under this title.

C. If any law-enforcement officer finds that a vehicle bearing Virginia license plates or temporary transport plates is in violation of subsection A or B, such law-enforcement officer may remove the license plate or plates and registration card. If a law-enforcement officer removes a license plate or registration card, he shall forward such license plate and registration card to the Department.

D. When informed that a motor carrier vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.

2001, c. 596; 2015, c. 258; 2017, cc. 790, 815.

§ 46.2-2140. Title to plates.

All registration cards and license plates issued by the Department shall remain the property of the Department.

2001, c. 596; 2017, cc. 790, 815.

Article 2 - INSURANCE REQUIREMENTS

§ 46.2-2141. Application of article.

Unless otherwise stated, this article shall apply to all motor carriers as defined under this chapter.

2001, c. 596.

§ 46.2-2142. Bonds or insurance to be kept in force; amounts.

Each motor carrier shall keep in force at all times insurance, a bond or bonds, in an amount required by this article.

2001, c. 596.

§ 46.2-2143. Surety bonds, insurance, letter of credit or securities required prior to issuance of registration.

No certificate of fitness, permit, registration card, or license plate shall be issued by the Department to any motor carrier or for any vehicle operated by or on behalf of a motor carrier until the motor carrier certifies to the Department that the vehicle is covered by one or more of the following, in the amount or amounts set forth in § 46.2-2143.1:

1. An insurance policy or bond;

2. A certificate of insurance in lieu of the insurance policy or bond, certifying that such policy or bond covers the liability of such motor carrier in accordance with the provisions of this article, is issued by an authorized insurer, or in the case of bonds, is in an amount approved by the Department. The bonds may be issued by the Commonwealth of Virginia, the United States of America, or any municipality in the Commonwealth. Such bonds shall be deposited with the State Treasurer and the surety shall not be reduced except in accordance with an order of the Department;

3. An unconditional letter of credit, issued by a bank doing business in Virginia, for an amount approved by the Department. The letter of credit shall be in effect so long as the motor carrier operates motor vehicles in the Commonwealth; or

4. In the case of a lessor who acts as a registrant for purposes of consolidating lessees' vehicle registration applications, a statement that the registrant has, before leasing a vehicle, obtained from the lessee an insurance policy, bond, or certificate of insurance in lieu of the insurance policy or bond and can make available said proof of insurance coverage upon demand.

Vehicles belonging to carriers who have filed proof of financial responsibility in accordance with the unified carrier registration system authorized by 49 U.S.C. § 14504a are deemed to have fulfilled the requirements of this article for insurance purposes. The Department is further authorized to register any qualified carrier under the unified carrier registration system as well as to collect and disperse the fees for registration under that system.

2001, c. 596; 2006, c. 208; 2011, cc. 881, 889; 2012, c. 638; 2017, cc. 790, 815.

§ 46.2-2143.1. Insurance requirement for motor carriers.

A. All motor carriers shall keep in force at all times insurance, a bond, or bonds in an amount required by this section. However, motor carriers exempt under subdivision 6 of § 46.2-2101 shall only be required to keep in force insurance, a bond, or bonds in the amount required by this section that provide primary coverage (i) when the motor carrier or person acting on behalf of the motor carrier is available to transport property for compensation and (ii) from the time the motor carrier or a person acting for or on behalf of the motor carrier accepts the request to transport property and the vehicle is en route to pick up the property until the time the property has been removed from the vehicle and delivered to its final destination.

B. The minimum public liability financial responsibility requirements for motor carriers operating in intrastate commerce shall be based on the gross vehicle weight rating of the vehicle as follows: for vehicles with a gross vehicle weight rating in excess of 10,000 pounds, the minimum requirement is $750,000; for vehicles with a gross vehicle weight rating in excess of 7,500 pounds but not in excess of 10,000 pounds, the minimum requirement is $300,000; for passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 7,500 pounds or less, the minimum requirement for clause (i) of subsection A is $25,000 per person, $50,000 per incident for death and bodily injury and $20,000 for property damage and for clause (ii) of subsection A is $100,000 per person and $300,000 per incident for death and bodily injury and at least $50,000 for property damage. The minimum insurance for motor carriers operating in interstate commerce shall equal the minimum required by federal law, rule, or regulation.

C. Notwithstanding subsection B, the minimum public financial responsibility requirements for household goods carriers required to obtain a certificate of fitness pursuant to this chapter shall be $750,000.

D. The minimum cargo insurance required for motor carriers operating in intrastate commerce shall be $50,000. Motor carriers not engaged in the transportation of household goods and those solely operating passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 7,500 pounds or less shall not be required to file any cargo insurance, bond, or bonds for cargo liability.

2012, c. 638; 2017, cc. 790, 815.

§ 46.2-2143.2. Special insurance provisions for certain carriers.

A. The provisions of this section shall apply only to motor carriers exempt under subdivision 6 of § 46.2-2101 and insurance policies maintained by such carriers pursuant to this article.

B. Insurance coverage for motor carriers shall be primary, and the requirements of § 46.2-2143.1 may be satisfied by any of the following:

1. Insurance maintained by the motor carrier;

2. Insurance maintained by another person on behalf of the motor carrier; or

3. Any combination of subdivisions 1 and 2.

C. A motor carrier may meet its obligation under subsection B of § 46.2-2143.1 through a policy obtained by a person other than the carrier under subdivision B 2 or 3 only if the motor carrier verifies that the policy is maintained by such other person.

D. Insurers providing coverage under subsection B of § 46.2-2143.1 shall have the exclusive duty to defend any liability claim, including any claim against a motor carrier or person acting for or on behalf of the motor carrier, arising from an accident occurring within the time period specified in subsection A of § 46.2-2143.1. Insurers of the personal automobile insurance policy of neither a person acting for or on behalf of the motor carrier nor the vehicle's owner shall have the duty to defend or indemnify the activities of a person acting for or on behalf of a motor carrier in connection with the motor carrier unless such policy expressly provides otherwise for the period of time to which subsection A of § 46.2-2143.1 is applicable or the policy contains an amendment or endorsement to provide that coverage.

E. Coverage under a motor carrier's insurance policy shall not be dependent on a personal automobile policy's first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

F. Nothing in this section shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. The personal automobile insurance policy of neither a person acting for or on behalf of the motor carrier nor the vehicle's owner shall provide coverage for activities in connection with the motor carrier to such person acting for or on behalf of the motor carrier, the vehicle owner, or any third party unless such policy expressly provides otherwise for the period of time to which subsection A of § 46.2-2143.1 is applicable or the policy contains an amendment or endorsement to provide that coverage.

G. In every instance where motor carrier insurance maintained by a person other than the motor carrier to fulfill the insurance obligations of subsection B of § 46.2-2143.1 has lapsed or ceased to exist, the motor carrier shall provide the coverage required by that subsection beginning with the first dollar of a claim.

H. This section shall not limit the liability of a motor carrier arising out of an accident involving a person acting for or on behalf of the carrier in any action for damages against a motor carrier for an amount above the required insurance coverage.

I. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a vehicle operated by a person acting for or on behalf of a motor carrier and who provides the motor carrier with the date, approximate time, and location of the accident, the name of the vehicle operator, if available, and the accident report, if available, may request in writing from the motor carrier information relating to the insurance coverage and the company providing the coverage. The motor carrier shall respond electronically or in writing within 30 days. The motor carrier's response shall contain the following information: (i) whether, at the approximate time of the accident, the vehicle was being operated for or on behalf of the motor carrier; (ii) the

name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the vehicle operator.

J. Any insurance required by subsection B of § 46.2-2143.1 may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

K. Any insurance policy required by subsection B of § 46.2-2143.1 shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated for or on behalf of a motor carrier.

L. If a vehicle operated by a person acting for or on behalf of a motor carrier is insured under a personal automobile insurance policy that does not exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained by the motor carrier under § 46.2-2143.1 shall provide excess coverage up to at least the limits required by § 46.2-2143.1.

M. In a claims coverage investigation, a motor carrier and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the date and time of any accident involving a vehicle operated for or on behalf of the motor carrier and the precise times that the vehicle was being operated for or on behalf of the motor carrier.

2017, cc. 790, 815.

§ 46.2-2144. Policies or surety bonds to be filed with the Department and securities with State Treasurer.

A. Each motor carrier shall keep on file with the Department proof of an insurance policy or bond in accordance with this article. Record of the policy or bond shall remain in the files of the Department six months after the certificate of fitness, registration card, license plate, or permit is canceled for any cause. If federal, state, or municipal bonds are deposited with the State Treasurer in lieu of an insurance policy, the bonds shall remain deposited until six months after the registration card, license plate, certificate, or permit is canceled for any cause unless otherwise ordered by the Department.

B. The Department may, without holding a hearing, suspend a permit or certificate of fitness if the permittee or certificate holder fails to comply with the requirements of this section.

2001, c. 596; 2011, cc. 881, 889; 2017, cc. 790, 815.

§ 46.2-2145. Condition or obligation of security.

The insurance, bond or other security provided for in § 46.2-2144 shall obligate the insurer or surety to pay any final judgment for (i) damages sustained by the shippers or consignees for injury to any passenger or passengers or for loss or damage to property entrusted to such motor carrier when a cargo policy is required and (ii) any and all injuries to persons and loss of or damage to property resulting from the negligent operation of any motor vehicle.

2001, c. 596.

§ 46.2-2146. Effect of unfair claims settlement practices on self-insured motor carriers.

The provisions of subdivisions 4, 6, 11 and 12 of subsection A of § 38.2-510 shall apply to each holder of a certificate of fitness or permit issued by and under the authority of the Department who, in lieu of filing an insurance policy, has deposited with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. The failure of any such holder of a certificate or permit to comply with the provisions of § 38.2-510 shall be the cause for revocation or suspension of the certificate or permit.

2001, c. 596; 2011, cc. 881, 889.

Article 3 - PROPERTY CARRIERS

§ 46.2-2147. Certain household goods carriers exempted from article.

Household goods carriers transporting solely household goods under a certificate of fitness issued pursuant to this chapter are exempt from the provisions of this article.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2148. Required permit.

No property carrier, unless otherwise exempted, shall transport property on any highway within the Commonwealth on an intrastate basis without first having obtained from the Department a permit authorizing such operation.

2001, c. 596.

Article 4 - HOUSEHOLD GOODS CARRIERS

§ 46.2-2149. Certain household goods carriers exempt from certain provisions of article.

Household goods carriers transporting household goods for a lesser distance than thirty-one road miles are exempt from this article except the provisions of § 46.2-2168.

2001, c. 596.

§ 46.2-2150. Required certificates of fitness.

No household goods carrier, unless otherwise exempted, shall engage in intrastate operations on any highway within the Commonwealth without first having obtained from the Department a certificate of fitness authorizing such operation.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2151. Considerations for determination of issuance of certificate.

In determining whether the certificate of fitness required by this article shall be granted, the Department may, among other things, consider the provisions of § 46.2-2108.6, the applicant's character and fitness, and the applicant's compliance with federal, state, and local taxes.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2152. Control by Department.

Every household goods carrier is hereby declared to be subject to control, supervision and regulation by the Department.

2001, c. 596.

§ 46.2-2153. Provisions of chapter controlling.

As to household goods carriers, the provisions of this chapter shall be controlling, and no laws in conflict herewith, or inconsistent herewith, shall have any application to such carriers.

2001, c. 596.

§ 46.2-2154. Discontinuance of service.

Notwithstanding anything contained in this chapter to the contrary, no household goods carrier shall abandon or discontinue either temporarily or permanently any service established under the provisions of this chapter without permission of the Department and on such terms as the Department may prescribe.

2001, c. 596.

§ 46.2-2155. Power and duty of Department.

The Department shall regulate and control all household goods carriers not herein exempted, doing business in the Commonwealth, in all matters relating to the performance of their duties as such carriers and their rates and charges therefor, which rates and charges shall be filed with and subject to approval by the Department by individual household goods carriers or by groups of such carriers, and correct abuses by such carriers. To that end the Department may prescribe reasonable rules, regulations, bills of lading, forms and reports for such carriers to administer and enforce the provisions of this chapter. The Department shall have the right at all times to require from such carriers special reports and statements, under oath, concerning their business. It shall make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discriminations by any such carrier. The Department may prescribe and enforce such reasonable requirements, rules and regulations in the matter of leasing of motor vehicles as are necessary to prevent evasion of the Department's regulatory powers.

The Department shall work in conjunction with the Department of State Police and local law-enforcement officials to promote uniform enforcement of the laws pertaining to motor carriers and the rules, regulations, forms, and reports prescribed under the provisions of this chapter.

2001, c. 596; 2011, cc. 881, 889; 2012, cc. 22, 111.

§ 46.2-2156. Solicitation, booking, registration by other persons prohibited; storage-in-transit.

A. No person except a certificated household goods carrier, its parent, or its wholly owned subsidiary company, or other entity under complete ownership, or an employee of the above certificated carrier may solicit, book or register a shipment of household goods moving intrastate and only in the name of that certificated carrier.

B. No person or employee of a certificated or a noncertificated carrier may act as an employee, representative, or agent for another certificated carrier for purpose of soliciting, booking or registering an intrastate shipment except as provided in subsection A of this section. No person or employee of a certificated carrier who solicits, books or registers intrastate shipments may be employed by a noncertificated carrier.

C. A certificated household goods carrier may utilize the services of another certificated household goods carrier or a permitted property carrier that has complied with the minimum cargo insurance requirements of this chapter for storage and final delivery on storage-in-transit shipments at destination. A property carrier who does not hold a household goods certificate of fitness is prohibited from delivering a shipment for a greater distance than thirty road miles from the warehouse. The shipment must move on the bill of lading of the originating certificated household goods carrier with the delivering certificated household goods carrier or property carrier shown on the bill of lading. The legal liability of the shipment remains the responsibility of the originating certificated household goods carrier.

D. A household goods carrier may interchange or interline shipments with any other certificated household goods carrier provided both carriers hold proper authority to transport the shipment from origin to destination. The shipment must move on the bill of lading of the originating certificated household goods carrier with the delivering certificated household goods carrier shown on the bill of lading. The legal liability of the shipment remains the responsibility of the originating certificated household goods carrier.

2001, c. 596; 2011, cc. 881, 889.

§ 46.2-2157. Estimate of charges; penalties; information booklet for shippers.

A. Household goods carriers may, upon request of a shipper, cause to be given to such shipper an estimate of the charges for proposed services in the manner and form specified in this section:

1. The estimate may be made only after a visual inspection of the goods by the estimator or be based upon information furnished to the carrier by the shipper.

2. If a written estimate is furnished, across the top of each form there shall be imprinted, in bold type, the words "ESTIMATED COST OF SERVICES."

3. The name, address and phone number of the carrier providing the estimate must be shown in a legible manner on each estimate form.

4. Imprinted thereunder in regular type shall be words to the effect "IMPORTANT NOTICE: This estimate covers only the articles and services listed. It is not a guarantee that the actual charges will not exceed the amount of the estimate. However, carriers may bind the estimate and guarantee that charges may not exceed the bound estimate except for any accessorial tariff charges incurred at destination that are not known to the carrier until actual delivery of the shipment and a sight survey reveals that additional charges are necessary to effect delivery as published in the carrier's tariff.

Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs. Charges for additional services will be added to the transportation charges."

5. The original or a true legible copy of each estimate form prepared in accordance with this section may be delivered to the shipper and a copy thereof shall be maintained by the carrier as part of its record of shipment.

B. If the carrier provides a shipper with a written estimate, the carrier will give to the shipper an information booklet that has been approved by the Department and will obtain a receipt therefor from the shipper. Such receipt will become a part of the permanent file of the carrier.

2001, c. 596; 2006, c. 609.

§ 46.2-2158. Bill of lading.

A. A bill of lading shall be issued.

B. A bill of lading shall contain the following information:

1. Name, address and telephone number of the household goods carrier.

2. Agreed pick-up period of time, the actual pick-up date and agreed delivery date or the agreed period of time within which delivery of the shipment is expected at destination.

3. True copies of the gross and tare weight tickets shall be attached to the bill of lading as soon as such weight tickets are obtained. If the shipper is present at the weighing, he shall then be given a copy of the gross and tare weight tickets upon request, otherwise, he shall be given a copy thereof at destination upon request.

4. The number of the vehicle onto which the shipment is loaded.

5. Amount of charges and method of payment of total tariff charges.

6. Total amount required to be paid in cash, postal money order, traveler's check, cashier's check, bank treasurer's check, bank wire transfer, or approved credit card to relinquish possession of a C.O.D. shipment.

2001, c. 596; 2006, c. 609.

§ 46.2-2159. Freight bill or freight bill/bill of lading.

A. There shall be furnished by every household goods carrier at destination to the consignee of every C.O.D. shipment transported by him a freight bill, if a combination freight bill/bill of lading is not used, which bill shall contain the following information: point of origin, point of destination, date of shipment, description of article or commodity, weight of article or commodity rate, or rates applicable for the service rendered, statement of nature and amounts of charges for special services, where charges incurred, and method of payment of total tariff charges.

B. If a carrier uses a uniform household goods bill of lading and freight bill, subsection A of this section shall not apply.

2001, c. 596.

§ 46.2-2160. Bill of lading kept in vehicle; preserved in office.

With every motor vehicle transporting household goods there shall be carried with such property on the same vehicle a copy of the bill of lading of all such property, which shall indicate the consignor, consignee, origin, destination and weight of each shipment on the motor vehicle. The original or a copy of the bill of lading shall be preserved in the office of such carrier for a period of at least three years.

2001, c. 596.

§ 46.2-2161. Payment of tariff charges; payment of specific charges.

A. The carrier will not deliver or relinquish possession of any property transported by it until all tariff rates and charges thereon have been paid in cash, postal money order, traveler's check, cashier's check, bank treasurer's check, bank wire transfer, or approved credit card, except where other satisfactory arrangements have been made between the carrier and the consignor or consignee.

B. Carrier may require prepayment of charges for a specific service in full or in part on or before commencing performance of such services as requested by shipper.

C. Estimated charges may be bound or fixed so that the price estimated may not be exceeded with the exception that any accessorial tariff charges incurred at destination that are not known to the carrier until actual delivery of the shipment and a sight survey reveals that additional charges are necessary to effect delivery as published in the carrier's tariff.

2001, c. 596; 2006, c. 609.

§ 46.2-2162. Carrier liability.

A. No delivery acknowledgement on any shipping document to be signed by the consignee at time of delivery shall contain any language that purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

B. Household goods carriers shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

C. Household goods carriers shall not advertise or represent to the public that "all loads are insured" or other similar wording, unless such carrier has filed tariffs with the Department, assuming complete liability, and has filed evidence of insurance with the Department providing protection covering all shipments to their full value without limitation and insuring against every peril to which any shipment may be exposed.

D. Shipper or his representative will acknowledge that the property has been received in apparent good condition except as noted on the shipping documents at time of delivery.

2001, c. 596.

§ 46.2-2163. Determination of weights by certified scales.

A. Each household goods carrier shall determine the tare weight of each vehicle used by having it weighed prior to, if practicable, the loading of each shipment under the following conditions:

1. By a certified weighmaster or on a certified scale, and

2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the transportation of shipments to be loaded thereon.

B. After the vehicle has been loaded it shall be weighed under the following conditions:

1. At the certified scale nearest to the point of origin of the shipment, if practicable, and

2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the transportation of shipments to be loaded thereon.

C. The net weight of the shipment shall be determined by deducting the tare weight from the gross weight and such weight shall be entered on the bill of lading.

D. Where no certified scale is available at the point of origin, the gross weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment or in the direction of the next pick-up or delivery in the case of partial loads.

In the transportation of partial loads, this section shall apply in all respects, except that the gross weight of a vehicle containing one or more partial loads shall be used as the tare weight of such vehicle as to partial loads subsequently loaded thereon.

E. The person paying the freight charges, or his representative upon request of either, shall be permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and to observe the weighing of his shipment after loading.

The carrier shall use a certified scale that will permit the shipper to observe the weighing of his shipment without causing delay.

F. The provisions of this section shall not apply to bound or fixed estimates provided in accordance with the provisions of § 46.2-2161.

2001, c. 596; 2006, c. 609.

§ 46.2-2164. Constructive weight.

If no certified scale is available at origin, at any point enroute, or at destination, a constructive weight based upon seven pounds per cubic foot of properly loaded van space may be used.

2001, c. 596.

§ 46.2-2165. Obtaining weight tickets.

The carrier shall obtain a weight ticket signed by the weighmaster or its driver for each weighing required under this section, with tare and gross weights evidenced by separate tickets, and the driver shall enter thereon the number of the bill of lading or shipper's name. No other alterations shall be made on any such ticket.

1. As soon as weight tickets are obtained, true copies thereof shall be attached to the bill of lading accompanying the shipment and retained in the carrier's file.

2. If a shipper requests, a true copy of each weight ticket pertaining to a shipment shall be given to the shipper at the weighing station if the shipper is present or upon delivery of the shipment if the shipper is not present at the weighing.

3. Any of the following shipments may be weighed on a certified scale or by a certified weighmaster prior to being loaded on the vehicle:

a. A part load for any one shipper not exceeding 1,000 pounds;

b. An automobile or other article weighing in excess of 500 pounds, which is mounted on wheels;

c. A shipment that the carrier containerizes for further transportation, in which case the net weight of the shipment shall be the gross weight of the container less the tare weight of the container. The gross weight of the container shall be as packed and prepared for shipment and the tare weight of the container shall include all of the pads, skins, blocking and bracing used, or to be used, to protect the contents of the container, but not including packing materials used in the preliminary packing of the shipment.

2001, c. 596.

§ 46.2-2166. Minimum weight shipments, notice.

No carrier shall accept an order for a shipment for transportation that appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

2001, c. 596.

§ 46.2-2167. Reweighing of shipment.

The household goods carrier, upon request of the shipper or his representative made prior to the delivery, shall reweigh the shipment subject to the availability of scales at destination.

1. The household goods carrier shall inform the person requesting the reweigh, within a reasonable time prior to the gross reweighing, of the tariff charges therefor and the location of a certified scale in close proximity to the destination of the shipment that shall be used, and of the right of the shipper, or his representative, to observe the gross and tare reweighing.

2. The household goods carrier, without altering or deleting the initial weights, shall cause to be recorded on the bill of lading the gross, tare and net weights on reweigh, and shall give the shipper, or his representative, original or true copies of the weight tickets on reweigh in the same manner as prescribed in subdivision 2 of § 46.2-2165 for initial weighing.

3. The lower of the two net scale weights shall be used for determining the applicable charges.

4. The household goods carrier may publish in its tariff a reasonable charge for reweighing shipments, which charge shall be applicable when the reweigh develops a net scale weight in excess of the

initial net scale weight or if the difference between the initial net scale weight and the reweight net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or two percent or less of the lower net scale weight on shipments in excess of 5,000 pounds.

2001, c. 596.

§ 46.2-2168. Claims.

A. Every household goods carrier that receives a written claim for loss of or damage to property transported by it shall:

1. Acknowledge receipt of such claim in writing to the claimant within thirty calendar days after its receipt by the carrier. The carrier shall, at the time such claim is received, cause the date of receipt to be recorded on the claim;

2. Pay, decline or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent.

B. If the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall, at that time and the expiration of each succeeding thirty-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof.

C. No household goods carrier shall provide by contract or otherwise a shorter period for the filing of loss and damage claims than thirty calendar days, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice.

2001, c. 596.

§ 46.2-2169. Tariffs showing rates and charges, etc.

Every household goods carrier by motor vehicle shall file with the Department at least thirty days before the effective date and make available for public inspection, tariffs showing all the rates and charges for transportation, and all services in connection therewith. Such rates and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information as the Department may prescribe. The Department is authorized to reject any tariff filed with it that is not in consonance with this section and with such regulations. Any tariff so rejected by the Department shall be void, and its use shall be unlawful.

2001, c. 596.

§ 46.2-2170. Unlawful to charge other than published tariff.

No household goods carrier shall charge or demand or collect or receive a greater compensation for transportation or for any service in connection therewith than the rates and charges specified in the tariffs in effect at the time.

2001, c. 596; 2006, c. 609.

§ 46.2-2171. Changes in tariffs.

No change shall be made in any rate or charge, or any rule, regulation, or practice affecting such rate or charge, or the value of the service thereunder, specified in any effective tariff of a household goods carrier, except after thirty days' notice of the proposed change. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs.

2001, c. 596.

§ 46.2-2172. Joint tariffs; power of attorney.

A. A household goods carrier may authorize an agent or may join with another carrier or carriers in the publication of a joint tariff, supplement or amendment, and, where such authority is given, shall file with the Department prior to publication power of attorney or notice of concurrence, which shall specifically set out the authority given.

B. Where a household goods carrier issues a power of attorney to an agent or a concurrence to another carrier for the publication of tariffs, such power of attorney or concurrence may not be revoked except upon sixty days' notice to the Department and the agent or carrier to which the power of attorney or concurrence was issued, except upon special permission of the Department.

2001, c. 596.

§ 46.2-2173. Tariff contents.

Tariff contents shall contain certain information:

1. Table of contents, arranged in alphabetical order, showing the number of the page and/or item number on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

2. A complete list of all carriers participating in the tariff, or reference to the governing publication which participation is shown.

3. A complete index of all commodities on which specific rates are named therein, together with reference to the page and/or items in which they are shown. No index need be shown in tariffs of less than five pages, or if all the rates to each destination are alphabetically arranged by commodities.

4. Explanations of all notes, abbreviations, symbols and reference marks used in tariff.

5. Rules that govern in clear and explicit terms, setting forth all privileges and services covered.

6. Any exceptions to the application of rates named, and non-application of rates named therein.

7. All line haul transportation rates shall be explicitly stated in dollars and cents.

8. Household goods carriers shall establish the charge to be made for each accessorial or terminal service rendered in connection with the shipment. The tariff shall separately state each service to be rendered and the charge therefor.

a. The charges for packing and unpacking shall be stated in amounts per container or per hundred weight.

b. An hourly labor charge may be established to cover miscellaneous labor services performed at the request of the shipper when a rate is not separately stated for the service requested.

9. Tariffs based on distances from point of origin to destination shall show the mileages or indicate a definite method by which such mileages shall be determined.

2001, c. 596; 2006, c. 609.

Article 5 - BROKERS

§§ 46.2-2174 through 46.2-2176. Repealed.
Repealed by Acts 2017, cc. 790 and 815, cl. 2, effective January 1, 2018.

Chapter 22 - REGULATION OF SIGHT-SEEING CARRIERS [Repealed]

§§ 46.2-2200 through 46.2-2209. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 23 - REGULATION OF SPECIAL OR CHARTER PARTY CARRIERS [Repealed]

§§ 46.2-2300 through 46.2-2312. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 23.1 - EXCURSION TRAINS [Repealed]

§§ 46.2-2313 through 46.2-2316. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 24 - REGULATION OF CARRIERS BY MOTOR LAUNCH [Repealed]

§§ 46.2-2400 through 46.2-2409. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 25 - REGULATION OF LIMOUSINES AND EXECUTIVE SEDANS [Repealed]

§§ 46.2-2500 through 46.2-2519. Repealed.
Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 26 - REGULATION OF SIGHT-SEEING CARRIERS BY BOAT [Repealed]

§§ 46.2-2600 through 46.2-2610. Repealed.

Repealed by Acts 2001, c. 596, cl. 2, effective July 1, 2002.

Chapter 27 - VIRGINIA MOTOR VEHICLE EMISSIONS REDUCTION PROGRAM [Repealed]

§§ 46.2-2700 through 46.2-2703. Repealed.

Repealed by Acts 1997, c. 117.

Chapter 28 - BOARD OF TOWING AND RECOVERY OPERATORS [Repealed]

§§ 46.2-2800 through 46.2-2828. Repealed.

Repealed by Acts 2012, cc. 803 and 835, cl. 107, effective January 1, 2013.

Chapter 29 - CERTIFIED ESCORT VEHICLE DRIVERS

§ 46.2-2900. Definitions.

As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Certified escort vehicle driver" means a person 18 years of age or older who holds a valid driver's license and a valid escort vehicle driver certificate issued (i) by the Commonwealth or (ii) by a state whose escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity.

"Escort vehicle driver certificate" means a credential issued under the laws of the Commonwealth or other state authorizing the holder to escort a permitted vehicle or vehicles.

"Permitted vehicle or vehicles" means any vehicle being operated under the provisions of a valid highway hauling permit issued pursuant to § 46.2-1139 that requires that the permitted vehicle or vehicles be accompanied by a certified escort vehicle driver or drivers.

2013, cc. 312, 477; 2015, c. 258.

§ 46.2-2901. Certificate required.

No person shall escort any vehicle that is being moved by authority of a valid highway hauling permit requiring a certified escort vehicle driver and issued pursuant to § 46.2-1139 unless such person holds a valid driver's license and a valid escort vehicle driver certificate issued by the Commonwealth or another state that has a reciprocal agreement with the Commonwealth recognizing escort vehicle driver certificates issued by that state.

An escort vehicle driver certificate shall be deemed invalid if the certificate holder's driver's license has expired or has been suspended, revoked, or canceled.

2013, cc. 312, 477.

§ 46.2-2902. Insurance to be kept in force; amount.

Each person or company providing certified escort vehicle services shall keep in force at all times valid liability insurance coverage for those classes of insurance defined in §§ 38.2-117 and 38.2-118 in the amount of at least $750,000 that has been issued by an insurance carrier authorized to do business in the Commonwealth.

2013, cc. 312, 477.

§ 46.2-2903. Eligibility for escort vehicle driver certificate.

A Virginia escort vehicle driver certificate shall be issued only to a person who intends to provide certified vehicle escort services for a permitted vehicle and who (i) holds a valid Virginia driver's license and who is domiciled in the Commonwealth or (ii) is a nonresident who meets the requirements of § 46.2-2907 or 46.2-2908.

No person shall be eligible for a Virginia escort vehicle driver certificate until he has (i) passed the applicable training course and knowledge test required by this chapter and has satisfied all other applicable requirements imposed by the laws of the Commonwealth or (ii) has met the requirements of § 46.2-2907 or 46.2-2908.

No person shall be eligible for a Virginia escort vehicle driver certificate during any period in which his driver's license or privilege to drive is expired or is suspended, revoked, or canceled in any state or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

2013, cc. 312, 477.

§ 46.2-2904. Certified escort vehicle driver training.

Every applicant for a Virginia escort vehicle driver certificate shall undergo and successfully complete an eight-hour training course presented by a business, organization, governmental entity, or individual that has been approved by the Department and that offers a course approved by the Department.

2013, cc. 312, 477.

§ 46.2-2905. Knowledge test; waiting period prior to reexamination.

The Department shall examine every applicant for an escort vehicle driver certificate before issuing a Virginia escort vehicle driver certificate. Every applicant shall be required to take and pass an escort vehicle driver knowledge test. Prior to taking the knowledge test, the applicant shall present evidence that he has completed a state-approved escort vehicle driver certification training course pursuant to the provisions of § 46.2-2904.

Any person who applies for an escort vehicle driver certificate under § 46.2-2906 and fails the knowledge test administered pursuant to that section three times shall not be eligible for retesting for at least 30 days. A reexamination fee of $2 shall be charged for the second and subsequent test in the same manner as provided for driver license testing under the provisions of § 46.2-332.

2013, cc. 312, 477.

§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of escort vehicle driver training; fee.

A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the Department, and the applicant shall write his usual signature in ink in the space provided on the form. A person who applies for an escort vehicle driver certificate must meet the following requirements:

1. Be at least 18 years of age;

2. Hold a valid Virginia driver's license or a valid driver's license for another state;

3. Authorize the Department to review his driving record;

4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification training course, as required by § 46.2-2904;

5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80 percent or higher; and

6. Pay the appropriate fee for certificate issuance.

B. Every application shall state the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. The applicant shall also answer any questions on the application form, or otherwise propounded, and provide any other information as required by the Department incidental to the application.

C. The Commissioner shall require that each application include a certification statement, to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant an escort vehicle driver certificate.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

2013, cc. 312, 477; 2015, c. 258.

§ 46.2-2907. Nonresident; extensions of reciprocal privileges.

A nonresident age 18 years or older who has been duly licensed as a driver under a law regulating the licensure of drivers in his home state and who has in his immediate possession a valid driver's license and a valid escort vehicle driver certificate issued to him in his home state, where such state's escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity, shall be permitted without a Virginia license or a Virginia escort vehicle driver certificate to escort a permitted vehicle or vehicles on the highways of the Commonwealth. Such nonresident shall be exempt from the escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

If such nonresident desires to also hold a Virginia escort vehicle driver certificate, in addition to the valid certificate issued to him by his home state, he must then meet all of the Virginia escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

2013, cc. 312, 477; 2015, c. 258.

§ 46.2-2908. Nonresident; issuance of Virginia escort vehicle driver certificate; nonreciprocal state.
A nonresident who has not been issued an escort vehicle driver certificate in his home state but who has in his immediate possession a valid driver's license issued by his home state may be certified through Virginia's Escort Vehicle Driver Certification Program. Such nonresident must meet all escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

A nonresident who has in his immediate possession a valid driver's license and valid escort vehicle driver certificate issued to him by his home state, to which state's escort vehicle driver certification program the Commonwealth has not extended reciprocity, may be certified through Virginia's Escort Vehicle Driver Certification Program. Such nonresident must meet all escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

2013, cc. 312, 477.

§ 46.2-2909. Issuance, expiration and renewal of certificate; fees.
The fee for issuance of an original or renewal escort vehicle driver certificate shall be $5 for each year of validity. The certificate shall be valid for five years and expire on the last day of the month of issuance. Notwithstanding this limitation, the Commissioner may extend the validity period of an expiring certificate if (i) the Department is unable to process an application for renewal due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no case shall the validity period be extended more than 90 days per occurrence of such conditions.

Persons who wish to renew an escort vehicle driver certificate shall successfully pass the escort vehicle driver certification knowledge test prior to recertification.

2013, cc. 312, 477.

§ 46.2-2910. Certified escort vehicle drivers; duties and responsibilities.
A. Each certified escort vehicle driver shall have in his possession his escort vehicle driver certificate and proof of insurance while escorting a permitted vehicle. The driver's certificate, driver's license, and proof of insurance must be presented when requested by any Department of Motor Vehicles size and weight compliance agent, law-enforcement officer, or Department of Transportation official. Failure of the certified escort vehicle driver to have the certificate, driver's license, or proof of insurance in his possession while escorting a permitted vehicle or load may cause the movement of the permitted vehicle to be interrupted until properly credentialed escort services can be obtained.

B. The driver of an escort vehicle shall comply with all applicable traffic laws and with the requirements of this chapter when escorting a permitted vehicle or vehicles on all roads within the Commonwealth.

2013, cc. 312, 477.