

**REPORT OF THE
VIRGINIA CODE COMMISSION ON**

**The Revision of
Title 46.1 of the
Code of Virginia**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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INTRODUCTION AND SUMMARY

House Joint Resolution No. 271, approved by the Virginia General Assembly in 1987, requested the Virginia Code Commission to undertake a revision of Title 46.1 of the Code of Virginia. Following its completion of revisions of Titles 10 and 54, the Commission began its consideration of Title 46.1 in the spring of 1988. The many changes made by the General Assembly to Virginia's motor vehicle laws over the three decades since Virginia's motor vehicle laws were systematically revised made it appropriate to reexamine the title as a whole, to remove ambiguities, simplify language and structure, and generally improve the clarity of the law.

The requested revision has been completed, and has resulted in a recodification of Title 46.1 as Title 46.2. The proposed revision consists of four subtitles: General Provisions, Department of Motor Vehicles Titling, Registration, and Licensure; Operation; and Dealers. A more detailed outline of proposed Title 46.2 is contained in Appendix I. Notes following each section of the proposed text explain the changes.

In revising present Title 46.1 the Commission was guided by several goals:

- Simplification of language wherever possible;
- Substitution of commonly used terms for technical jargon in appropriate instances;
- Substitution of classified penalties (traffic infractions, misdemeanors, and felonies) for nonstandard penalties, absent cogent reasons for their retention;
- Alphabetical arrangement of terms in definition sections;
- Comporting outdated or excessively cumbersome legal and administrative procedures to modern practice; and
- Identification of affected localities by name, rather than by population brackets or other circumlocutions.

While consideration had been given to relocating those provisions of the title dealing with habitual offenders and drunk driving to other titles, the Commission decided that, on balance, they should be retained with other Virginia's other motor vehicle laws. The only significant portion of present Title 46.1 which the Commission recommends relocating elsewhere is Chapter 9: Open-Air Theatres. The utility of these provisions has considerably declined in recent years as the popularity of outdoor theatres has waned. The Commission feels that these matters can be dealt with just as effectively through regulations of the Commonwealth Transportation Board, and the relevant provisions have been relocated to Title 33.1.

During its deliberations the Commission was considerably assisted by John A. Banks, Jr., who served as the Commission's Secretary and Director of the Division of Legislative Services until his retirement on December 1, 1988. Even though his tenure on the Commission expired prior to the completion of this project, his many contributions to proposed Title 46.2 and to the general operation of the Commission cannot go unrecognized. The Commission and its staff remain in his debt for his many considerations and helpful counsel.

Respectfully submitted,

Dudley J. Emick, Jr. (Chairman)

J. Samuel Glasscock (Vice Chairman)

E. M. Miller, Jr. (Secretary)

Russell M. Carneal

Joseph V. Gartlan, Jr.

H. Lane Kneedler

John Wingo Knowles

Theodore V. Morrison, Jr.

William F. Parkerson, Jr.

A. L. Philpott

PROPOSED REVISIONS

SUBTITLE I.
GENERAL PROVISIONS; DEPARTMENT OF MOTOR VEHICLES.

CHAPTER 1.

GENERAL PROVISIONS.

§ 46.2-100 ~~46.1-1~~. Definitions.—The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

~~(15a)~~“Antique motor vehicle” : - ~~Every means every~~ motor vehicle, as herein defined in this section, which was actually manufactured; or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years prior to January 1 of each calendar year and is owned solely as a collector’s item; and is used for participation in club activities, exhibits, tours, parades, and similar uses, but in no event used for general transportation, may be classified by the Commissioner as an antique motor vehicle. Additionally, antique motor vehicles may be operated on the highways of the Commonwealth for the purposes of testing their operation, obtaining repair or maintenance, and transportation to events and activities as hereinabove provided.

~~(32a)~~“Automobile transporters” : - ~~Any means any~~ tractor truck, vehicle, or combination designed and used exclusively for the transportation of motor vehicles. Such, including vehicles or combinations may which transport motor vehicles on the their power unit, designed and used exclusively for the transportation of motor vehicles.

~~(1a)~~“Bicycle” : - ~~A means a~~ device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height. For purposes of Chapter 4 8 (~~§ 46.1-168 et seq.~~) of this title, a bicycle shall be a vehicle while operated upon on the highway.

~~(1)~~“Business district” : - ~~The means the~~ territory contiguous to a highway where seventy-five 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 and operation for business purposes.

~~(33a)~~“Camping trailer” : - ~~Every means every~~ vehicle which 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.

~~(2)~~“Chauffeur” : - ~~Every means every~~ person employed for the principal purpose of operating 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.

~~(3)~~“Commission” : - ~~The means the~~ State Corporation Commission.

~~(4)~~“Commissioner” : - ~~The means the~~ Commissioner of the Department of Motor Vehicles of this the Commonwealth.

~~(4a)~~“Crosswalk” : - ~~(a) That 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 ~~(b) Any any~~ portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

~~(4b)~~“Decal” : - ~~A means a~~ device to be attached to a license plate that validates the license plate for a predetermined registration period.

~~(4c)~~“Department” : - ~~The means the~~ Department of Motor Vehicles of this the Commonwealth.

~~(5)~~ [Repealed.]

~~(5a)~~“Driver’s license” : - ~~Any means any~~ license; issued under the laws of the

Commonwealth ; authorizing the operation of a motor vehicle.

(6) "Essential parts" : - ~~All~~ *means all* integral parts and body parts, the removal, alteration , or substitution of which will tend to conceal the identity of a vehicle.

(7) "Farm tractor" : - ~~Every~~ *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.

(7a) "Federal safety requirements" : - ~~Applicable~~ *means applicable* provisions of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all administrative regulations and policies adopted pursuant thereto.

(8) "Financial responsibility" : - ~~Ability~~ *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 amount of \$25,000 because of bodily injury to or death of any one person and, subject to such limit for one person, in the amount of \$50,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$10,000 because of injury to or destruction of property in any one accident amounts provided for in § 46.2-472 .

(8a) "Foreign market vehicle" : - ~~Any~~ *means any* motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act as amended (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

(9) "Foreign vehicles vehicle" : - ~~Every~~ *means every* motor vehicle, trailer , or semitrailer which shall be is brought into this the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this the Commonwealth.

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

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

(10) "Highway" : - ~~The~~ *means the* entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this the Commonwealth, including the streets ; and alleys and publicly maintained parking lots in counties, cities and towns , and , for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city , or town in which such private roads or streets are located.

(12) "International driver's license". - A document authorized by an international treaty, signed in 1949, as an informational document for identification in foreign countries. It is a valid operator's license only when accompanied by a valid license issued by the holder's home country or state.

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

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law.

(11a) "License plate" : - A ~~means~~ a device containing letters, numerals , or a combination of both, attached to a motor vehicle, trailer , or semitrailer to indicate that such motor the vehicle ; trailer or semitrailer is properly registered with the Department.

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

~~(13)~~ *"Metal tires"* - All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

~~(38)~~ *"Mobile home"* : - A means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty 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.

~~(14b)~~ *"Moped"* : - A means a bicycle-like device with pedals and a helper motor which is rated at no more than two brake horsepower and which produces speeds up to a maximum of thirty miles per hour. However, such a device so equipped shall not be operated upon any highway or public vehicular area of this Commonwealth by any person under the age of sixteen. For purposes of Chapter 4 8 (§ 46.1-168 et seq.) of this title, a moped shall be a vehicle while operated upon on a highway.

~~(14a)~~ *"Motor home"* : - Every means every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

~~(15)~~ *"Motor vehicle"* : - Every means every vehicle as herein defined in this section which is self-propelled or designed for self-propulsion except that the definition contained in § 46.1-389 ~~(d)~~ shall apply for the purposes of Chapter 6 (§46.1-388 et seq.) of 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. For the purposes of this chapter title , any device herein defined as a bicycle or a moped shall be deemed not to be a motor vehicle.

~~(14)~~ *"Motorcycle"* : - Every means every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower , except any such vehicle as may be included within the term "farm tractor" or "moped" as herein defined in this section .

~~(16)~~ *"Nonresident"* : - Every means every person who is not domiciled in this the Commonwealth, except: ~~(a)~~ Any ~~(i)~~ any foreign corporation which is authorized to do business in this the Commonwealth by the State Corporation Commission shall be deemed a resident of this the Commonwealth for the purpose of this title. In the case of corporations incorporated in this the Commonwealth but doing business without outside the Commonwealth, only such principal place of business or branches located within this the Commonwealth shall be dealt with as residents of this the Commonwealth : ; ~~(b)~~ A ~~(ii)~~ a person who becomes engaged in a gainful occupation in this the Commonwealth for a period exceeding sixty days shall be deemed a resident for the purposes of this title except for the purposes of Chapter 5 3 (§ 46.1-348 et seq.) of this title : ; ~~(c)~~ A ~~(iii)~~ a person, other than a nonresident student as defined in subdivision ~~(16a)~~ of this section, who has actually resided in this the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address within this in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title.

~~(16a)~~ *"Nonresident student"* : - Every means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in this the Commonwealth and who is not gainfully employed.

~~(35)~~ *"Operation or use for rent or for hire ,"* etc.- The terms operation or use for rent or for hire , for the transportation of passengers, or as a property carrier for compensation " , and the term " business of transporting persons or property " , wherever used in this title, mean any owner or operator of any motor vehicle, trailer , or semitrailer operating over the highways of this in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but such these terms shall do not be construed to mean a "truck lessor" as defined herein in this section .

~~(17)~~ *"Operator" or "driver"* : - Every means every person who either (i) drives or is in actual physical control of a motor vehicle upon on a highway, or (ii) who is exercising control over or steering a vehicle being towed by a motor vehicle.

~~(18)~~ "Owner" : - *A means a person who holds the legal title of to a vehicle or, in the event if a vehicle is the subject of an agreement for the its conditional sale or lease thereof with the right of purchase upon on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event , if a mortgagor of a vehicle is entitled to possession, then such the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title, except that 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 upon on payment of the rent stipulated, the lessor shall be regarded as the owner of such 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 hereinafter 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.*

~~(18a)~~ "Passenger car" : - *Every means every motor vehicle other than a motorcycle designed and used primarily for the transportation of not no more than ten persons including the driver ; except motoreycles .*

~~(19)~~ "Peace" or "police officer" : - *Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.*

~~(20)~~ "Person" : - *Every natural person, firm, partnership, association or corporation.*

~~(20a)~~ "Pickup or panel truck" : - *Every means every motor vehicle designed for the transportation of property with and having a registered gross weight of 7,500 pounds or less.*

~~(21)~~ "Pneumatic tires" : - *All tires inflated with compressed air.*

~~(22)~~ "Private road or driveway" : - *Every 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.*

~~(23)~~ "Reconstructed vehicle" : - *Every means every vehicle of a type required to be registered hereunder under this title materially altered from its original construction by the removal, addition , or substitution of new or used essential parts ; new or used .*

~~(24)~~ "Residence district" : - *The means the territory contiguous to a highway, not comprising a business district, where seventy-five percent or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.*

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

~~(25)~~ "Road tractor" : - *Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.*

~~(10a)~~ "Roadway" : - *That 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.*

~~(26)~~ "Safety zone" : - *The means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate plainly visible signs as to be plainly visible at all times while set apart as a safety zone .*

~~(27)~~ "School bus" : - *Any means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or parochial schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; and (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 § 46.1-287 46.2-1090 . School buses, manufactured prior to July 1, 1974, may continue to have the words "Stop, State Law" in black letters of specified size on front and rear.*

~~(27)~~ "Semitrailer" : - *Every 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 upon on or is carried by another vehicle.*

~~(10e)~~ "Shoulder" : - *That means that part of a highway between the portion regularly travelled by vehicular traffic and the lateral curbline or ditch.*

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

~~(28)~~ "Solid rubber tires" : - *Every tire made of rubber other than a pneumatic tire.*

~~(29)~~ "Specially constructed vehicle" : - *Any means any vehicle which shall was not have been 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.*

~~(30)~~ "Superintendent" : - *The means the Superintendent of the Department of State Police of this 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.

~~(31)~~ "Town" : - *An incorporated town.*

~~(32)~~ "Tractor truck" : - *Every 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.*

~~(40)~~ "Traffic infraction" : - *Any violation of any provision of Chapters 1 (~~§ 46.1-1 et seq.~~) through 4 (~~§ 46.1-168 et seq.~~) of this title, or of any ordinances, rules or regulations established thereunder, not expressly defined as a felony or misdemeanor, and otherwise not punishable by incarceration or by a fine of more than \$100.*

The term "traffic infraction" as used in any other title of this Code, or in any ordinance, rule or regulation adopted pursuant to any provision of this Code, shall have this same meaning and effect "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor .

~~(10b)~~ "Traffic lane" or "lane" : - *That means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.*

~~(33)~~ "Trailer" : - *Every 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 mobile homes.*

~~(39)~~ "Truck" : - *Every 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.*

~~(36)~~ "Truck lessor" : - *A means a person who holds the legal title to any motor vehicle, trailer , or semitrailer which is the subject of a bona fide written lease for a term of one year or more to another person, provided that: ~~(a)~~ Neither (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 § 56-273; and ~~(b)~~ The (ii) the leased motor vehicle, trailer , or semitrailer is used exclusively for the transportation of property of the lessee; and ~~(c)~~ The (iii) the lessor is not employed in any capacity by the lessee; and ~~(d)~~ The (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 ~~(e)~~ A (v) a true copy of such the lease, verified by affidavit of the lessor, is filed with the Commissioner.*

~~(34)~~ "Vehicle" : - *Every means every device in, upon on or by which any person or property is or may be transported or drawn upon on a highway, except devices moved by human power or used exclusively upon on stationary rails or tracks. For the purposes of Chapter 4 8 (~~§ 46.1-168 et seq.~~) of this title, bicycles and mopeds shall be vehicles while operated upon on a highway.*

~~(41)~~ "Wheel chair or wheel chair conveyance" : - *A 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. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § ~~46.1-45.2~~ 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

NOTE: The definition of "gross weight" derives from § 46.1-161. The definitions of "golf cart" and "snowmobile" derive from § 46.1-45.2. The terms "revoke," "suspend," and "cancel" are derived from the Uniform Vehicle Code. The definition of "metal tires" has been removed because the term is not used outside the definition. Reference to certain parking lots as "highways" has been removed to proposed § 46.2-101 because it is more of a substantive provision than a definition. In the definition of "motorcycle," provisions added in 1942 (see 1942 Acts of Assembly, Chapter 365) relating to four-wheeled machines have been deleted. In the definition of "moped," substantive language limiting the age of moped operators has been moved to § 46.2-914. The provisions in the definition of "antique motor vehicle" limiting use of these vehicles has been moved to § 46.2-730. The definition of "'peace' or 'police officer'" has been removed and a definition of "law-enforcement officer" has been added. The definition of "person" has been eliminated as duplicative of § 1-13.19 (see Chapter 36 of the 1988 Acts of Assembly). The definition of "road tractor" has been eliminated and the term "tractor truck" has been used in the revised title, instead. The definition of "solid rubber tires" has been eliminated because the definition of the term has been supplied where used. The term "town" has been eliminated since it is used in the usual sense. A new definition of "traffic infraction" has been provided, based on § 18.2-8. The definition of "international driver's license," added in 1988 (see 1988 Acts of Assembly Chapter 452), has been deleted since the term is not used except in its own definition. The definitions have been rearranged in alphabetical order.

§ 46.2-101 ~~46.1-21~~. Applicability of title to vehicles on *turnpikes certain toll roads and parking facilities*. — ~~The provisions of this~~ This title shall apply to any vehicle and any person operating or owning a vehicle operated upon projects authorized by Acts of Assembly, 1950, Chapter 322 and Acts of Assembly, 1954, Chapters 704 and 705 unless or until such provisions of this title may be superseded or modified lawfully by the Turnpike Authority concerned when acting pursuant to the powers conferred upon it by §§ 4 (h) and 16 of Acts of Assembly, 1950, Chapter 322 or § 33-255.40 (e) of Acts of Assembly, 1954, Chapter 704 or § 33-255.28 (e) of Acts of Assembly, 1954, Chapter 705 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.

NOTE: The second paragraph has been added to replace substantive provisions presently contained in the definition of "highway" in § 46.1-1, referring to parking facilities.

§ 46.2-102 ~~46.1-6~~. Enforcement by state and local law-enforcement officers ; etc. ; officers to be uniformed; officers to be paid fixed and determined salaries.— ~~Every State police officers and law-enforcement officers of every county, city, town , or other political subdivision of the Commonwealth ; as well as the state authorities and law-enforcement officers,~~ shall enforce the provisions of Chapters 1 (~~§ 46.1-1 et seq.~~) through 4 (~~§ 46.1-168 et seq.~~) of this title *punishable as felonies, misdemeanors, or traffic infractions* through the agency of any peace or police officer, sheriff or deputy; provided, that such . *Every law-enforcement officer shall be uniformed at the time of such the enforcement or shall display his badge or other sign of authority ; and provided further, that all . All officers making arrests incident to the enforcement of this title shall be paid fixed and determined 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 ~~police department~~ 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 land submitted to a horizontal property regime pursuant to Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§ 55-79.39 et seq.) of Title 55 of the Code of Virginia , which streets and roads are maintained by the owners of the lots or parcels of land within any such the subdivision or the owners of condominium units within any such horizontal property regime or any association of such owners, upon on the request or with the consent of such the owners or association of such owners, to enforce the provisions of Chapters 1 through 4 (~~§§ 46.1-1 through 46.1-347~~) of this title *punishable as felonies, misdemeanors, or traffic infractions* .

NOTE: The phrase "provisions of this title punishable as felonies, misdemeanors, or traffic infractions" has been used in place of "Chapters 1 through 4 of this title."

§ 46.2-103 46.1-8 . Stopping vehicles for inspection or to secure information.— Any peace officer who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property carrying vehicle or for the purpose of securing such other information as may be necessary. 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.

NOTE: The section has been rewritten for simplicity.

§ 46.2-104 46.1-7 . Possession of registration cards; exhibiting of registration card and driver's, etc., licenses; failure to carry license or registration card.—The driver operator of a motor vehicle, trailer or semitrailer, while such any motor vehicle, trailer, or semitrailer is being operated upon on the highways of this 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, instruction learner's permit, or temporary driver's permit.

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

Every person licensed by the Department as a driver or issued an instruction 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; when summoned to appear before a court for failure to display his license, permit, or the registration card; upon such demand being made of him, shall present presents to the officer making such demand issuing the summons, or a magistrate of the county or city in which the summons was issued, before the return date of the summons, a proper license or permit duly issued to him prior to the time of such demand the summons was issued or a proper registration card, as the case may be, or shall appear appears pursuant to such the summons and produce produces before the court a proper license or permit duly issued to him prior to the time of such demand the summons was issued or a proper registration card, as the case may be, he shall be deemed to have complied with the provisions of this section.

NOTE: Treating violation of the first paragraph of this section the same way as other traffic infractions would make the second paragraph superfluous.

§ 46.2-105 46.1-15 . Making false affidavit or swearing falsely, perjury.—Any person who shall knowingly make makes any false affidavit or shall knowingly swear swears or affirm affirms falsely to any matter or thing required by the terms of Chapters 1, 2, 3 and 4 (§§ 46.1-1 through 46.1-347) of this title or as to any information required by the Commissioner; incidental to his administration of the several provisions of such chapters, to be sworn to or affirmed this title shall be guilty of perjury and, upon conviction thereof, shall be punishable by a fine and imprisonment as other persons committing perjury are punishable.

NOTE: Since the provisions of former Chapters 1 - 4 are now scattered, it seemed logical to apply this section to the entire title.

§ 46.2-106 46.1-10 . Reciprocity Board; composition; representation; quorum reciprocal agreements entered into by Governor.—The Reciprocity Board, hereinafter called the Board, is hereby created. The Board shall consist of three ex officio members; namely, : the Commissioner of the Department of Motor Vehicles, the State Highway and Commonwealth Transportation Commissioner, and one of the members of the State Corporation Commission. A majority of the members of the Board shall constitute a quorum and the action of the majority of the members in attendance at any meeting shall be the action of the Board. Whenever a member of the Board is absent from a meeting of the Board, he may designate one of his assistants or employees to attend on his behalf. Any such The assistant or employee shall be entitled to participate in the discussion and proceedings of the Board, but he shall not be

entitled to vote.

§ 46.1-20. ~~Reciprocal agreements entered into by Governor; policy as to reciprocity.~~—(a) The Governor may, with the advice of the Board, enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state ~~in~~ of the United States ; ~~or of the District of Columbia,~~ with respect to all taxes imposed by ~~this State~~ *the Commonwealth* and by any ~~such~~ other state *of the United States* on motor vehicles, or on the operation of motor vehicles, or ~~upon~~ on any transaction incident to the operation of motor vehicles ; ~~provided, however, that .~~ *However*, no reciprocal agreement or other similar arrangement shall be entered into with respect to the road tax imposed by Chapter 27 (§ 58.1-2700 et seq.), Title 58.1, either under this section or any other section.

(b) Except as ~~hereinabove~~ 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 ~~such~~ *that* statute. As to any other subject of reciprocity appropriate to the powers vested in the Governor by this section, the Governor may, with the advice of the Board, agree to ~~such~~ *whatever* terms and conditions as in his judgment are best calculated to promote the interests of the Commonwealth. Except as ~~hereinabove~~ provided *in this section* , it is the policy of ~~this~~ *the* Commonwealth to grant reciprocity to the residents of another state when ~~such~~ *that* state grants reciprocity to the residents of ~~this~~ *the* Commonwealth.

(c) 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, each member of the Reciprocity Board , and the Superintendent of State Police.

NOTE: Former §§ 46.1-19 and 46.1-20 have been combined.

§ 46.2-107 ~~46.1-151~~ . Lists of vehicles used for rent ; ~~etc. 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 so to do, a list *and description* of motor vehicles used ~~or employed~~ in ~~such~~ *his* business ; ~~with a description thereof, when and as may be required by the Commissioner .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-108 ~~46.1-14~~ . Records required of persons renting motor vehicles without drivers; inspections; insurance.—(a) A. Every person ~~or persons~~ engaged in the business of renting motor vehicles without drivers who ~~shall rent~~ *rents* any ~~such~~ vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of ~~such~~ *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 ~~such~~ *the* rental or in possession of the person renting and having the use of the vehicle. ~~Every such record~~ *These records* shall be a public ~~record~~ *records* and open to inspection by any person damaged as to his person or property by the operation of the vehicle or by ~~any member of any traffic or police department~~ *law-enforcement personnel* in the discharge of ~~his duty~~ *their duties* . Any person who has been damaged as to his person or property may require a production of ~~such~~ *the* written record in person or by his ~~duy~~ authorized agent or attorney.

(b) B. It shall be unlawful for any ~~such~~ person who ~~shall rent~~ *rents* a motor vehicle as ~~herein~~ 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) C. The Commissioner shall prescribe *and the owner shall use a the* form for the keeping of the record provided in this section ~~and the owner shall use such form~~ .

(d) D. No person engaged in the business of renting automobiles and trucks without drivers shall rent any ~~such~~ vehicle without a driver unless ~~such~~ *the* vehicle is an insured motor vehicle as defined in § ~~46.1-167.2~~ *46.2-705* . A violation of this subsection shall constitute a *Class 1* misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-109 ~~46.1-10~~ . 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, giving 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.

NOTE: This section combines §§ 46.1-10 and 46.1-12.

~~§ 46.1-12. Same; vehicles with certain equipment.— The person in charge of any garage or repair shop shall within twenty-four hours report to the State Superintendent of Police any motor vehicle, other than an authorized police or fire department vehicle, brought to his place of business upon which is discovered any bullet-proof glass or any smoke screen device of any nature.~~

NOTE: This section is contained in proposed § 46.2-109.

~~§ 46.2-110 46.1-9 . Right to inspect vehicles in garages ; etc .—Any peace law-enforcement officer or Department officer or employee who shall be is in uniform or shall exhibit 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 such this purpose the owner of any such garage or repair shop shall permit any such peace law-enforcement officer or Department officer or employee without let or hindrance freely to make investigation as herein authorized in this section .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

~~§ 46.2-111 46.1-255 . Flares and other signals when vehicle disabled in highway after dark relating to disabled vehicles — A. Whenever any bus, truck, trailer, house trailer , or mobile home is disabled and stops upon on any portion of the traveled portion of any highway roadway in this State the Commonwealth , except within the corporate limits of cities or upon streets or on highways which are artificially lighted at night, at any time during which lights are required upon on motor vehicles by § 46.1-268 46.2-1030, the operator of such bus, truck, trailer, house trailer or mobile home vehicle shall place or cause to be placed on the roadway three red reflector flares or torches of a type approved by the Superintendent. One of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus, truck, trailer, house trailer or mobile home vehicle and not less than 100' 100 feet therefrom in the direction of traffic approaching in that lane, † a second not less than 100' 100 feet from such bus, truck, trailer, house trailer or mobile home vehicle in the opposite direction and † a third at the traffic side of such bus, truck, trailer, house trailer or mobile home vehicle not closer than 10' ten feet from the its front or rear thereof; provided, however, that . However, if such bus, truck, trailer, house trailer or mobile home vehicle is disabled within 500' 500 feet of a curve or crest of a hill, or other obstruction to view, the flares or torches 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' 500 feet from the disabled vehicle. Red reflectorized triangular warning devices of a type approved by the Superintendent may be used in lieu of flares or torches.~~

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

~~§ 46.1-256. Same; when red reflector flares or red lanterns required.— B. If any such vehicle is used for the transportation of inflammable liquids in bulk, whether loaded or empty , or for transporting inflammable gases, red reflector flares 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 upon on the roadway in the manner provided in the preceding section (§ 46.1-255) subsection A of this section .~~

~~§ 46.1-257. Same; when red flags required instead of flares, etc.— C. During such time as lights on motor vehicles are not required , red flags not less than twelve inches both in length and width shall be used in the place of flares, torches, reflectors or lanterns. The flags shall be placed upon on the roadway in the manner prescribed in §§ 46.1-255 and 46.1-256 subsections A and B of this section for flares, torches, reflectors and lanterns, except that no flag shall be required to be placed at the side of such vehicle ; but if . If the disablement of such vehicle continues into the period when lights on motor vehicles are required, flares, torches, reflectors , or lanterns shall be placed as required by §§ 46.1-255 and 46.1-256 subsections A and B of this section . Red reflectorized triangular warning devices of a type approved by the Superintendent may be used in lieu of flags.~~

NOTE: This section combines §§ 46.1-255, 46.1-256, and 46.1-257. The term "reflector flares" has been changed to "flares."

§ 46.2-112 ~~46.1-15.1~~ . Tampering with odometer ; *penalty; civil liability* .— ~~(a)~~ 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)~~ B. It shall be unlawful for any person to sell a motor vehicle if ~~the seller~~ *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 ~~the seller shall give~~ *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)~~ C. It shall be unlawful for any person to advertise for sale, to sell, or to use any device designed primarily for the purpose of ~~in any manner~~ resetting the odometer or similar device of a motor vehicle *in any manner* .

~~(d)~~ D. The provisions of this section shall not apply to the following:

~~(1)~~ *the 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 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 such that use and the time of repair or replacement ; .*

~~(3)~~ *passenger 3. Passenger vehicles having a capacity in excess of 15 fifteen persons ; .*

~~(4)~~ *trucks 4. Trucks having a net weight in excess of 10,000 pounds.*

§ 46.1-15.2. *Penalty for violation of § 46.1-15.1.—*

E. Any person convicted of a violation of the provisions of § 46.1-15.1 *subsections A through D of this section* 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~~ *twelve* months, either or both. Any person convicted of a subsequent offense under § 46.1-15.1 *this section* shall be fined not more than \$50,000 and sentenced to a term of confinement in the state penitentiary for not less than ~~1~~ *one* year nor more than ~~5~~ *five* years, either or both, for each offense if the offense ~~be is~~ committed with the intent thereby to defraud another. Each violation of § 46.1-15.1 *this section* shall ~~be deemed to be~~ *constitute* a separate offense.

§ 46.1-15.3. *Civil liability.—*

F. Any person who with intent to defraud violates § 46.1-15.1 ~~(a) or (b)~~ *subsection A or B of this section* shall be liable in a civil action in an amount equal to ~~the sum of 3~~ *three* times the amount of actual damages sustained or \$1,500, 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 ~~violating § 46.1-15.1 (a) or (b)~~ *committing the violation* . An action under this ~~section~~ *subsection* shall be brought within two years from the date on which liability arises. For the purpose of this ~~section~~ *subsection* , liability arises when the injured party discovers, or with due diligence should have discovered, the violation.

NOTE: Former §§ 46.1-15.1 through 46.1-15.3 have been combined.

§ 46.2-113 ~~46.1-16.01~~ . 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 § 46.1-180, and unless 46.2-1300.* Unless otherwise stated, ~~such~~ *these* violations shall constitute traffic infractions punishable by a fine of not more than \$100.

NOTE: Only minimal changes have been made.

§ 46.1-17. *Penalty for felony.— Any person who shall be convicted of a violation of any of the provisions of Chapters 1 through 4 (§§ 46.1-1 through 46.1-347) of this title declared to constitute a felony shall, unless a different penalty is prescribed herein, be punished by imprisonment in the penitentiary for a term not less than 1 year nor more than 5 years, or by*

a fine of not less than \$500 nor more than \$5,000, or by both such fine and imprisonment.

NOTE: Use of classified felonies makes this section unnecessary.

§ 46.2-114 46.1-18 . Disposition of fines and forfeitures.—All fines or forfeitures collected ~~upon~~ on conviction or ~~upon~~ on a forfeiture of bail of any person charged with a violation of any of the provisions of Chapters 1 through 4 (§§ 46.1-1 through 46.1-347) 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.

NOTE: See note following proposed § 46.2-102.

CHAPTER 2.

DEPARTMENT OF MOTOR VEHICLES.

Article 1.

Powers and Duties of Department, Generally.

§ 46.1-22. Division of Motor Vehicles continued as Department of Motor Vehicles.— The Division of Motor Vehicles is continued and shall hereafter be known as the Department of Motor Vehicles. The Department shall be headed by the Commissioner of the Department of Motor Vehicles. Wherever the words "Division of Motor Vehicles" are used in any law of this Commonwealth, they shall mean the Department of Motor Vehicles.

NOTE: This section is redundant. See proposed § 46.2-200.

§ 46.2-200 46.1-25 . General powers and duties of Department *Department of Motor Vehicles* .
— There shall be a Department of Motor Vehicles in the executive department, responsible to the Secretary of Transportation and Public Safety. 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 and such other laws or parts of laws involving the former Division of Motor Vehicles in the Department of Finance as are not covered by § 52-4, shall be in the Department of Motor Vehicles established by this chapter .

NOTE: Language has been added to make explicit the relationship of the Secretary, the Commissioner, and the Department to one another. Obsolete language has been eliminated.

§ 46.2-201 46.1-23 . 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.

NOTE: Only the section number has been changed.

§ 46.2-202 46.1-24 . Oath and bond; salary.—The Commissioner, before entering ~~upon~~ on the discharge of his duties, shall take an oath that he will faithfully and impartially discharge ~~and perform~~ all the duties of his office and he shall give bond in such penalty as may be fixed by the Governor, conditioned ~~upon~~ on the faithful discharge of his duties. The premium on ~~such~~ the bond shall be paid out of the funds available for the maintenance and operation of his office. The Commissioner shall receive ~~such~~ the salary as may be appropriated for the purpose.

NOTE: Only minimal changes have been made.

§ 46.2-203 46.1-26 . Authority to adopt rules and regulations *Regulations* ; violation; forms for applications, certificates, licenses, etc.—Subject to the provisions of Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9, the Commissioner may adopt ~~such~~ reasonable administrative rules and regulations as may be necessary to carry out the laws administered by the Department and may enforce ~~such~~ rules and these regulations and laws through ~~such~~ the agencies of this the Commonwealth as he may designate. A violation of any such rule or regulation shall be constitute a Class 4 misdemeanor and punished as prescribed in § 46.1-16.01 . He shall also provide suitable forms for applications, certificates of title and , registration cards, license number plates, and driver's licenses and, unless . Unless otherwise required in this title, he shall provide all other forms requisite for the purpose of this title.

NOTE: The penalty for a Class 4 misdemeanor is the same as that for a traffic infraction under § 46.1-16.01.

§ 46.2-204 ~~46.1-26.1~~ . Medical Advisory Board.— (a) For the purpose of enabling the Department of Motor Vehicles to comply with the provisions of § 46.1-361 and its responsibilities under the provisions of Title 46.1 of the Code of Virginia *this title* , there is hereby created a Medical Advisory Board for the Department to . *The Board shall consist of seven qualified and licensed physicians currently practicing physicians medicine in Virginia* appointed by the Governor. *Members of the Board shall be appointed initially as follows: three members to serve for two-year terms and four members to serve for four-year terms. Thereafter appointments* *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.*

(b) The Commissioner of the Department of Motor Vehicles 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 § 46.1-383 ~~46.2-322~~ , when he has cause to believe that such person suffers from such a physical or mental disability or disease as ~~will serve to~~ *which will prevent such person from his* exercising reasonable and ordinary control over a motor vehicle while ~~operating the same upon driving it on~~ the highways. 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 of Motor Vehicles so as to avoid the issuance of licenses to those persons suffering from such any physical or mental disability or disease that will serve to prevent them from their exercising reasonable and ordinary control over a motor vehicle while operating the same upon driving it on the highways.

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

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.1-27. Relief from liability for loss of bank deposits.—(a) The Commissioner is hereby relieved of any and all liability for any loss resulting from the failure or insolvency of any bank or trust company or because of the defalcation of any officer or employee of any bank or trust company of any funds belonging to the Commonwealth, collected by any agent or agents of the Commissioner or of the Department of Motor Vehicles and deposited, whether heretofore or hereafter, in any bank or trust company to the credit of the Commissioner or to the credit of the Commonwealth.

(b) Nothing in this section shall in any way affect the provisions of law concerning the securities deposited by state depositories pursuant to §§ 2.1-210 to 2.1-214 and § 2.1-222 to protect funds belonging to the Commonwealth.

NOTE: The origins and utility of this section are obscure.

§ 46.2-205 ~~46.1-28~~ . Location of principal office and branch offices *Department offices and agencies* .—The Commissioner shall maintain his principal office ~~and in the Commonwealth at a location which he determines to be appropriate. He may appoint such agents and maintain branch offices in such places in the Commonwealth as in whatever locations he deems determines to be necessary properly~~ to carry out the provisions of this title.

§ 46.1-30. Branch offices and agencies.— (a)

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.

(b) The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each agency for the purpose of maintaining adequate annual service to the public shall be ~~3 1/2%~~ *three and one-half percent* of the first

\$250,000 of gross collections made by the agency, ~~3%~~ *three percent* of the next \$250,000 of gross collections made by the agency, ~~2%~~ *two percent* of the next \$500,000 of gross collection made by the agency, and ~~1%~~ *one percent* of all gross collections in excess of ~~1~~ *one* million dollars made by the agency during each fiscal year.

(e) 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 for any extra clerk hire or other expenses occasioned by their duties.

NOTE: Sections 46.1-28 and 46.1-30 have been combined.

~~§ 46.1-20. Receipts to be paid to state treasury.— All moneys accruing to the Department under this title shall, except as herein otherwise provided, be paid into the state treasury in full and all expenses incident to the maintenance of the Department, including those of the branch offices and agencies, and other expenses incurred in the proper enforcement of this title shall be paid by the State Treasurer upon receipt of the proper authorization by the Commissioner.~~

NOTE: This section is superfluous in light of proposed § 46.2-206 (former § 46.1-167).

~~§ 46.2-206 46.1-167 . Disposition of fees.— A. Except as otherwise provided in this title all fees and moneys collected pursuant to the provisions of Chapters 1 (§ 46.1-1 et seq.) through 4 (§ 46.1-168 et seq.) , 2, 6, 8, and 10 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 upon 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.~~

~~B. This fund~~ *These funds* , except as is otherwise provided in this section, shall constitute a special ~~fund~~ *funds* to be expended (i) under the direction of the Commonwealth Transportation Commissioner for the construction, reconstruction , and maintenance of roads and bridges in the state highway system, interstate system , and secondary system of state highways and (ii) as authorized by the Commissioner for the expenses incident to the maintenance of the Department, including its branch offices, 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.

~~C. There may be paid out of this fund~~ *these funds such sums as may be provided by law* for (1) as a contribution (i) contributions toward the construction, reconstruction , and maintenance of streets in cities or towns and (2) ~~for~~ (ii) the operation and maintenance of the Department of Transportation, Department of State Police , and the Department of Motor Vehicles ~~such sums as may be provided by law~~ .

NOTE: Parallels between chapters in proposed Title 46.2 and present Title 46.1 are imperfect. Chapters 2, 6, 8, and 10 in this draft are the rough equivalents of existing Chapters 1 through 4.

~~§ 46.2-207 46.1-35.1 . Uncollected checks tendered for license fees or taxes.—If any bank upon~~ *on which an uncertified check tendered to the Department of Motor Vehicles or to any agent acting on behalf of the Department shall refuse* ~~refuses~~ payment ~~upon such~~ *on the check* due to insufficient funds in the account of the drawer, no account in the name of the drawer, or account of the drawer closed, and ~~such~~ *the* check shall be returned to the Department or agent unpaid, there shall be a penalty of twenty-five dollars or ten percent of the amount of the check, whichever is greater, imposed ~~upon~~ *on* the person from ~~which such~~ *whom the* payment is due the Department. This penalty shall apply to checks tendered for any fee or tax required or authorized to be collected by the Department and shall be in addition to any other penalties imposed by the Motor Vehicle Laws of Virginia, except in ~~such~~ *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 this section shall apply only in the amount it exceeds ~~such~~ *the* specific penalty. All moneys collected by the Commissioner from the penalties imposed 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 of Motor Vehicles.

NOTE: Only minimal changes have been made.

~~§ 46.2-208 46.1-31 . Records of Department; when open for inspection; driving records privileged; release of privileged information.—A. All registration and title records in the office of the Department shall be public records, but shall be open for inspection only subject to such regulations as promulgated by the Commissioner may adopt .~~

B. The Commissioner shall consider all driving records in the Department as privileged

public records and shall release such information only under the following conditions:

1. ~~Upon~~ On the request of any ~~individual or adult~~, parent or legal guardian of a minor, or ~~representative thereof their authorized agents~~, the Commissioner shall provide that ~~individual person~~ with a complete explanation of all information pertaining to ~~that individual or minor himself, his minor child or ward, or the person for whom he is the agent~~, except that medical information, which in the judgment of the Commissioner should only be disclosed by a physician, shall be referred to any physician designated by the ~~individual or parent or legal guardian person making the request~~.

2. ~~Upon~~ On the request of any insurance carrier or surety or representative ~~thereof of an insurance carrier or surety~~, the Commissioner shall furnish an abstract of the operating record of any person subject to the provisions of this title. The abstract shall fully designate any record of any conviction of the person 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 of which is required by § ~~46.1-400~~ 46.2-372. No such report of any conviction or accident shall be made after sixty months from the date of ~~such the~~ conviction or accident unless the Commissioner or court used ~~such the~~ conviction or accident 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 accident pertaining thereto shall not be reported after sixty months from the date that the driver's license or driving privilege has been reinstated. ~~Such~~ This abstract shall not be admissible in evidence in any court proceedings. The Commissioner shall charge a reasonable fee for the operating record. Nothing in this subdivision shall authorize the recipient of an abstract under this section to make any further disclosure of any information contained therein except where ~~such~~ further disclosure is authorized or required by law.

3. ~~Upon~~ On the written request of any business official who provides the Commissioner with an individual's driver's license number, the Commissioner may furnish that person the name and address of the individual as shown on the Department's records for that driver's license number. Nothing in this subdivision shall authorize the release of any record of convictions of motor vehicle law violations.

4. ~~Upon~~ On the request of any law-enforcement officer, ~~Commonwealth's attorney for the Commonwealth~~ or court, the Commissioner shall provide an abstract of the operating record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the requesting authority may require.

5. ~~Upon~~ On request of the driver licensing authority in any other state; ~~the District of Columbia~~ or foreign country, the Commissioner shall provide ~~such whatever~~ information as the requesting authority shall require.

6. ~~Upon~~ On the written request of any employer, prospective employer, or ~~representative authorized agent~~ of either, and with the written consent of the individual concerned, the Commissioner shall provide an abstract of an individual's operating record showing all convictions, accidents, license suspensions or revocations, and any type of license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

7. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation.

8. Accident reports may be inspected under the provisions of § ~~46.1-410~~ 46.2-380.

C. The Department of Motor Vehicles may adopt rules and promulgate regulations to govern the means by which registration, vehicle, and driver information is requested and disseminated.

NOTE: Subdivision 1 of subsection B has been rewritten to improve clarity.

§ 46.2-209 ~~46.1-31.1~~. Same; release ~~Release~~ of information in Department records for research purposes; etc. -Notwithstanding the provisions of § ~~46.1-31~~ 46.2-208, the Commissioner may furnish information for research purposes when ~~such the~~ information is furnished in such a manner that individuals ~~could not~~ cannot be identified or in other cases wherein, in his opinion, highway safety or the general welfare of the public will be promoted by so furnishing ~~such the~~ information and the recipient of ~~such the~~ information has agreed in writing with the Commissioner or his designee that the information furnished ~~shall will~~ be used for no purpose other than the purpose for which it was furnished.

NOTE: Only minimal changes have been made.

§ 46.2-210 ~~46.1-32~~ . List of registrations and titles.—The Commissioner shall have prepared a list of registrations and titles which may be offered for sale to the public at a price which shall be determined by the Commissioner. The list may be furnished to the commissioner of the revenue of each county and city without cost.

NOTE: Only minimal changes have been made.

§ 46.2-211 ~~46.1-32.1~~ . Commissioner to advise local commissioners of revenue of situs of certain vehicles.— ~~The Commissioner shall, before issuance of~~ *Before issuing* any registration or certificate of title for any road tractor truck , or any three-axle truck, trailer , or semitrailer designed for carrying property with a registered gross weight in excess of 26,000 pounds, with the exception of motor vehicles and rolling stock of certificated intrastate common carriers, electric power, gas, pipeline transmission, railway, telegraph, telephone, and water companies, ~~the Commissioner shall determine the county, city , or town in which such 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 certificated intrastate common carriers, or electric power, gas, pipeline transmission, railroad, telegraph, telephone, and water companies.~~

NOTE: This revised version assumes the original meant vehicles “with a gross weight in excess of 26,000 pounds,” rather than “property with a gross weight in excess of 26,000 pounds.” The term “tractor truck” has been substituted for road tractor.

§ 46.2-212 ~~46.1-33.1~~ . Notice given for records supplied.— A. Whenever any records held by the Department of Motor Vehicles are supplied to third persons, ~~such the~~ third persons shall notify the subject of ~~such the~~ records that ~~such the~~ records have been so supplied and shall send to ~~such the~~ subject a copy of the records so supplied .

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

C. This section shall not apply to any 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 police 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.

NOTE: Only minimal changes have been made.

§ 46.2-213 ~~46.1-34~~ . Certificate of license plate number; prima facie evidence of ownership.— The Commissioner, upon on request of any officer charged with the enforcement of the laws of this Commonwealth, another state, or of the federal government or of any other person, shall furnish ; free of cost to such officer or upon the receipt of a reasonable fee to be determined by the Commissioner from such other person, 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 the its owner thereof . ~~Such The~~ certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle to which ~~such the~~ distinguishing number or license plate has been assigned by the Department in any of the courts of the Commonwealth . *Certificates furnished under this section shall be provided free of charge to law-enforcement officers of the Commonwealth, any other state, or the federal government, but the Commissioner may charge a reasonable fee for certificates furnished under this section to other persons.*

NOTE: Although the section has been rewritten, changes are intended only to improve clarity.

§ 46.1-35. Disposition of certain fees.— The fees received by the Commissioner under §§ 46.1-31 through 46.1-34 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.

NOTE: The amendment to § 46.1-31.2 (proposed § 46.2-214) makes this section superfluous.

§ 46.2-214 ~~46.1-31.2~~ . Same; charges *Charges for information supplied by Department .*—The Commissioner may make a reasonable charge for furnishing information under §§ 46.2-209 through 46.2-214 , except that but no fee shall be charged to any officials , including court and police officials , of the Commonwealth and of any of the counties, towns , and cities of the Commonwealth and court, police, and licensing officials of other states and of the federal government, provided that the information requested is for official use. *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.

NOTE: The revised language of this section incorporates former § 46.1-35.

§ 46.2-215 ~~46.1-34.1~~ . Certification of certain records and admissibility in evidence.—Whenever any record , including records maintained by electronic media ~~or~~ , by photographic processes , or paper , in the office of the Department of Motor Vehicles is admissible in evidence, a copy, a machine-produced transcript , or a photograph of ~~such~~ 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 ~~such~~ the records are transmitted by electronic means a machine imprint of the Commissioner's name purporting to authenticate ~~such~~ the record shall be considered the equivalent of attestation or certification by the Commissioner.

Any ~~such~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-216 ~~46.1-36~~ . Destruction of records.—The Commissioner of the Department of Motor Vehicles , with the approval of the Governor, may destroy any paper or record which is unnecessary to preserve ~~need not be preserved~~ as a permanent record.

NOTE: Only minimal changes have been made.

§ 46.2-217 ~~46.1-37~~ . Enforcement of laws by Commissioner ; assistants, police and other officers ; authority of officers to administer oaths, take acknowledgments, etc .— (a) The Commissioner, his several assistants, and police officers appointed by him are vested with the powers of sheriffs for the purpose of enforcing the laws of ~~this~~ the Commonwealth which the Commissioner is required to enforce.

(b) Nothing in this title shall be construed as relieving ~~relieve~~ any sheriff ~~or sergeant law-enforcement officer~~ , commissioner of the revenue, ~~police officer~~ or any other official ~~now or hereafter~~ invested with police powers and duties, state or local, ~~from~~ of the duty of aiding and assisting in the enforcement of such laws within the scope of ~~their~~ his respective authority and duty.

(c) All ~~police law-enforcement~~ officers appointed by the Commissioner are vested with the authority and power to 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 ; ~~for which services they~~ . They shall receive no compensation for administering oaths or taking acknowledgments .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-218 ~~46.1-38~~ . Fees not allowed ~~police law-enforcement~~ officers.—No court in ~~this~~ the Commonwealth shall , in any case in which a fine is assessed for the violation of any law of ~~this~~ 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 ~~police law-enforcement~~ officer of the Department; nor shall any ~~such~~ ~~police~~ Department law-enforcement officer receive any such fee. Any ~~such~~ ~~police~~ 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. ~~But~~ ~~such~~ Department law-enforcement officers are not prohibited , however, from accepting or receiving rewards.

NOTE: Only minimal changes have been made.

§ 46.2-219 ~~46.1-39~~ . Bonds of Commissioner, Deputy Commissioner Commissioners , assistants, etc. administrators , and ~~police law-enforcement~~ officers; liability insurance policies.— (a) The Commissioner, the Deputy Commissioner Commissioners , the assistant commissioners, the administrators, and ~~police 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 upon on the roads and highways of ~~this~~ in the Commonwealth shall, before entering upon on or continuing in their duties, enter into bond ; with some solvent guaranty, indemnity, fidelity , or casualty company authorized to do business in ~~this~~ the Commonwealth as surety, in the penalty of \$100,000 and with condition for the faithful and lawful performance of their duties. ~~Such~~ These bonds shall be filed in the office of the Department of Motor Vehicles 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 upon such on the bond.

(b) In lieu of posting bond as provided herein in this section, any such assistant or police 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.

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

NOTE: Only minimal changes have been made.

§ 46.2-220 ~~46.1-40~~ . Special counsel for defense of police law-enforcement officers.—If any police law-enforcement officer appointed by the Commissioner shall be arrested or , indicted , or otherwise 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 such officer 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 of Motor Vehicles .

NOTE: Only minimal changes have been made.

§ 46.2-221 ~~46.1-40.1~~ . 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.— A. Every state agency having knowledge of the blind or nearly blind visually handicapped , maintaining any register of the blind, or administering either tax deductions or exemptions for or aid to the blind or nearly blind visually handicapped shall report in the first month January of each year to the Department of Motor Vehicles the names of all persons so known, registered or benefitting from such deductions or exemptions, for aid to the blind or nearly blind visually handicapped . Such This information received shall be used by the Department of Motor Vehicles only for the purpose of determining qualifications of such these persons for the operation of a motor vehicle licensure under Chapter 3 of this title .

B. The Department shall report to the Virginia Department for the Visually Handicapped and the Department of 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.

§ 46.1-40.1:1. Reporting disabilities of drivers.— If any employee of the State Department of the Visually Handicapped makes a report to the Department of Motor Vehicles as required by § 46.1-40.1 this section concerning any client of the agency, it shall not be deemed to have been made in violation of the client-agency relationship.

NOTE: Sections 46.1-40.1 and 46.1-40.1:1 have been combined.

Article 2.

Powers and Duties of Department Related to

Transportation Safety.

§ 46.1-40.2. Declaration of policy.—The General Assembly recognizes that the availability of safe and adequate transportation service, in all modes, contributes both to the economic well-being and to the convenience of the citizens of the Commonwealth. Further, the General Assembly recognizes a legitimate public interest in the safe operation of transportation throughout the Commonwealth. Accordingly, it shall be the policy of the Commonwealth of Virginia to investigate, evaluate and promote the safe movement of people and property by all modes: highway, railway, waterway, airway and mass transit.

NOTE: This section is unnecessary.

§ 46.2-222 ~~46.1-40.3~~ . General powers of the Commissioner with respect to transportation safety.—The Commissioner shall have the following general powers to carry out the purposes of this chapter article :

1. To employ such required personnel as may be required .
2. To make and 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 ~~chapter article~~ , including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of ~~this the~~ Commonwealth.

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

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

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-223 ~~46.1-40.4~~ . Additional powers and duties of ~~the~~ Commissioner.—The Commissioner shall have the following ~~additional~~ powers and duties related to transportation safety:

1. To evaluate ~~the~~ 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 ~~to the safety of~~ 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 ~~and~~ , conduct , *and issue* special studies on matters pertaining to transportation safety ~~and to periodically issue reports concerned with transportation safety~~ ;

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

6. To ~~offer such assistance to~~ assist entities of state government and ~~to towns, counties or other~~ political subdivisions of the Commonwealth as ~~may enhance 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; ~~and~~

8. ~~In recognition of the special role played by highway transportation in the Commonwealth, the Commissioner shall also have the powers and duties:~~

a. 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 ~~thereon about it~~ ;

b. 9. To assist towns, counties and other political subdivisions of the Commonwealth in the development, implementation, and review of ~~such~~ local highway safety programs ~~which shall be approved~~ as part of the state program;

c. 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 ; ;

d. 11. To recommend to the Secretary of Transportation and Public Safety ~~and to~~ , 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;

e. 12. To design, implement, administer , and review ~~such~~ special programs or projects as

are needed to promote highway safety in the Commonwealth; and

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

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-224 ~~46.1-40.5~~ . Board of Transportation Safety ~~established; functions~~ .—There is hereby established within the Department of Motor Vehicles a Board of Transportation Safety, hereinafter referred to *in this section* as “the Board,” to advise the Commissioner of Motor Vehicles, the Secretary of Transportation and Public Safety , and the Governor on transportation safety matters. The Board shall elect a chairman and meet at his call, and shall seek to identify the elements of a comprehensive safety program for all transport modes operating in Virginia. In addition, the Board may consider, study , and report on the following issues: (i) the identification of the unique safety needs of each particular mode of transportation; (ii) the identification of the common elements of safe transportation operation, regardless of mode of transportation; (iii) the adoption of proven safety practices and technology in use in one mode to other modes of transportation; (iv) the identification of the common elements of accident situations; and (v) the allocation of grant funds made available to the Department.

§ 46.1-40.6. ~~Composition of Board.~~— The Board shall consist of eleven members appointed by the Governor, subject to confirmation of the General Assembly. Seven members of the Board shall represent the seven geographic districts of the Commonwealth utilized by the Department of Motor Vehicles and designated by the Commissioner as operating districts. Each member shall reside in the district he represents. The remaining four members shall be at-large members representing transportation safety interests in the areas of air, rail, water, and mass transit. Members shall serve for terms of four years, and no member shall serve for more than two full consecutive terms. Appointment and confirmation of Board members under this section shall occur only as the terms of the current members of the Board expire under prior law.

All Board members shall be reimbursed for their necessary and actual expenses incurred in the performance of their duties.

NOTE: Sections 46.1-40.5 and 46.1-40.6 have been combined.

SUBTITLE II.

TITLING, REGISTRATION AND LICENSURE.

CHAPTER 3.

LICENSURE OF DRIVERS.

Article 1.

Unlicensed Driving Prohibited.

§ 46.1-348. ~~Short title.~~ This chapter may be cited as the Virginia Driver's License Act.

NOTE: This section is superfluous.

§ 46.2-300 ~~46.1-349~~ . Driving without license prohibited; penalties.— ~~(a)~~ No person, except those expressly exempted in §§ 46.1-352 ~~46.2-303~~ through 46.1-356 ~~46.2-309~~ , shall drive any motor vehicle on any highway in ~~this~~ the Commonwealth until such person ~~shall have made application~~ *has applied* for a driver's license, as ~~hereinafter provided in this article~~ , and satisfactorily passed the examination required by § 46.1-369 ~~46.2-325~~ , and obtained a driver's license, nor unless ~~such~~ the license issued to ~~such~~ person is valid.

~~(b)~~ Upon a first A conviction of a violation of this section ; the penalty imposed shall be as provided in § 46.1-387 ~~shall constitute a Class 2 misdemeanor~~ . Upon a second or subsequent conviction of a violation of this section, which second offense shall have occurred within 1 year of a first offense, the penalty shall be imprisonment in jail for not less than 10 days nor more than 6 months, and, in addition, may be a fine not less than \$100 nor more than \$500.

NOTE: A Class 2 misdemeanor includes both first offense penalties and subsequent offense penalties in the present section.

§ 46.2-301 ~~46.1-350~~ . Driving while license, permit , or privilege to drive suspended or revoked.— ~~(a)~~ Except as otherwise provided in §§ 46.1-352 ~~46.2-304~~ and 46.1-387 ~~46.2-357~~ , no person, resident or nonresident ; ~~(i)~~ whose driver's license ~~or~~ , instruction 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 by operation of law pursuant to the

provisions of this title or of § 18.2-271 or (iii) who has been forbidden, as prescribed by law, by the Commissioner, the State Corporation Commission, the Commonwealth Transportation Commissioner, any court, or the Superintendent of State Police, to operate a motor vehicle in this the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in this the Commonwealth unless and until the period of such suspension or revocation shall have has terminated.

(b) Any person A first offense of violating this section may for the first offense be confined in jail not less than 10 days nor more than 6 months and may in addition be fined not less than \$100 nor more than \$200, and for the shall constitute a Class 2 misdemeanor. A second or any subsequent offense may be confined in jail not less than 2 months nor more than 1 year and may in addition be fined not less than \$200 nor more than \$1,000 shall constitute a Class 1 misdemeanor . Except in the case where a violation of this section arose out of a revocation of the defendant's license for nonpayment of a fine or fines pursuant to § 46.1-423.2, the court shall not suspend the entire jail sentence in any case, but may in its discretion suspend a portion thereof. However, this provision, in the discretion of the court, shall not apply if the operation of the motor vehicle was due to an emergency involving danger to the health or life of any person, or to property; and the court may in its discretion prescribe that the jail sentence shall be served at such time or times as the court may direct after considering the circumstances of the person convicted of violation this section. In addition, the court shall suspend or revoke such the person's license, permit , or privilege to drive for the same period for which it had been previously suspended or revoked when such the person violated this section.

In the event such the person has violated this section by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend or revoke such the person's license, permit or privilege to drive for an additional period not to exceed ninety days. Any additional suspension ordered under the provisions of this section shall commence upon the expiration of the previous suspension or revocation unless such the previous suspension or revocation has expired prior to the ordering of an additional suspension or revocation.

NOTE: The second sentence of former subsection (b) is not meaningful, since a jail sentence is optional with the court.

§ 46.2-302 46.1-351 . Driving while restoration of license is contingent upon on furnishing proof of financial responsibility.— (a) No person, resident or nonresident ; (i) whose driver's license or instruction 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 (ii) who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the State Highway and Commonwealth Transportation Commissioner, or the Superintendent of State Police, to operate drive a motor vehicle in this the Commonwealth shall drive any motor vehicle in this 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 6 15 (§ 46.1-467 46.2-435 et seq.) of Chapter 6 3 of this title.

(b) Any person violating A first offense violation of this section shall upon conviction of the first violation therefor be punished by imprisonment for not less than 10 days nor more than 6 months or be fined not less than \$100 nor more than \$500, or be punished by both such fine and imprisonment constitute a Class 2 misdemeanor . For the A second or any subsequent violation of this section the offender shall be confined in jail not less than 1 month nor more than 12 months, or be fined not less than \$100 nor more than \$1,000, or be punished by both such fine and imprisonment constitute a Class 1 misdemeanor .

NOTE: Classified misdemeanors have been substituted for present penalty provisions.

Article 2.

When License Not Required.

§ 46.2-303 46.1-352 . Licenses not required for operating road roller ; or farm tractor ; etc .— No person shall be required to obtain a driver's license for the purpose of driving or operating to operate a road roller or road machinery used under the supervision and control of the Department of Highways and Transportation for construction or maintenance purposes which is drawn, moved or propelled on the highway . No person shall be required to obtain a driver's license for the purpose of driving or operating any farm tractor or , farm machinery , or vehicle defined in § 46.1-45 §§ 46.2-663 through 46.2-674 , temporarily drawn, moved , or propelled on the highways. The description term " road machinery " shall not include those motor vehicles required to be licensed by the Commonwealth Department of Motor Vehicles .

NOTE: Even though the term "Department" will be defined as "Department of Motor

Vehicles" in the general definitions section, the full title is used here because the section also refers to the Department of Transportation.

§ 46.2-304 ~~46.1-352.1~~ . ~~Operation~~ *Limited operation of farm tractor after conviction 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 ~~operate to prevent or prohibit such~~ the person from operating a farm tractor ~~upon~~ on the highways when it is necessary to move ~~such~~ 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 ~~shall~~ does not exceed five miles.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-305 ~~46.1-354~~ . *Exemption of persons in armed forces 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.

NOTE: The term "armed services" seems to be used more often than "armed forces" in the title as a whole.

§ 46.2-306 ~~46.1-354.1~~ . *Exemption of armed services personnel and spouses and dependent children of armed forces services personnel.*—Notwithstanding § ~~46.1-1~~ 46.2-100 , a person on active duty with the armed ~~forces~~ 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 ~~forces~~ services of the United States who has been licensed as an ~~operator~~ a driver under a law requiring the licensing of ~~operators~~ 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 ~~upon~~ on the highways in ~~this~~ the Commonwealth. The provisions of this section shall not be affected by ~~such~~ the person's, spouse's, or dependent child's ownership of a motor vehicle registered in Virginia.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-307 ~~46.1-355~~ . *Nonresidents licensed under laws of home state.*—A nonresident over the age of sixteen years who has been duly licensed as an ~~operator~~ a driver and a nonresident over the age of eighteen years who has been licensed as a chauffeur, 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 a Virginia license under this chapter~~ , to drive a motor vehicle ~~upon~~ on the highways of ~~this~~ the Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-308 ~~46.1-355.1~~ . *Temporary exemption for new resident licensed under laws of another state.*—A resident over the age of sixteen years who has been duly licensed as an ~~operator~~ a driver , and a resident over the age of eighteen years who has been duly licensed as a chauffeur, under a law of another state or country requiring the licensing of ~~operators~~ drivers or chauffeurs shall , for the first thirty days of his residency in ~~this~~ the Commonwealth , be permitted , without ~~examination or a Virginia license under this chapter~~ , to drive a motor vehicle ~~upon~~ on the highways of ~~this~~ the Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-309 ~~46.1-356~~ . *Nonresidents not licensed in home state.*—It shall be unlawful for any nonresident whose home state or country does not require the licensing of ~~operators~~ drivers or chauffeurs and who has not been licensed either as an ~~operator~~ a driver or chauffeur in his home state or country to operate any motor vehicle ~~upon~~ on any highway in ~~this~~ the Commonwealth without first ~~being examined for and obtaining lawful possession of a Virginia driver's license as a driver~~ . But any such unlicensed nonresident ; who is over the age of sixteen years ; may operate any motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident ~~upon~~ on the highways of ~~this~~ the Commonwealth ; for a period of not more than thirty days in any one year ; without ~~making application for or obtaining a Virginia driver's license under this chapter~~ , ~~upon~~ on the condition that ~~such nonresident~~ he may be required at any time or place to prove lawful possession of or the right to ~~operate such~~ drive the motor vehicle and establish his proper identity.

NOTE: The language in this section has been simplified, but no significant changes have

been made.

§ 46.2-310 ~~46.1-353~~. Localities may not require license except for taxicabs; prosecutions for operation of vehicle without license or while suspended.—Counties, cities, and towns of this Commonwealth are hereby expressly prohibited from requiring *shall not require* any other driver's license or local permit to drive, except as herein provided in this section. However, cities, towns and counties which have now in force or hereafter Counties, cities, and towns may adopt regulations for the licensing of drivers of taxicabs and other similar for-hire passenger vehicles and for the control of the operation of such for-hire vehicles may impose and enforce regulations in addition to the provisions of this chapter. 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 an a local ordinance of such county, city or town 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 3.

Persons Not to be Licensed.

§ 46.2-311 ~~46.1-357.2~~. Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision.—~~(a)~~ A. The Department shall not issue a driver's license or ~~instruction learner's permit on and after January 1, 1970;~~ (i) to any person otherwise qualified unless such person he demonstrates a visual acuity of at least 20/40 in ~~±~~ one or both eyes with or without ~~or with~~ corrective lenses or (ii) to any such person unless he demonstrates at least a field of 100 degrees of horizontal vision in ~~±~~ one or both eyes; ~~except that~~. However, a license permitting the operation driving of motor vehicles during a period beginning ~~1/2~~ one-half hour after sunrise and ending ~~1/2~~ one-half hour before sunset, may be issued to a person otherwise qualified who demonstrates a visual acuity of at least 20/70 in ~~±~~ one or both eyes without or with corrective lenses provided such person he demonstrates at least a field of ~~70~~ seventy degrees of horizontal vision, and further provided that if such person has vision in ~~±~~ one eye only, he demonstrates at least a field of ~~40~~ forty degrees temporal and ~~30~~ thirty degrees nasal horizontal vision.

~~(b)~~ B. The Department shall not issue a driver's license or ~~instruction learner's permit~~ to any person authorizing the operation driving of ~~(1)~~ (i) passenger buses equipped with more than ~~32~~ thirty-two passenger carrying seats, or ~~(2)~~ (ii) any vehicle or combination of vehicles having ~~3~~ three or more axles with an actual gross weight in excess of 40,000 pounds, unless such person he demonstrates a visual acuity of at least 20/40 in each eye and at least a field of 140 degrees of horizontal vision. However, upon the on presentation of special application to the Department by any such a person who was licensed to operate any vehicle described in ~~(2)~~ provision (ii) of this subsection prior to January 1, 1970, such person he may be issued the appropriate license if his operation driving of such the vehicle would not unduly endanger the public safety, as determined by the Commissioner.

~~(c)~~ C. Every person making application, as provided for by § 46.1-380.1, applying to renew a driver's license expiring on and after January 1, 1970, and required to be reexamined as a prerequisite to the renewal of such the license, shall :

~~(1)~~ 1. appear Appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision, or

~~(2)~~ 2. accompany Accompany his application with a report of such examination made within ninety days prior thereto by an ophthalmologist or optometrist.

~~(d)~~ D. The test of horizontal visual fields made by license examiners of the Department of Motor Vehicles shall be performed at thirty-three and one-third centimeters with a ten 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 of Motor Vehicles in administrative determination as to the issuance of a license to drive. Any such report may, in the discretion of the Commissioner of the Department of Motor Vehicles, be referred to a medical advisory board if such be established, or to the State Health Commissioner; for evaluation.

~~(e)~~ E. Notwithstanding the provisions of subsection ~~(b)~~ B. of this section, any person who is

licensed to ~~operate drive~~ any motor vehicle may, ~~upon~~ on special application to the Department, be licensed to ~~operate drive~~ any vehicle, provided the operation of ~~such the~~ the vehicle would not unduly endanger the public safety, as determined by the ~~Commission~~ Commissioner pursuant to rules and regulations established by the Department.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-312 ~~46.1-357.3~~ . Persons using bioptic telescopic lenses.—A. Persons using bioptic telescopic lenses shall be eligible for driver's licenses if ~~such persons they~~ :

1. Demonstrate a visual acuity of at least 20/200 in one or both eyes and a field of ~~70~~ seventy degrees horizontal vision without or with corrective carrier lenses, ~~and further provided that~~ or if ~~such these~~ these persons have vision in one eye only, they demonstrate a field of at least ~~40~~ forty degrees temporal and ~~30~~ thirty degrees nasal horizontal vision;

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 the ~~examination requirements in § 46.1-360~~ and 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 ~~instruction learner's~~ learner's permits issued under § ~~46.1-357~~ 46.2-335 provided they first meet the requirements of subsection A ~~above of this section~~ , except for that part of the examination requiring the applicant to ~~operate 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 § ~~46.1-373~~ 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-313 ~~46.1-358~~ . 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 ~~such the~~ 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 ~~such the~~ the license was revoked, unless otherwise permitted by the provisions of this title.

NOTE: Only this section number has been changed.

§ ~~46.1-359~~ Habitual drunkards or drug addicts.—The Department shall not issue a driver's license to any person who it has determined is an habitual drunkard or is addicted to the use of any drug which may impair the ability of a person to operate a motor vehicle.

NOTE: This section has been dropped because it grants a great deal of discretionary power without any guidelines or standards.

§ 46.2-314 ~~46.1-360~~ . Mental incompetence ; etc .—No driver's license shall be issued to any applicant ; who has previously been adjudged legally incompetent ~~or mentally ill~~ and who has not, at the time of such application, been (i) *adjudged* restored to competency by judicial decree or (ii) released from a hospital for the mentally ill ~~upon~~ on a certificate of the superintendent of the hospital that ~~such the~~ the person is competent ; ~~nor then~~ . In either case, no driver's license shall be issued to him unless the Department is satisfied that ~~such person~~ he is competent to ~~operate drive~~ a motor vehicle with safety to persons and property.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-315 ~~46.1-361~~ . Sick or afflicted Disabled persons.— (a) The Department shall not issue a driver's license to any person when, in the opinion of the Department, ~~such the~~ the person is ~~afflicted with~~ or suffering from ~~such a~~ a physical or mental disability or disease as which will serve to prevent ~~such person from his~~ exercising reasonable and ordinary control over a motor vehicle while ~~operating the same upon driving it on~~ the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs.

(b) The words "disability or disease" shall not be construed to mean inability of a person to hear or to speak, or both, when such person ~~he~~ has good vision and can satisfactorily demonstrate his ability to drive ~~an automobile or truck~~ a motor vehicle and has sufficient knowledge of traffic rules and regulations.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-316 ~~46.1-362~~. Persons convicted or found not innocent of certain offenses; requirement of proof of financial responsibility for certain offenses.—(a) A. The Department shall not issue a driver's license or ~~instruction~~ learner's permit to any person, resident or nonresident; ~~during the period 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 ~~this the~~ Commonwealth or a valid ~~town, city or county~~ local ordinance of ~~this Commonwealth~~ or of any federal law or law of any other state or any valid ~~town, city or county~~ local ordinance of any other state:

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

(2) 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) 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) 4. Violation of the provisions of § 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 § 18.2-266 or § 18.2-272, or for violation of the provisions of any federal law or law of any other state or any valid ~~town, city or county~~ local ordinance of ~~this Commonwealth~~ or any other state similar to § 18.2-266 or § 18.2-272.

(5) 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) ~~Upon~~ 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 ~~such~~ the privilege as provided in § ~~46.1-149~~ 46.2-694.

(b) B. The Department shall not issue a driver's license or ~~instruction~~ learner's permit to any person convicted of a crime mentioned in subdivisions (a) (1), (2), (3), (4), (5), or (6) subsection A of this section for a further period of three years after he ~~shall become otherwise becomes~~ entitled to a license or permit under this section, unless and until he ~~shall prove proves~~ to the Commissioner his ability to respond in damages as provided in Article 6 15 (§ 46.1-467 46.2-436 et seq.) of Chapter 6 3 of this title or any other law of ~~this the~~ Commonwealth ~~now in effect or subsequently enacted~~ requiring proof of financial responsibility.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-317 ~~46.1-363~~. Persons making false statement in application.—The Department shall not issue, for a period of one year, a driver's license or ~~instruction~~ learner's permit when the records of the Department clearly show to the satisfaction of the Commissioner that ~~such~~ the person has made a willful material false statement on any application for a driver's license.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-318 ~~46.1-364~~. 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 ~~from the records of the Department or otherwise~~, that the information set forth in the application for ~~such~~ the license or permit is false in any material particular.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-319 ~~46.1-365~~. Refusal; ~~cancellation~~ or revocation of license for certain violations of § ~~46.1-385~~ 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 § ~~46.1-385~~ 46.2-348, ~~which~~ when the violation was based

on the taking of any examination under §§ ~~46.1-357.2~~ 46.2-311 , ~~46.1-369~~ 46.2-325 or § ~~46.1-383~~ 46.2-322 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 ; ~~or if such~~ . If the person has a license or permit issued pursuant to this title, the Commissioner shall ~~cancel and~~ revoke ~~such~~ the license or permit for a period of ten years from the date of ~~such~~ the conviction, or finding of not innocent in the case of a juvenile.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-320~~ ~~46.1-366~~ . 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 § ~~46.1-56~~ 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.

NOTE: Only section numbers have been changed.

§ ~~46.2-321~~ ~~46.1-367~~ . Appeal from denial, suspension , or revocation of license; operation of vehicle pending appeal.—~~(a)~~ Any person denied a license or whose license has been revoked, suspended, or cancelled ~~or rescinded~~ under the provisions of this chapter may appeal in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.). From the final judgment of ~~any such~~ the court, either the petitioner or the Commonwealth shall have an appeal as a matter of right to the Court of Appeals.

~~(b)~~ 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 ~~operate drive~~ a motor vehicle ~~upon~~ on the highways of ~~this~~ the Commonwealth.

~~(c)~~ [Repealed.]

NOTE: Only minimal changes have been made.

§ ~~46.2-322~~ ~~46.1-383~~ . Examination of licensee believed incompetent; suspension, ~~revocation~~ or restriction of license; license application to include questions as to physical or mental conditions of applicant; false answers; examination of applicant; physician's statement.—A. ~~The~~ If the Department ~~having any~~ has good cause to believe that a driver is physically or mentally incompetent to ~~operate drive~~ a motor vehicle safely ~~may~~ , ~~upon~~ after written notice of at least fifteen days to the person, it may require him to submit to an examination to determine his fitness to ~~operate drive~~ a motor vehicle ~~upon~~ the highways of this Commonwealth . ~~Upon~~ As a part of the written request of ~~any such~~ the driver, the Department shall ~~supply in detailed written form to such driver~~ give the Department's reasons for ~~such~~ the examination, including the identity of all persons who have supplied information to the Department regarding ~~such~~ the driver's fitness to ~~operate drive~~ a motor vehicle. However, the Department shall not supply ~~such~~ the reasons or information if ~~the~~ its source of ~~such~~ reason ~~or~~ information ~~was~~ is a relative of ~~such~~ the driver or a physician treating ~~such~~ the driver.

B. As a part of ~~such~~ its examination, the Department may require a physical examination by a licensed physician and a report on the results thereof. ~~Upon the conclusion of such~~ When it has completed its examination, the Department shall take ~~such~~ whatever action as may be appropriate and may suspend ~~or~~ revoke the license or privilege to ~~operate drive~~ a motor vehicle in ~~this~~ the Commonwealth of ~~such~~ the person or permit him to retain ~~such~~ his license or privilege to ~~operate drive~~ a motor vehicle in ~~this~~ the Commonwealth, or may issue a license subject to ~~such~~ the restrictions as are authorized to be imposed by § ~~46.1-378~~ 46.2-329 . Refusal or neglect of the person to submit to ~~such~~ the examination or comply with ~~such~~ restrictions imposed by the Department shall be grounds for suspension ~~or~~ ~~revocation~~ of his license or privilege to ~~operate drive~~ a motor vehicle in ~~this~~ the Commonwealth.

B. 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 which impair the ability of the applicant to ~~operate 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 as a prerequisite to the issuance of the driver's license. The report of ~~such~~ the examination shall contain a statement that, in the opinion of the physician, the applicant's physical or mental condition at the time of ~~such~~ the examination does or does not preclude his safe ~~operation~~ driving of motor vehicles.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 4.

Obtaining Licenses, Generally.

§ 46.2-323 ~~46.1-368~~ . Application for a driver's license; proof of completion of driver education program by applicants under nineteen required on and after January 1, 1984. — (a) A. Every application for a driver's license or , temporary driver's permit , or ~~instruction learner's permit~~ shall be made upon on a form approved and furnished prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form .

(b) B. Every application shall state the name, year, month and date of birth, social security number, sex , and residence address of the applicant ; ; whether or not the applicant has ~~theretofore~~ previously been licensed as a driver and, if so, when and by what state , and whether or not such his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license or , temporary driver's permit , or ~~instruction learner's permit~~, may require the surrender of any driver's license to operate a motor vehicle issued by another state and held by such the applicant upon adoption by Virginia of the Driver License Compact . Such The applicant shall also answer any questions constituting a part of on the form of application used form or otherwise propounded by the Department incidental to the examination of such applicant for driver's license and . The applicant may also be required to present to the person conducting the examination a birth certificate or other evidence, reasonably acceptable to the Department, of his name and date of birth.

(c) C. Every application for a driver's license shall ; on and after July 1, 1969, include a color photograph of the applicant supplied under arrangements made therefor by the Department. Such The photograph shall be processed by the Department so that the photograph may can be made part of the issued license and so that the year the photograph was taken is indicated thereon. Such photographs Photographs , for applicants under twenty-one years of age, shall be profile photographs; such photographs, for applicants twenty-one years of age and older, shall be front face view photographs.

(d) D. Notwithstanding the provisions of subsection (c) C. , the first and subsequent photographs for persons under twenty-one years of age shall be profile photographs until the original issued license has expired.

(e) E. Notwithstanding the provisions of § 46.1-357 ~~46.2-334~~ , on and after January 1, 1984, every unlicensed applicant for a driver's license who is under nineteen years of age shall furnish the Department with satisfactory proof of the applicant's his successful completion of a driver education program approved by the State Department of Education ; which shall include instruction concerning alcohol and drug abuse . Such instruction shall be developed by the Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

NOTE: The requirement that driver education courses include instruction on alcohol and drug abuse is contained also in § 22.1-205 and has been deleted here.

§ 46.2-324 ~~46.1-368.1~~ . Applicants and license holders to notify Department of change of address.—Whenever any person , after making application applying for or obtaining a driver's license to operate a motor vehicle shall move from the address shown in the application or upon on the license, such person he shall , within thirty days thereafter , notify the Department in writing of his change of address.

There may be imposed upon anyone failing to comply with this section a fee of five dollars, which fee shall be used to defray the expenses incurred by the Department.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-325 ~~46.1-369~~ . Examination of applicants.—The Department of Motor Vehicles shall examine every applicant for a driver's license before issuing any such license ; except as otherwise provided in § 46.1-349 . The Department shall examine the applicant as to his physical and mental qualifications and his ability to operate drive a motor vehicle in such manner as not to jeopardize without jeopardizing the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under §§ 46.1-357 through 46.1-362, but such examination 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 operate drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter and no . 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 parking parked vehicles. Applicants for licensure to operate drive motor vehicles of the classifications referred to in § 46.1-373 of this title and motorcycles 46.2-328 shall submit to examinations which relate to the operation of motor those vehicles referred to herein .

NOTE: The cross-reference to § 46.1-349 is obsolete.

§ 46.2-326 ~~46.1-371~~ . Designation of persons to examine applicants for licenses examiners ; conduct of examination; reports.—The Commissioner shall designate such persons within this the Commonwealth as he shall see fit to act for the Department for the purpose of in examining applicants for driver's license applicants . Any such person so designated or appointed shall conduct examinations of applicants for driver's license applicants under the provisions of this chapter and make a written report of his findings and recommendations upon such examination to the Department.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-327 ~~46.1-372~~ . Copies of applications; record of licenses and instruction learner's permits issued, suspended , or revoked.—The Department shall retain a copy of every application for a driver's license or instruction learner's permit. The Department shall index and maintain a record of all licenses and instruction learner's permits issued, suspended , or revoked.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-328 ~~46.1-373~~ . Department to issue licenses; endorsements authorizing operation of certain vehicles.— A. The Department shall issue to every person licensed as a driver, a driver's license. Every such driver's license applied for and issued or renewed, on and after January 1, 1985, shall contain the appropriate endorsement or indication , where applicable that , if the licensee has been licensed :

(1) 1. to To operate passenger carrying buses , other than school buses , equipped with more than 32 thirty-two passenger seats, or

(2) 2. to To operate any vehicle or combination of vehicles having 3 three or more axles with a licensed gross weight in excess of 40,000 pounds, or

(3) 3. to To operate a motorcycle ; as defined in subdivision (14) of § 46.1-1 excluding 4-wheeled vehicles , or

(4) 4. to To operate a school bus as defined in subdivision (37) of § 46.1-1 , or

(5) 5. to To drive as a chauffeur as defined in § 46.1-1 .

B. Every applicant intending to operate 1 one or more of the motor vehicles described in categories (1) or (2) above subdivisions 1 or 2 of subsection A. of this section , when applying for a driver's license, shall state in his application, if applicable, that he has driven at least 500 miles in the vehicle of the classification which he intends to operate and for which he seeks to be licensed ; or such person . Alternatively, he shall submit to ; and pass ; the examination provided for in § 46.1-369 46.2-325 , using the type of vehicle for which he seeks to be licensed.

C. Every applicant intending to operate drive a motorcycle as defined in category (3) above , when applying for a license endorsed to authorize the operation driving of a motorcycle, shall submit to and pass the examination provided for in § 46.1-370.1 46.2-337 . An endorsement on any license to operate such drive a motorcycle shall indicate that such the license is endorsed for the purpose of authorizing such the licensee to operate drive only motorcycles. However, if such the applicant has a valid driver's license at the time of application for an endorsement to operate drive a motorcycle, or if such 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 § 46.1-369 46.2-325 , he shall be granted an endorsement on his driver's license to operate drive motorcycles in addition to such any other vehicles as his driver's license may authorize him to operate.

D. The Department shall be vested with authority to effect may make such any changes in the endorsements during the validity of the license as may be appropriate.

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

F. Every person issued a driver's license on or after July 1, 1970, who operates drives any

motor vehicle of the classifications ~~herein described in this section~~ , and whose driver's license does not carry an endorsement or indication that ~~such the~~ licensee is licensed as ~~herein~~ provided ~~in this section~~ shall be guilty of a Class 1 misdemeanor.

NOTE: In 1942 (Chapter 365 of the Acts of Assembly), the term "motorcycle," for obscure reasons, was defined to include four-wheeled vehicles weighing less than 500 pounds. This peculiarity has been eliminated in the revised general definition of motorcycle.

§ 46.2-329 ~~46.1-378~~ . Special restrictions on particular licensees. — ~~(a)~~ The Department, ~~upon~~ 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 ~~operate drive~~ , or ~~such~~ any other restrictions applicable to the licensee as the Department may determine. When it ~~shall appear~~ ~~appears~~ from the records of the Department that the licensee has failed or refused to comply with the restrictions imposed on the licensee's ~~operation driving~~ of a motor vehicle, the Department may, after ten days' written notice to the address indicated in the records of the Department, suspend the ~~person's~~ driver's license of ~~such person~~ and ~~such the~~ suspension shall remain in ~~force and effect until the provisions of this section have~~ ~~been~~ complied with.

~~(b)~~ Any person issued a driver's license on which there are printed or stamped restrictions as provided by this section, and who ~~operates drives~~ a motor vehicle in violation of ~~such these~~ restrictions shall be guilty of a Class 2 misdemeanor and ~~upon conviction shall be punished as provided in § 46.1-387~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-330 ~~46.1-380.1~~ . Expiration and renewal of licenses; examinations required.— ~~(a)~~ Any A. Every driver's license issued ~~in accordance with the provisions of this chapter on and after January 1, 1985,~~ shall be issued to expire on the last day of the month of birth of the applicant in years in which the applicant attains an age equally divisible by five. At no time shall ~~such any driver's~~ license be issued for less than three nor more than seven years. Thereafter ~~any such the~~ driver's license shall be renewed in the birthday month of the licensee and shall be valid for five years, expiring in the next year in which the licensee's age is equally divisible by five.

~~(b)~~ B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall mail notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that ~~such his~~ license will expire on a date ~~related specified~~ therein, whether ~~the holder he~~ must be reexamined, and when he may be reexamined. Nonreceipt of ~~such the~~ notice shall not ~~serve to extend the period of validity of such the~~ driver's license beyond ~~the its~~ expiration date ~~shown thereon~~ .

Any driver's license issued ~~in accordance with the provisions of this chapter~~ may thereafter be renewed ~~only upon proper~~ by application and ~~upon after~~ the applicant's having taken and successfully completed those parts of the examination provided for in §§ ~~46.1-357.2 46.2-311 and 46.1-369 46.2-325~~ , including visual and written tests, other than the parts of ~~such the~~ examination requiring the applicant to ~~operate drive~~ a motor vehicle. All drivers applying for renewal of a license shall be ~~required to take and successfully complete such the~~ examination each renewal year.

~~(e), (d) -Repealed-~~

~~(e)~~ 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 §§ 46.1-357.2 46.2-311 and 46.1-369 46.2-325~~ . Furthermore, the Commissioner may waive the requirement or the taking of the written test as provided in subsection ~~(b) hereof B. of this section~~ and § ~~46.1-369 46.2-325~~ for any applicant for renewal if the applicant's driver's license record on file at the Department contains, for the five years prior to the expiration date of the license being renewed, a record of no more than one conviction for any offense reportable under §§ ~~46.1-412 46.2-382 and 46.1-413 46.2-383~~ . However, in no case shall there be any waiver of the visual examination required ~~by said subsections or § 46.1-357.2 in this chapter~~ .

~~(f)~~ D. Every applicant for renewal of a ~~driver's~~ license ~~under the provisions of this chapter~~ , whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to ~~make application apply~~ for renewal, unless specifically exempted from this requirement by ~~administrative regulations duly adopted promulgated~~ by the Commissioner. ~~Such These~~ regulations shall exempt only those persons, such as ~~servicemen armed services personnel~~ and out-of-state students, whose prolonged absence from the Commonwealth makes ~~such their~~ personal appearance a hardship.

(g) [Repealed.]

(h) The provisions of this E. This section shall not be deemed to modify the provisions of § 46.1-382 46.2-331 .

NOTE: Phrases such as "issued in accordance with this chapter" have been deleted as surplusage; it is unlikely that this section could be construed to govern licenses issued by other states or by the federal government. The sex-neutral term "armed services personnel" has been substituted for "servicemen."

§ 46.2-331 46.1-382 . Extension of licenses for persons in armed ~~forces services~~ or foreign service.— The Any driver's license of any person issued under the provisions of this article chapter shall be held not to have expired during the period of his ~~the licensee's~~ service, if any, outside the Commonwealth of Virginia, in the armed ~~forces services~~ of the United States or as a member of the diplomatic service of the United States of America, appointed under the Foreign Service Act of 1946, serving outside the United States and six months thereafter. However, any ~~such~~ no extension granted under the provisions of this section shall ~~not~~ exceed five years from the date of expiration shown on the individual's driver's license. Any person whose license is extended under the provisions of this section shall have documentary or other proof , when operating any motor vehicle , that he is entitled to the benefits ~~hereof of this section~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-332 46.1-380.2 . Fees.— (a), (b) [Repealed.]

(c) ~~On and after January 1, 1985, the~~ The fee for each driver's license shall be two dollars and forty cents per year. For any ~~and all~~ endorsements ~~one or more~~ endorsements of a driver's license there shall be an additional fee of one dollar per year.

(c1) No additional fee above the fee charged for a driver's license shall be assessed for a chauffeur's endorsement or for an endorsement to ~~operate drive~~ motorcycles and other vehicles ~~against any if the applicant is an~~ employee of the Commonwealth, or of any county, city , or town who ~~operates drives~~ a motorcycle or other vehicle solely in the line of his duty and for which an endorsement fee is otherwise assessable. The Commissioner is ~~authorized to~~ may prescribe ~~such the~~ forms as may be requisite for completion by persons claiming exemption from ~~such~~ additional fees ~~under the provisions of~~ imposed by this subsection section .

(c2) No additional fee above the fee charged for a driver's license shall be assessed for a school bus driver's endorsement.

(d) ~~On and after January 1, 1985, one~~ One dollar and fifty cents 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 ~~such the~~ fund and be available for expenditure in ensuing years as provided therein.

(d1) [Repealed.]

(e) The provisions of this This section shall be deemed to supersede any other conflicting provisions of this chapter to the contrary .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-333 46.1-381 . 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 ~~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 chapter .

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 5.

Licensure of Minors, Student Drivers, School Bus Drivers, and Motorcyclists.

§ 46.2-334 46.1-357 . Persons under eighteen; exception as to and procedure for licensing

persons of sixteen and under eighteen.—No driver's license shall be issued to any person under the age of eighteen years except as hereinafter provided in this article , and no chauffeur's endorsement shall be issued to any person under the age of eighteen years except that:

(1) 1. A driver's license may be issued to a minor of the age of sixteen years upon on proper application therefor and upon on satisfactory evidence that the minor he (i) has successfully completed a driver education course which has been approved by the State Department of Education and (ii) is mentally, physically , and otherwise qualified to drive a motor vehicle with safety. The application must be signed by the father or the mother a parent of the applicant, otherwise by the guardian having custody of such minor or in him. However, in the event a minor has no father, mother parent or guardian, then a driver's license shall not be issued to the minor him unless his application therefor is signed by the judge of the juvenile and domestic relations district court of the city or county in which the applicant he resides. If the minor making such the application is married, in lieu of the consent of a juvenile and domestic relations district court judge required in the preceding sentence provisions of this section , upon on presentation of proper evidence of the solemnization of the marriage, the spouse of such the minor may sign the application, if the spouse is over the age of eighteen years. Any father or mother parent , spouse , or guardian, as the case may be, may thereafter file with the Department of Motor Vehicles a written request that the license of said the minor so granted be cancelled. Thereupon When such a request is filed , the Department of Motor Vehicles shall cancel the license of said the minor and such the license shall not thereafter be reissued by the Department of Motor Vehicles until a period of six months has elapsed from the date of cancellation. 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 such 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 of Motor Vehicles 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 such the minor or the like approval of a similar court of the county or city in which the parent, guardian, or spouse , respectively , of the child minor resides.

(1a) 2. The provisions of subdivision (1) 1 of this section requiring that an application for a driver's license be signed by the parent, guardian, or spouse over the age of eighteen shall be waived by the Commissioner if the application is accompanied by a certified copy of a court order, issued under the provisions of Article 15 of Chapter 11 (§ 16.1-226 16.1-331 et seq.) of Title 16.1, declaring the applicant to be an emancipated minor.

(1b) 3. Notwithstanding the provisions of subdivision (1) 1. of this section requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, upon on application therefor by a person at least sixteen years of age but less than eighteen years of age, shall issue to such person the applicant a temporary driver's license valid for six months provided the applicant he (i) is the holder of a valid driver's license from another state and (ii) 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 subdivision shall be renewed, nor shall any second or subsequent temporary license under this subdivision be issued to the same applicant.

NOTE: The language of this section has been simplified, but no significant changes have been made.

(2) § 46.2-335. *Learner's permits; fees.*—A. The Department of Motor Vehicles , upon on receiving from any person over the age of fifteen years eight months, an application for an instruction a learner's permit may, in its discretion, issue such a permit entitling the applicant, while having such a the permit in his immediate possession, to drive a motor vehicle upon on the highways for a period of one year, when accompanied by a licensed driver eighteen years of age or older who is actually occupying a seat by beside the driver. The Department of Motor Vehicles shall charge a fee of three dollars for each instruction learner's permit issued under the provisions of this section, which shall be paid into the driver education fund of the state treasury. It shall be unlawful for any person, after having received such instruction a learner's permit, to operate drive a motor vehicle without being so accompanied by a licensed driver. Persons who violate Violation of this section may be prosecuted and punished under either, but not both, § 46.1-349 or § 46.1-387 shall constitute a Class 2 misdemeanor .

(3) B. Notwithstanding the provisions of (2) above subsection A of this section , the Department of Motor Vehicles shall not issue an instruction a learner's permit with a classification entitling the person to whom the permit is issued permittee to operate drive motorcycles unless:

(a) 1. The person is receiving instructions from a qualified instructor in a course approved by the State Department of Education ;

(b) 2. ~~the~~ The person has successfully completed the off-street portion of the course;

(c) 3. ~~when~~ When the instruction is conducted on the public streets and highways , it must follow ~~follows~~ a prescribed course which has been approved by the ~~chief local chief of police or sheriff~~ law-enforcement official ;

(d) 4. ~~the~~ The persons receiving the instruction, or the motorcycles used in the instruction , ~~will be~~ are clearly marked "STUDENT DRIVER";

(e) 5. ~~the~~ The person ~~will be~~ is under the supervision of his instructor at all times; and

(f) 6. ~~no~~ No person, except the person receiving the instruction, ~~may occupy~~ occupies the motorcycle ~~when~~ while instruction is being given.

NOTE: This section formerly made up subsections (2) and (3) of § 46.1-357, but has been broken out as a separate section. The commonly used term "learner's permit" has been substituted for "instruction permit." A Class 2 misdemeanor has been proposed as the penalty for the revised versions of both §§ 46.1-349 and 46.1-357, and is also provided for here. "State Department of Education" has been changed to "Department" (meaning Department of Motor Vehicles) in provision 1 of subsection B.

§ 46.2-336 ~~46.1-375.1~~ . Manner of issuing original driver's licenses ~~where applicants are under eighteen to minors~~ .—The Department shall forward all original driver's licenses so issued to applicants ~~who, at the time of application therefor, had not attained under~~ the age of eighteen years ; to the judge of the juvenile and domestic relations court in the city or county in which the ~~person to be licensed~~ licensee resides. ~~Such~~ The 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 ~~upon~~ on the privilege of ~~operating~~ driving a motor vehicle. If the licensee ~~has not attained~~ was under the age of eighteen years at the time ~~such~~ his application was made, he shall be accompanied at ~~such~~ the ceremony by a parent, his guardian, spouse , or other person in loco parentis. However, ~~such~~ the judge, for good cause shown, may mail or otherwise deliver ~~such~~ 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 ~~such~~ the judge as ~~hereinbefore~~ prescribed in this section .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-337 ~~46.1-370.1~~ . Examination and road test required for license to operate motorcycle; ~~rules and regulations~~ .—No person shall ~~operate~~ drive any motorcycle ~~upon~~ on a highway in ~~this~~ the Commonwealth unless ~~such person shall have~~ he has passed a special examination, including written material and a road test, pertaining to ~~the~~ his ability of ~~such person to operate~~ drive a motorcycle with reasonable competence and with safety to other persons using the highways. The Department of Motor Vehicles shall adopt ~~such rules and regulations~~ as may be necessary to provide for the special examination under § ~~46.1-360~~ 46.2-325 of persons desiring to qualify to ~~operate~~ such drive motorcycles in ~~this~~ the Commonwealth and for the granting of licenses or permits suitably endorsed for qualified applicants.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-338 ~~46.1-374~~ . Persons operating school buses.—Notwithstanding any other provisions of law, no person shall be required to obtain a chauffeur's endorsement for the purpose of driving a school bus in ~~this~~ the Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-339 ~~46.1-370~~ . Qualifications of school bus driver; examination.—No person shall drive any school bus ~~upon~~ on a highway in ~~this~~ the Commonwealth unless ~~such person~~ he has had a reasonable amount of experience in driving motor vehicles, and ~~shall have~~ satisfactorily has passed a special examination pertaining to ~~the~~ his ability of ~~such person to operate~~ drive a school bus with safety to the ~~school children thereon~~ its passengers and to other persons using the highways. For the purpose of preparing for the examination required by this section, any person holding a valid driver's license issued under ~~the provisions of~~ § ~~46.1-360~~ Article 4 of this chapter , may ~~operate~~ drive , under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no ~~passenger~~ other passengers. The Department of Motor Vehicles shall ~~may~~ adopt ~~such rules and regulations~~ as ~~may~~ be necessary to provide

for the examination of persons desiring to qualify to drive such school buses in this the Commonwealth and for the granting of permits to qualified applicants.

NOTE: A general cross reference has replaced the reference to § 46.1-369 which is inaccurate.

§ 46.2-340 ~~46.1-370.01~~ . Information concerning school bus drivers.—At the beginning of each school year, and at such times as whenever changes need to be made, each local school division shall furnish to the Department of Education the name and driver's license number of all persons driving school buses for that school division. Whenever any 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 is convicted in any court of reckless driving or driving while intoxicated, the Department of Motor Vehicles shall notify the Department of Education of the name and driver's license number of the driver involved. ~~Upon~~ On receiving notice of any such suspension or revocation, the Department of Education shall advise the local school division or divisions for whom the person had been driving school buses of the fact of that conviction, suspension , or revocation.

The provisions of the Privacy Protection Act of 1976 (Chapter 26 of Title 2.1, § 2.1-377 et seq.) shall not apply to the exchange of information under this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 6.

Licensure of Commercial Vehicle Drivers.

§ 46.2-341 ~~46.1-370.2~~ . Examination and road test required for license to operate drive commercial vehicle.—The Department of Motor Vehicles is authorized to may adopt such regulations as may be necessary to provide for the special examination of persons desiring to qualify to operate drive commercial motor vehicles as that term is defined in the federal Commercial Motor Vehicle Safety Act of 1986, and for the granting of licenses or permits suitably endorsed for qualified applicants. The license or permit or the endorsement thereof issued pursuant to the provisions of such these regulations shall be of a type and shall be valid for the period provided in the regulations. The regulations adopted hereunder shall not be more restrictive as to the licensing requirements for commercial drivers than the regulations adopted by the United States Department of Transportation pursuant to the federal Commercial Motor Vehicle Safety Act of 1986.

NOTE: This section is set out as a separate article in anticipation of further provisions relating to commercial vehicle drivers which will have to be added in order to comply with federal law.

Article 7.

Form of Licenses; Identity Documents

Issued by Department.

§ 46.2-342 ~~46.1-375~~ . What license to contain; form, effect, etc., of Uniform Donor Document.—
A. Every such license issued under this chapter shall bear thereon :

a 1. A license number which shall be the same as the licensee's social security number, or a control number which shall be assigned by the Department to the licensee when , if he has no social security number ; ;

a 2. A dated color photograph of the licensee ; ;

the 3. The licensee's name, year, month , and date of birth ; ;

4. The residence address , including the city or county of actual residence ; ;

a 5. A brief description of the licensee for the purpose of identification ; and also ;

a 6. A space for the signature of the licensee ; and

any 7. Any other information deemed necessary by the Commissioner for the administration of this title.

B. The license shall be cardboard or other suitable material or combination thereof and in a

form to be determined by the Commissioner.

~~Such photographs~~ **C. Photographs**, for licensees under twenty-one years of age at the time of issuance of the license, shall be profile photographs; ~~such but~~ photographs; for licensees twenty-one years of age or older at the time of issuance of the license; shall be front face view photographs. **B.** Notwithstanding the *preceding* provisions of *this* subsection **A**, the first and subsequent photographs for persons under twenty-one years of age shall be profile photographs until the original issued license has expired.

D. Every license ~~issued, on and after January 1, 1977,~~ shall also bear ~~thereon~~ the following document which the ~~person licensed~~ licensee may complete.

UNIFORM DONOR DOCUMENT
OF
Print or type name of donor

In the hope that I may help others, I hereby make this anatomical gift without cost to my estate, to take effect upon my death. The words and marks below indicate my desires. I give:

- (a) eyes and any other needed organs or parts
- (b) only the following organs or parts

Specify the organ(s) or part(s) for the purposes of transplantation, therapy, medical research, or education; Limitations or special wishes, if any:

. Signed by the donor and the following two witnesses in the presence of each other:

Signature of Donor	Date of Birth of Donor
Date Signed	City & State
Witness	Witness

This is a legal document under Article 2 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1 of the Code of Virginia or similar laws.

~~C.~~ **E.** The document, if completed by a licensee who is eighteen years of age or older in compliance with all requirements of Article 2 of Chapter 8 of Title 32.1 of the Code of Virginia, shall be effective as a gift of all or part of the body pursuant to § 32.1-290. The gift becomes effective upon the death of the donor, and the actual costs of the removal of the organ shall not be assessed against the donor's estate. The document shall be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 of Chapter 8 of Title 32.1 of the Code of Virginia.

~~D.~~ **F.** A separate written statement shall be furnished to each recipient of a license explaining the significance of the Uniform Donor Document and of procedures under Article 2 of Chapter 8 of Title 32.1 of the Code of Virginia applicable to such document.

~~E.~~ **G.** The provisions of Article 2 of Chapter 8 of Title 32.1 of the Code shall be applicable to any gift made as provided in this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-343 ~~46.1-379~~. Duplicate driver's license, ~~instruction learner's~~ permit, and special identification card; fees.—In the event that a driver's license, ~~instruction learner's~~ permit, or special identification card, 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 ~~upon~~ on furnishing proof satisfactory to the Department that ~~such~~ his license, permit, or card has been lost, stolen, or destroyed, or that there are good reasons why ~~such~~ a duplicate should be issued. ~~Such duplicate shall be issued upon the payment of a~~

There shall be a fee of five dollars for each ~~such~~ duplicate license, two dollars for each ~~such~~ duplicate ~~instruction learner's~~ permit, and three dollars for each ~~such~~ duplicate special identification card.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-344 ~~46.1-377~~. 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 ~~such person~~ him a temporary driver's permit entitling ~~such person~~ him, while having ~~such~~ the permit in his immediate possession, to drive a motor vehicle ~~upon~~ on the

highways for a period of ninety days before , pending the issuance to such person of a driver's license.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-345 ~~46.1-383.3~~ . Issuance of special identification cards for persons not licensed to operate motor vehicles ; fee; confidentiality; penalties for false statements, etc .— (a) A. On and after July 1, 1973, upon the application of any person who is a resident of the Commonwealth of Virginia and who does not possess a license to operate drive a motor vehicle, the Department of Motor Vehicles shall issue a special identification card to such the person provided: (1)

application 1. Application is made on a form approved and furnished prescribed by the Department; and (2)

the 2. The applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the Department of his name and date of birth; and (3)

the 3. The Department is satisfied that the applicant needs such an identification card or the applicant shows he has a bona fide need for such a card.

(b) B. The fee for the issuance of a special identification card is five dollars.

(c) C. A special identification card shall expire five years from its date of issuance and the renewal fee shall be five dollars.

(d) D. A special identification card issued under this section may be similar in size, shape , and design to a driver's license, including and include a color photograph of its holder, but the card shall be readily distinguishable therefrom from a driver's license by difference in color or otherwise and shall clearly state that it does not enable authorize the person to whom it is issued to operate drive a motor vehicle.

(d1) E. The photograph on a special identification card, for persons under twenty-one years of age, shall be a profile photograph. Such photographs Photographs , for persons twenty-one years of age and older, shall be full face view photographs. (d2) Notwithstanding the preceding provision of this subsection (d1) , the first and subsequent photographs for persons under twenty-one years of age shall be profile photographs until the original special identification card has expired.

(e) F. Any information obtained by the Department of Motor Vehicles from an application for the issuance, renewal , or replacement 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.

(f) G. Any person who shall use uses a false or fictitious name or give a false or fictitious address in any application for an identification card, or any renewal, or knowingly make a false statement or conceal a material fact or otherwise commit a fraud in any such application shall be guilty of a Class 2 misdemeanor ; except . 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 ; in which case a violation of this section shall be punishable as a Class 6 felony; and except or where the identification card is obtained for the purpose of committing any offense punishable as a felony, in which case a violation of this section shall be punishable as constitute a Class 6 felony.

(g) H. The Department of Motor Vehicles shall may promulgate any rules and regulations it deems necessary for the effective implementation of the provisions of this section.

(h) I. The Department of Motor Vehicles 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 8.

Prohibited Uses of Driver's Licenses.

§ 46.2-346 46.1-384 . Unlawful acts enumerated.—A. No person shall:

1. Display ~~or~~ , cause or permit to be displayed , or to have in his possession any driver's license ~~knowing the same 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 ~~the person so displaying the same him~~ ;

4. Reproduce by photograph or otherwise, any driver's license ~~or~~ , temporary driver's permit , or ~~instruction learner's~~ permit issued by the Department without obtaining prior written consent ~~to~~ of the Department;

5. Fail or refuse to surrender to the Department, ~~upon~~ on demand, any driver's license issued in ~~this the~~ Commonwealth or any other state ~~which when the license~~ has been suspended, cancelled , or revoked by proper authority in ~~this the~~ Commonwealth, or any other state as provided by law , or to fail or refuse to surrender ~~such 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 ~~this the~~ Commonwealth or any ~~city, town or 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 , ~~which license and shall be turned over submit the license~~ to the appropriate court for evidentiary purposes.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-347 46.1-384.1 . Fraudulent use of driver's license to obtain beer or other alcoholic beverages; penalties.—Any underage person as specified in §§ 4-62 and 4-112 who knowingly uses or attempts to use a forged, deceptive , or otherwise nongenuine driver's license to obtain beer, alcoholic beverages , or beverage as defined in Chapter 2 (§ 4-99 et seq.) of Title 4 shall be guilty of a Class 4 misdemeanor, and upon conviction of ~~the a~~ violation of this section , the court shall revoke such ~~convicted~~ person's driver's license or privilege to ~~operate drive~~ a motor vehicle for a period of not less than thirty days nor more than one year.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-348 46.1-385 . Fraud ; or false statements ; etc., in applications for license; penalties.—Any person who ~~shall use~~ uses a false or fictitious name or ~~give~~ gives a false or fictitious address in any application for a driver's license, or any renewal or duplicate thereof, or knowingly ~~make~~ makes a false statement or ~~conceal~~ conceals a material fact or otherwise ~~commit~~ commits a fraud in any ~~such his~~ application shall be guilty of a Class 2 misdemeanor ; ~~except~~ . However, where the license is used, or ~~such statement the fact~~ concealed, or fraud is done, with the intent to purchase a firearm, in ~~which case~~ a violation of this section shall be punishable as a Class 6 felony.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-349 46.1-386 . 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-350 46.1-387 Penalty for violation.— ~~(a) It shall be a misdemeanor for any person to violate any Notwithstanding § 46.2-113, any violation of the provisions any provision of this chapter unless such violation is by this chapter or other law of this Commonwealth not declared to be a felony shall constitute a Class 2 misdemeanor .~~

~~(b) Unless another penalty is in this chapter or by the laws of this Commonwealth provided, every person convicted of a misdemeanor for the violation of any provision of this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both such fine and imprisonment.~~

NOTE: This general penalty supersedes that in proposed § 46.2-113.

Article 9.

Habitual Offenders.

§ 46.1-387.1. Declaration of policy. It is hereby declared to be the policy of Virginia: (1) To provide maximum safety for all persons who travel or otherwise use the public highways of the Commonwealth; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the Commonwealth, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the Commonwealth and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

NOTE: This section may be superfluous. The Attorney General's Office prefers that it be retained.

§ 46.2-351 46.1-387.2 . Habitual offender defined; petition of certain persons for restoration of privilege of operating motor vehicle.— A. An habitual offender shall be any person, resident or nonresident ; person whose record, as maintained in the office of the Department of Motor Vehicles , shows that such person he has accumulated the convictions, or findings of not innocent in the case of a juvenile, for separate and distinct offenses, described in subdivisions (a), (b) and (c) of this section subsection , committed within a ten-year period ; provided that where . Where more than one included offense shall be is committed within a six-hour period , such multiple offenses shall, on the first such occasion, be treated for the purposes of this article as one offense provided (i) the person charged has no record of prior offenses chargeable under this article, and provided further (ii) the date of the offense most recently committed occurs within ten years of the date of all other offenses the conviction for which is included in subdivision (a), (b) or (c) 1, 2, or 3 as follows:

(a) 1. Three or more convictions, or findings of not innocent in the case of a juvenile, singularly or in combination, of the following separate and distinct offenses arising out of separate acts:

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

(2) b. Driving or operating a motor vehicle while under the influence of intoxicants or drugs in violation of § 18.2-266;

(3) [Repealed.]

(4) c. Driving a motor vehicle while his license, permit , or privilege to drive a motor vehicle has been suspended or revoked in violation of §§ 18.2-272, 46.1-350 46.2-301 or § 46.1-351-46.2-302 ;

(5) [Repealed.]

(6) d. Knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the motor vehicle laws or as to information required in the administration of such laws in violation of § 46.1-15 46.2-105 ;

(7) e. Any offense punishable as a felony under the motor vehicle laws of Virginia or any felony in the commission of which a motor vehicle is used;

(8) f. Failure of the driver of a motor vehicle involved in an accident resulting in the death or injury of any person to stop close to the scene of such the accident and report his identity in violation of § 46.1-176 §§ 46.2-894 through 46.2-899 ; or

(9) g. Failure of the driver of a motor vehicle involved in an accident resulting only in damage to an attended or unattended vehicle or other property in excess of \$500 to stop close to the scene of such the accident and report his identity or otherwise report such accident in violation of law.

(b) 2. Twelve or more convictions, or findings of not innocent in the case of a juvenile, of separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle

which are required to be reported to the Department of Motor Vehicles and the commission ~~whereof of which~~ requires the Department of Motor Vehicles or authorizes a court to suspend or revoke the privilege to operate drive motor vehicles on the highways of this in the Commonwealth for a period of thirty days or more and ~~such~~ the convictions shall include those offenses enumerated in subdivision ~~(a)~~ 1 above when taken with and added to those offenses described herein.

~~(e)~~ 3. The offenses included in subdivisions ~~(a)~~ 1 and ~~(b)~~ hereof 2 of this section shall be deemed to include offenses under any valid ~~town, city or county~~, city, or town ordinance paralleling and substantially conforming to the state statutory provisions cited in subdivisions ~~(a)~~ 1 and ~~(b)~~ hereof 2 of this section and all changes in or amendments thereof, and any federal law, any law of another state or any valid ~~town, city or county~~, city, or town ordinance of another state substantially conforming to the aforesaid state statutory provisions.

~~(d)~~ Any person twenty-one years of age, or older who has been adjudged an habitual offender based in whole or in part on finding 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 such person now resides, for restoration of his privilege to operate a motor vehicle in this Commonwealth. Upon such petition, and for good cause shown, such court may, in its discretion, restore to such person the privilege to operate a motor vehicle in this Commonwealth upon such terms and conditions as the court may prescribe, subject to other provisions of law relating to the issuance of driver's licenses.

NOTE: Former subdivision (d) has been moved to § 46.2-359.

§ 46.2-352 ~~46.1-387.3~~ . Commissioner to certify transcript or abstract of conviction documents of habitual offender to attorney for Commonwealth; when court may refuse to enter order under § 46.1-387.6 46.2-355 ; transcript or abstract as evidence.—The Commissioner of the Department of Motor Vehicles shall certify, from the Department's records, substantially in the manner provided for in § ~~46.1-34.1~~ 46.2-215 , three transcripts or abstracts of those conviction documents which bring the person named therein within the definition of an habitual offender, as defined in § ~~46.1-387.2~~ 46.2-351 , to the attorney for the Commonwealth of the political subdivision in which ~~such~~ the person resides according to the records of the Department or the attorney for the Commonwealth of the City of Richmond if ~~such~~ the person is not a resident of this the Commonwealth. In any proceeding under § ~~46.1-387.5~~ 46.2-354 , the court may refuse to enter any order as provided in § ~~46.1-387.6~~ 46.2-355 if such certification was made more than five years after ~~conviction~~ the date of said offense the most recent of the convictions which bring the person within the definition of habitual offender and ~~such~~ the person would be otherwise eligible for restoration of his privilege under § ~~46.1-387.9:2~~ 46.2-360 . ~~Such~~ The transcript or abstract may be admitted as evidence as provided in § ~~46.1-34.1~~ 46.2-215 . ~~Such~~ The transcript or abstract shall be prima facie evidence that the person named therein was duly convicted, or held not innocent in the case of a juvenile, by the court wherein ~~such~~ the conviction or holding was made, of each offense shown by ~~such~~ the transcript or abstract ; and if ~~such~~ . If the person shall deny denies any of the facts as stated therein, he shall have the burden of proving that ~~such~~ the fact is untrue.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-353 ~~46.1-387.4~~ . Information to be filed by attorney for Commonwealth.—The attorney for the Commonwealth, upon on receiving the aforesaid transcripts or abstracts from the Commissioner provided for in § 46.2-352 , shall forthwith file information against the person named therein in the court of record having jurisdiction of criminal offenses in the political subdivision county, city, or town in which ~~such~~ the person resides. In the event ~~such~~ the person is a nonresident of this the Commonwealth, the attorney for the Commonwealth of the City of Richmond shall file information against the accused person in the Circuit Court of the City of Richmond. The clerk of the Circuit Court of the City of Richmond shall be allowed a fee of five dollars for each ~~such~~ information filed against ~~such~~ a nonresident accused to . The fee shall be paid out of the state treasury from the appropriation for criminal charges on the certificate of the court as provided in § 19.2-334 and to shall be taxed against the defendant as a part of the costs of ~~such~~ the proceeding, if the defendant is found to be an habitual offender. In the event the accused is an inmate of the Virginia State Penitentiary a state correctional facility , jurisdiction for the proceedings shall be as provided in § ~~53.1-205~~ in the locality wherein the accused is confined .

NOTE: The cumulative effect of amendments to § 53.1-205 over the years has undermined the appropriateness of the cross-reference.

§ 46.2-354 ~~46.1-387.5~~ . Show cause order; service on person named as habitual offender; procedure where conviction denied.—The court in which ~~such~~ an information is filed as provided for in § 46.2-353, shall enter an order, which incorporates the aforesaid transcript or abstract

provided for in § 46.2-352 and is directed to the person named therein, to show cause why he should not be barred from ~~operating driving~~ a motor vehicle on the highways of ~~this in the~~ Commonwealth. A copy of the show cause order and ~~such the~~ transcript or abstract shall be served on the person named therein in the manner prescribed by § 8.01-296 (1). Service thereof on any nonresident of the Commonwealth may be made on the Secretary of the Commonwealth, who for this purpose shall be ~~deemed to be~~ the statutory agent of ~~such the~~ person. Service shall be made by leaving a copy of ~~such the~~ order and ~~such the~~ transcript or abstract in the hands of the Secretary or in his office in the City of Richmond, and ~~such this~~ service shall be sufficient ~~upon~~ on the nonresident, provided that notice of ~~such the~~ service and a copy of the order and ~~such the~~ transcript or abstract are forthwith sent by certified or registered mail, with delivery receipt requested, by the Secretary to ~~such the~~ person at his last known address, and an affidavit of compliance herewith by the Secretary or someone designated by him for that purpose and having knowledge of ~~such the~~ compliance, shall forthwith be filed with the papers. ~~On account of such~~ For this service, a fee of seven dollars, which shall be paid into the general fund of the Commonwealth, shall be taxed against the defendant as a part of the cost of ~~such the~~ proceeding, if he is found to be an habitual offender.

If ~~such the~~ person denies he was convicted or held not innocent of any offense necessary for a holding that he is an habitual offender, and if the court cannot, on the evidence available to it, make ~~such a~~ determination, the court may certify the decision of ~~such the~~ issue to the court in which ~~such the~~ conviction or holding of not innocent was made. The court to which ~~such the~~ certification is made shall forthwith conduct a hearing to determine ~~such the~~ issue and send a certified copy of its final order determining ~~such the~~ issue to the court in which ~~such the~~ information was filed.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-355 ~~46.1-387.6~~ . Order of court.—If , pursuant to the show cause proceeding as provided for in § 46.2-354, the court finds that ~~such the~~ person is not the same person named in the transcript or abstract, or that he is not an habitual offender under this article, the proceeding shall be dismissed. If the court finds that ~~such the~~ person is the same person named in the transcript or abstract and that ~~such the~~ person is an habitual offender, the court shall so find and by appropriate order direct ~~such the~~ person not to operate a motor vehicle on the highways of ~~in the Commonwealth of Virginia~~ and to surrender to the court all licenses or permits to ~~operate drive~~ a motor vehicle on the highways of ~~this in the Commonwealth for disposal in the~~ manner provided in § ~~46.1-425~~ 46.2-398 . The clerk of the court shall file with the Department of ~~Motor Vehicles~~ a copy of the order which shall become a part of the permanent records of the Department. Unless it appears from the record of the case that the person was present at the hearing ~~wherein in which~~ the court found him to be an habitual offender, the clerk shall cause to be mailed to the person at his last known address appearing in the records of the case a copy of the habitual offender order.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-356 ~~46.1-387.7~~ . Period during which habitual offender not to be licensed to ~~operate drive~~ motor vehicle.—No license to ~~operate drive~~ motor vehicles in Virginia shall be issued to an habitual offender, ~~(1)~~ (i) for a period of ten years from the date of the order of the court finding ~~such the~~ person to be an habitual offender, and ~~(2)~~ (ii) until the privilege of ~~such the~~ person to ~~operate drive~~ a motor vehicle in ~~this the~~ Commonwealth has been restored by an order of a court of record entered in a proceeding as ~~hereinafter~~ provided in this article .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-357 ~~46.1-387.8~~ . Operation of motor vehicle by habitual offender prohibited; penalty; enforcement of section.—It shall be unlawful for any person to ~~operate drive~~ any motor vehicle in ~~this the~~ Commonwealth while the order of the court prohibiting such operation remains in effect ; ~~except that such~~ . However, an order shall not ~~operate to prevent or prohibit such the~~ person from operating a farm tractor ~~upon~~ on the highways when it is necessary to move ~~such 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 ~~shall not exceed is no more than~~ five miles. Any person found to be an habitual offender under ~~the provisions~~ of this article , who is thereafter convicted of ~~operating driving~~ a motor vehicle in ~~this the~~ Commonwealth while the order of the court prohibiting such ~~operation driving~~ is in effect, shall be punished by confinement in the state correctional facility not less than one nor more than five years or, in the discretion of the jury or the court trying the case without a jury, by confinement in jail for twelve months and no portion of such sentence shall be suspended except that (i) if the sentence is more than one year in the state correctional facility, any portion of such sentence in excess of one year may be suspended or (ii) in cases wherein

such operation is necessitated in situations of apparent extreme emergency which require such operation to save life or limb, said sentence, or any part thereof may be suspended.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing ~~such~~ the charge shall determine whether ~~such~~ the person has been held an habitual offender and, by reason of ~~such~~ this holding, is barred from ~~operating~~ driving a motor vehicle on the highways of ~~this in the~~ Commonwealth. If the court determines the accused has been ~~so held to be an habitual offender~~, it shall certify the case to the court of record of its jurisdiction for trial.

NOTE: Though most offenses have been changed to either traffic offenses or classified felonies or misdemeanors, the penalties here have not been changed because to do so would undermine the purpose of the article.

§ 46.2-358 ~~46.1-387.9~~. Restoration of privilege of ~~operating~~ driving motor vehicle; when petition may be brought; terms and conditions.— At the expiration of ~~ten~~ Ten years from the date of any final order of a court entered under the provisions of this article; finding a person to be an habitual offender and directing him not to ~~operate~~ drive a motor vehicle in ~~this the~~ Commonwealth, ~~such~~ 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 ~~such~~ person he then resides, for restoration of his privilege to ~~operate~~ drive a motor vehicle in ~~this the~~ Commonwealth. ~~Upon~~ On such petition, and for good cause shown, ~~such~~ the court may, in its discretion, restore to ~~such~~ the person the privilege to ~~operate~~ drive a motor vehicle in ~~this the~~ Commonwealth ~~upon~~ such terms and on whatever conditions as the court may prescribe, subject to other provisions of law relating to the issuance of driver's licenses.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.1-387.9:1. Same; restoration of privilege to certain persons convicted under repealed provisions of Habitual Offender Act.—Any person who has been found to be an habitual offender where such adjudication was based in part upon and dependent on a conviction of § 46.1-387.2(a) (5), now repealed, shall have the right to petition the court in which he was found to be an habitual offender, or in the circuit court in the political subdivision in which such person then resides, for restoration of his privilege to operate a motor vehicle in this Commonwealth. Upon such petition, such court shall restore to such person the privilege to operate a motor vehicle in this Commonwealth, subject only to the provisions of law relating to the issuance of driver's licenses. ~~Upon~~ Upon such petition, the court shall further order the Commissioner of the Department of Motor Vehicles to purge the copy of the order finding such person an habitual offender from the permanent records of the Department.

§ 46.2-359. Revocation 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.

NOTE: This new language is based on subdivision (d) of former § 46.1-387.2.

§ 46.2-360 ~~46.1-387.9:2~~. 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 ~~such~~ the adjudication was based in part and dependent on a conviction as set out in § 46.1-387.2 (a) (2) and (3) ~~46.1-387.2~~, the latter subdivision now repealed provision b of subdivision 1 of § 46.2-351, may, after the expiration of five years from the date of ~~such~~ the adjudication, petition the court in which he was found to be an habitual offender, or ~~in~~ the circuit court in the political subdivision in which ~~such~~ person he then resides for restoration of his privilege to ~~operate~~ drive a - motor vehicle in ~~this the~~ Commonwealth. ~~Upon~~ On such petition, and for good cause shown, the court may, in its discretion, restore to ~~such~~ the person the privilege to ~~operate~~ drive a motor vehicle in ~~this the~~ Commonwealth ~~upon~~ such terms and on whatever conditions as 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 ~~such~~ the previous convictions, the petitioner was addicted to or psychologically dependent ~~upon~~ 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 ~~upon~~ on the use of alcohol or such other drug; and (iii) the defendant does not constitute a

threat to the safety and welfare of himself or others with regard to the ~~operation~~ driving of a motor vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-361 ~~46.1-387.9:3~~ . ~~Same; restoration~~ Restoration of privilege revoked or suspended for failure to pay fines or costs or furnish proof of financial responsibility.—Any person who has been found to be an habitual offender, where ~~such~~ the adjudication was based in whole or in part and dependent ~~upon~~ on a conviction as set out in ~~provision c of subdivision 1 of § 46.1-387.2 (a) (4)~~ 46.2-351 , may, after five years from the date of ~~such~~ the adjudication, 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 ~~operate~~ drive a motor vehicle in ~~this~~ the Commonwealth. However, this section shall apply only where the conviction set out in § 46.1-387.2 ~~(a) (4)~~ resulted from a suspension or revocation ordered pursuant to (i) pursuant to § 46.1-423.3 § 46.2-395 for failure to pay fines and costs, (ii) pursuant to § 46.1-400 § 46.2-459 for failure to furnish proof of financial responsibility or (iii) pursuant to § 46.1-442 § 46.2-417 for failure to satisfy a judgment, provided the judgment has been paid in full prior to the time of filing the petition.

~~Upon~~ On such petition, the court, in its discretion, may restore to ~~such~~ the person his privilege to ~~operate~~ drive a motor vehicle, ~~upon such terms and on whatever~~ conditions as 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~~ driving of a motor vehicle.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-362 ~~46.1-387.10~~ . Appeals.—An appeal to the Court of Appeals may be taken from any final action or order of a circuit court entered under the ~~provisions~~ of this article in the same manner and form as such an appeal would be taken in any criminal case.

NOTE: Minimal changes have been made to this section.

§ 46.2-363 ~~46.1-387.11~~ . 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 ~~operation~~ driving or licensing of motor vehicles, the licensing of persons to ~~operate~~ drive motor vehicles , or providing penalties for the ~~violation thereof; or shall be construed so as to 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 ~~such operation~~ driving and licensing.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.1-387.12. Short title. This article shall be known and may be cited as the "Virginia Habitual Offender Act."

NOTE: This section is superfluous.

Article 10.

Driver Responsibilities, Generally.

§ 46.1-388. Short title. The short title of this chapter is "Virginia Motor Vehicle Safety Responsibility Act."

NOTE: This section is superfluous.

§ 46.2-364 ~~46.1-389~~ . Definitions.— ~~Unless~~ For the purposes of this article, unless a different meaning is clearly required by the context:

(a) "Conviction" means conviction ~~upon~~ 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 conviction ~~upon which~~ that requires or authorizes the Commissioner to suspend or revoke the license of the defendant;

(b) "Insured" means the person in whose name ~~there is~~ issued a motor vehicle liability policy ~~has been issued~~ , as defined in this ~~chapter~~ section , and any other person insured under its terms;

(c) "Judgment" means any judgment for ~~fifty~~ \$200 dollars or more arising out of 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 tortfeasors arising out of any motor vehicle accident which occurred within ~~this 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 ~~this the~~ Commonwealth or any other state or court of the United States or of the Dominion of Canada or its provinces;

(d) "Motor vehicle" for the purpose of this chapter 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, ~~upon~~ on or by which any person or property is or can be transported or drawn ~~upon~~ on a highway, except devices moved by human or animal power and devices used exclusively ~~upon~~ stationary on rails or tracks, and vehicles used in ~~this the~~ Commonwealth but not required to be licensed by the Commonwealth;

(e) "Motor vehicle liability policy" means an owner's or an operator's a driver's policy of liability insurance certified, as provided ~~herein in this article~~ , by an insurance carrier licensed to do business in ~~this the~~ Commonwealth or by an insurance carrier not licensed to do business in ~~this the~~ Commonwealth ~~upon~~ on compliance with the provisions of this ~~chapter article~~ , as proof of financial responsibility.

NOTE: The fifty-dollar threshold in the definition of "judgment," set in 1958 (Chapter 541) has been changed to \$200.

§ 46.1-300. Liberal construction. It is the legislative intent that this chapter be liberally construed so as to effectuate as far as legally and practically possible and feasible its primary objective to promote and further greater safety in the operation of motor vehicles in this Commonwealth.

NOTE: This section is unnecessary.

§ 46.1-308. General penalty for violation. —Any person who violates any provision of this chapter for which another penalty is not prescribed by law shall be punished by confinement in jail for not more than 90 days or by a fine of not less than \$50 or more than \$1,000 or both.

NOTE: In changing the penalties in this section and § 46.2-350 (former § 46.1-387) to Class 2 misdemeanors, this section became duplicative.

§ 46.2-365 ~~46.1-301~~ . Plaintiff not prevented from relying upon other legal process.—This ~~chapter article~~ shall not be construed to prevent the plaintiff in any action at law from relying upon any other process ~~now or hereafter~~ provided by law.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-366 ~~46.1-302~~ . 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 and chauffeurs, ~~does shall~~ not apply to any motor vehicle: (1)

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 ~~upon~~ on it, or (2)

2. ~~owned~~ Owned by the Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-367 ~~46.1-303~~ . Persons included within scope of chapter.— (a) Persons who have, by any law of ~~this the~~ Commonwealth, been required to file proof of financial responsibility are included within the scope of this chapter ; ~~likewise included are persons~~ . Persons who have been convicted of violations of the provisions of any law of ~~this the~~ Commonwealth or law of any other state or county, city , or town ordinance of either or a federal law pertaining to the operator driver ; or operation driving of motor vehicles or of violations of any provisions of this title are also included .

(b) Persons against whom judgments are obtained subsequent to January 1, 1945, as a result of an action for damages arising out of an accident involving the operation of a motor vehicle prior to such date are not subject to the provisions hereof.

NOTE: Subsection (b) is obsolete.

§ 46.2-368 ~~46.1-395~~ . Certificate of self-insurance exempts from chapter.— (a) A. This chapter, except §§ ~~46.1-399~~ 46.2-371 through ~~46.1-401~~ 46.2-373 , shall not apply to any person ~~having who~~ has registered in his name in ~~this the~~ Commonwealth more than twenty motor vehicles , nor to any person operating more than twenty vehicles whether as owner or as lessee , if ~~such the~~ person seeking exemption under this section ~~shall obtain~~ obtains from the Commissioner a certificate of self-insurance as provided in ~~the following~~ subsection B of this section .

(b) B. The Commissioner may, in his discretion and ~~upon~~ on the application of such a person, issue a certificate of self-insurance when he is reasonably satisfied ~~that (1) such~~ (i) that the person is ~~possessed has~~ and will continue to be ~~possessed of~~ have financial ability to respond to a judgment as ~~hereinbefore described~~ provided in this chapter , obtained against ~~such the~~ person, arising out of the ownership, maintenance, use , or operation of ~~any such person's his~~ motor vehicles and (2) (ii) that ~~such the~~ certificate provides for protection against the uninsured motorist to the extent required by § 38.2-2206 of this Code of ~~certain policies of insurance;~~ provided, however, that ~~such~~ . However, protection against the uninsured motorist required ~~hereunder~~ under this section shall be secondary coverage to any other valid and collectable insurance providing the same protection which is available to any person otherwise entitled to assert a claim to such protection by virtue ~~hereof~~ of this section .

(c) ~~Upon~~ C. On due notice and hearing, the Commissioner may, in his discretion and ~~upon~~ on reasonable grounds , cancel a certificate of self-insurance.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-369 ~~46.1-396~~ . 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 ~~in accordance with the principles prescribed in § 46.1-390~~ . He may issue subpoenas for witnesses to attend ~~upon~~ , administer oaths, and take testimony in, the hearings provided in this chapter for the purpose of finding whether ~~or not~~ driver's licenses, ~~registration license~~ plates , or registrations should be suspended or revoked ~~and taken up~~ . If any person ~~shall fail~~ fails or ~~refuse~~ refuses to obey ~~such the~~ subpoena, or to give ~~such~~ testimony, the Commissioner shall notify the ~~county or municipal court or circuit or district court of the county ; or the police, circuit, corporation or hustings court of the or city in which such the hearing is being or was to have been held. Upon the~~ On receipt of ~~such the~~ notice, the court ; ~~or the judge thereof in recess,~~ shall, by appropriate process, compel ~~such his~~ attendance or testimony or both, to the same extent that ~~the same it~~ could be required in a proceeding in ~~such the~~ court.

NOTE: Reference to § 46.1-390 has been eliminated because it is being repealed as unnecessary.

§ 46.2-370 ~~46.1-397~~ . Revoked driver's licenses, etc., license plates, registration cards to be returned; ~~authority of Commissioner to~~ may take possession of licenses, etc ~~them~~ .— A. Any person whose driver's license or registration ~~certificate card, or registration license~~ plates have been suspended or revoked as provided in this title or in Title 18.2 and have not been reinstated , shall immediately return every such license, unless ~~such license it~~ has been surrendered to the court as required by law, ~~registration certificate card~~ , and set of ~~registration license~~ plates or decals held by him to the Commissioner. ~~Any person wilfully failing to comply with this requirement shall be punished as provided in § 46.1-398~~ .

B. The Commissioner is ~~authorized to~~ may take possession of any driver's license, registration ~~certificate card~~ or set of ~~registration license~~ plates or decals ~~upon~~ on their suspension or revocation under the provisions of this title or in Title 18.2 or ~~to~~ may direct any ~~police 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, registration ~~certificate card~~ or ~~registration license~~ plates or decals requiring a representative of the Department of Motor Vehicles designated by the Commissioner to serve the order of suspension or revocation, or whenever the Department of Motor Vehicles directs a sheriff to effect service of a decision, order, or notice pursuant to § ~~46.1-441.2~~ 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 or suspended license 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 of Motor Vehicles .

NOTE: Removal of a specific penalty has the effect of making a violation a Class 2 misdemeanor. See proposed § 46.2-350.

Article 11.

Accident Reports.

§ 46.2-371 ~~46.1-399~~ . 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 by the ~~quickest means of communication~~ give notice of the accident to a state trooper, sheriff or other police official or to the local police department ~~when the accident occurs within a municipality law-enforcement officer~~ . A willful failure to make the report required in this section shall constitute a Class 4 misdemeanor and be punishable under § 46.1-16.01 .

NOTE: This section provides that willful violations constitute misdemeanors. However, § 46.1-16.01 provides penalties for traffic infractions, and makes no mention of misdemeanors at all. In an effort to make sense of this contradiction, violations have been made Class 4 misdemeanors, which carry the same penalties as traffic infractions.

§ 46.2-372 ~~46.1-400~~ . Driver to make written report of certain accidents and in writing; certification of financial responsibility ; if any, to Department; supplemental reports; reports by witnesses.— (a) 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 ; pursuant to the provisions of § 38.2-2206 D or when there is reason to believe a motor vehicle was uninsured at the time of the accident .

(b) [Repealed.]

(b1) 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 correct identity of the parties involved.

(b2) C. For the purposes of this article the definitions provided in subsection B of § 38.2-2206 B shall apply.

(c) 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 in detail 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) 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 this the Commonwealth or, if the motor vehicle was not registered in this the Commonwealth or was a motor vehicle which was registered elsewhere than in this 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 such automobile liability policy is subject to the limits provided in § 46.1-504 46.2-473 .

(2) 2. Any other form of liability insurance policy issued by an insurance carrier authorized to do business in this the Commonwealth or by a bond; provided that every such policy or bond mentioned herein is subject to a limit, exclusive of interest and costs, of \$25,000 because of bodily injury to or death of 1 person in any 1 accident and, subject to that limit for 1 person, to a limit of \$50,000 because of bodily injury to or death of 2 or more persons in any 1 accident and to a limit of \$10,000 because of injury to or destruction of property of others in any 1 accident limits set out in § 46.2-472 .

(d) 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 § 46.1-410 of this Code 46.2-380 .

NOTE: Presently the minimum required levels of motor vehicle insurance are spelled out in several places. The revised title spells out these limits only once (in § 46.2-472), and reference that section in other places where the limits are presently specified.

§ 46.2-373 ~~46.1-401~~ . 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 \$750 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. ~~Such~~ 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. For a period of five years commencing July 1, 1988, 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 Commonwealth Transportation Commissioner who shall exercise the authority granted to him under ~~§ 46.1-193 §§ 46.2-870 through 46.2-878~~ to reduce speed limits where accident frequency or severity or other factors may indicate ~~such~~ the course of action to be warranted.

D. Notwithstanding the provisions of ~~§ 46.1-193 (1) (a)~~, for the five-year period provided for in subsection B of this section, the maximum speed limits on those rural interstate highways where both (i) permitted by federal laws and (ii) indicated by lawfully placed signs shall be sixty-five miles per hour for passenger motor vehicles, motorcycles, and pickup and panel trucks, but fifty-five miles per hour for buses, trucks, road tractors, tractor trucks, combinations of vehicles designed to transport property, house trailers, or motor vehicles being used to tow vehicles designed for self-propulsion. Any person violating the speed limitations of subsection D of this section shall be guilty of a traffic infraction and upon conviction shall be punished as provided in ~~§ 46.1-16.01~~.

E. Beginning October 1, 1988, the loads of all trucks, trailers and semitrailers, carrying gravel, sand 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. Public service company vehicles, pickup trucks, coal trucks, and emergency snow removal equipment while engaged in snow removal operations shall be excluded from the provisions of this subsection.

NOTE: Subsections D and E have been moved to portions of this title dealing with speed limits and truck loads, respectively.

~~§ 46.2-374 46.1-403~~ . Department to prepare and supply forms for reports.—The Department shall prepare and, upon 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 hereunder to be made to the Department, appropriate with respect to the persons required to make ~~such~~ the reports and the purpose to be served. ~~Such~~ 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 ~~such~~ the accidents as required to be reported by ~~§ 46.1-401~~ of this Code ~~46.2-373~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

~~§ 46.2-375 46.1-404~~ . Reports by medical examiners of deaths resulting from accidents.—Every person holding the office of medical examiner shall report to the Commissioner of the Department of Motor Vehicles : (1) (i) the death of a person in his jurisdiction as a result of a motor vehicle accident, immediately upon after learning of ~~such~~ the death; (2) (ii) on or before the tenth day of each month, all deaths resulting from motor vehicle accidents during the preceding calendar month. ~~Such~~ These reports shall be made in the form prescribed by the Commissioner of the Department of Motor Vehicles .

NOTE: The language in this section has been simplified, but no significant change have been made.

~~§ 46.2-376 46.1-406~~ . 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

~~§ 46.2-377 46.1-407~~ . Reports made by persons involved in accidents or 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-378 ~~46.1-408~~ . Extent to which such reports may be used as evidence.—No such 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 upon , 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-379 ~~46.1-409~~ . Use of accident reports made by investigating officers.—All accident 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. The Department shall disclose from the reports, upon 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-380 ~~46.1-410~~ . Reports made under certain sections open to inspection by certain persons; copies.—Any report of an accident made pursuant to §§ ~~46.1-400~~ 46.2-372 , ~~46.1-401~~ 46.2-373 , ~~46.1-404 (2)~~ 46.2-375 , and ~~46.1-407~~ 46.2-377 shall be open to the inspection of any person involved or injured in the accident ; or as a result thereof, or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which such the person has applied for issuance or renewal of a policy of automobile insurance ; and provided, further, that the . The Commissioner or Superintendent, or the area or division offices of the Department of State Police having a copy of any such the report, shall upon on written request of any such the person or attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which such the person has applied for issuance or renewal of a policy of automobile insurance , furnish a copy of any such the report at the expense of such the person, attorney , or representative. The Commissioner or Superintendent 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 or Superintendent, or to the area or division offices of the Department of State Police having a copy of any such report, as the case may be. The Commissioner and the Superintendent, acting jointly, may set a reasonable fee for furnishing a copy of any such report, provide to whom payment shall be made, and establish a procedure for payment. Nothing contained herein in this section shall require any division office of the Department of State Police to furnish any such copy when duplicating equipment is not available.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-381 ~~46.1-411~~ . Accident reports required by county or municipal ordinance; copies.—Any county or incorporated , 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. All such These reports shall be for the confidential use of the department and subject to the provisions of this chapter article . Such The county, city , or town may, by ordinance, require such the designated department to make such the reports, including the report of the police law-enforcement officer, and including such any photographs taken by police law-enforcement officers as the governing body of such county, city or town may designate , 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. Such The county, city , or town may, by ordinance, prescribe fees to be charged for copies of such the reports and photographs and require such the designated department to furnish copies of such the reports and photographs, upon the after payment to it of the prescribed fees prescribed therefor , to any such person, attorney , or authorized representative.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-382 ~~46.1-412~~ . Courts to keep full records of certain cases.—Every ~~county or municipal general district court or the clerk thereof or clerk of a circuit court of record in this Commonwealth or the clerk thereof~~ shall keep a full record of every case in which:

(a) 1. A person is charged with ~~(1)~~ (i) a violation of any law of ~~this~~ *the* Commonwealth pertaining to the operator or operation of a motor vehicle; ~~(2)~~ (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; ~~(3)~~ (iii) any theft of a motor vehicle or unauthorized use thereof or theft of any part attached ~~thereto~~ *to it*;

(b) 2. A person is charged with manslaughter or any other felony in the commission of which a motor vehicle was used;

(c) 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.

NOTE: References to courts have been updated.

§ 46.2-383 ~~46.1-413~~ . 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 (a) 1 or (b) 2 of § ~~46.1-412~~ 46.2-382 or (ii) a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case, or (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance ~~upon such~~ *on the charges*, unless (i) the conviction has been set aside or the forfeiture vacated, or (ii) (iv) 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, or (iii) (v) 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 (iv) (vi) there is rendered a judgment for damages against a person as described in subdivision (c) of § ~~46.1-412~~ 46.2-382 every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within fifteen days, or in the case of civil judgments, ~~upon~~ *on* the request of the judgment creditor or his attorney, thirty days after ~~such~~ *the* conviction, forfeiture, assignment, acceptance, or judgment has become final without appeal or has become final by affirmance on appeal.

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 § ~~46.1-414~~ 46.2-386 . In ~~such~~ 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 ~~insure~~ *ensure* that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any ~~such~~ conviction, forfeiture, assignment, acceptance, or judgment, when three years have elapsed from the date thereof, except records of conviction or forfeiture ~~upon~~ *on* charges of reckless driving and ~~exceeding the established lawful rates of speed~~ *speeding*, which records may be destroyed when five years have elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation of a license or registration under any applicable provisions of this title.

~~Such~~ 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.

NOTE: This section has been restructured.

§ 46.2-384 ~~46.1-413.1~~ . Officers Law-enforcement officers arresting drivers for certain offenses to request abstracts or transcripts of drivers' conviction records. — Every law-enforcement officer; ~~state or local~~, who has arrested any person for (a) (i) driving while under the influence of intoxicants or drugs in violation of § 18.2-266 or a parallel local ordinance, (b) [Repealed], (c) (ii) reckless driving in violation of §§ ~~46.1-189, 46.1-190 or § 46.1-191~~ 46.2-852 through 46.2-865 or a parallel local ordinance, (d) (iii) failure to stop at the scene of an accident in violation of § 46.1-176 §§ 46.2-894 through 46.2-899 or a parallel local ordinance or (e) (iv) driving without a license or while his license has been suspended or revoked in violation of §§ 18.2-272, ~~46.1-349, 46.1-350 or § 46.1-351~~ 46.2-300 through 46.2-302 or a parallel local ordinance, shall request from the Department of Motor Vehicles an abstract or transcript of ~~such~~ *the* person's driver's conviction record on file at the Department ~~which the~~ . The Department shall furnish *the abstract or transcript* to the Commonwealth's attorney of the jurisdiction in which the case will be heard, to be held available for the court in which ~~such~~ *the* person is to be tried for ~~such~~ *the* violation or charge. However, the failure of the Commonwealth's attorney to receive ~~such~~ *the*

abstract or transcript in any case shall not constitute grounds for the granting of a continuance of such case.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-385 ~~346.1-413.2~~ . Prosecuting attorneys to appear in certain cases.—If requested by the judge trying the case, it shall be the duty of all 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 of Motor Vehicles under § 46.1-413 ~~46.2-383~~ , to shall appear on behalf of the Commonwealth or such the locality in any contested criminal case wherein a resulting conviction is required to be reported to the Department under § 46.1-413 ~~46.2-383~~ .

The failure of such the attorney to appear shall, in no case, affect the validity of any conviction.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-386 ~~46.1-414~~ . Forms for and information to be contained in abstracts; certification.—Abstracts required by § 46.1-413 of this title ~~46.2-383~~ shall be made upon on forms prepared by or approved by the Department of Motor Vehicles 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 (a) 1 or (b) 2 of § 46.1-412 of this title ~~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. Every such abstract shall be certified by the General District or Juvenile Domestic Relations District ~~general district court or juvenile and domestic relations district court~~ judge or clerk of such General District or Juvenile Domestic Relations ~~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 of Motor Vehicles by electronic means may be certified by machine imprint of the name of the General District or Juvenile Domestic Relations District ~~general district court or juvenile and domestic relations district court~~ judge or the clerk's name of such General District or Juvenile Domestic Relations District ~~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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-387 ~~46.1-416~~ . Penalty for failure to forward record of conviction or of judgment for damages.—(a) 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 upon conviction be subject to a fine of not less than ten dollars nor more than fifty dollars and he may be suspended or removed from office or otherwise disciplined for such dereliction of duty.

(b) 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.

(c) 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-388 ~~46.1-416.1~~ . 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 of the Department of Motor Vehicles , shall approve a form for the summons 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 of Motor Vehicles under the provisions of §§ 46.1-412 ~~46.2-382~~ and 46.1-413 ~~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 of the Department of Motor Vehicles .

The form of ~~such~~ 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 ~~such~~ copy by the courts for purposes of filing abstracts of records with the Department as required by § ~~46.1-413~~ 46.2-383 and shall be ~~deemed to be~~ a form prepared by the Department within the meaning of § ~~46.1-414~~ 46.2-386 . The form of ~~such~~ 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 of this section shall be used for violations of §§ ~~46.1-330~~ 46.2-1122 through 46.2-1127 and ~~46.1-340~~ 46.2-1130 . ~~Such~~ The citation shall be directed to the owner, operator or other person responsible for the overweight violation, and shall advise ~~such person~~ him of :

1. ~~Of the~~ The nature of the violation charged against him;
2. ~~Of the~~ The amount of monetary fees, penalties , and damages that may be assessed as a result of ~~such~~ for violations;
3. ~~Of the~~ 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. ~~Of the~~ The procedures and time limits for making ~~such~~ the payments or contesting such charge, which shall include the trial date, which shall in no event be earlier than sixty days after the violation; and
5. ~~Of the~~ The consequences of a failure to timely pay or contest the charge.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 12.

Suspension and Revocation of Licenses, Generally;

Additional Penalties.

§ ~~46.2-389~~ 46.1-417 . Required revocation for one year upon conviction or finding of guilty of certain offenses; exceptions thereto .- A. The Commissioner shall forthwith revoke, and not thereafter reissue during the period of for one year, except as provided in § 18.2-271 or § 18.2-271.1, the driver's license, registration card , and license plates of any person, resident or nonresident, upon 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 either a state law or a valid town, city or county , city, or town ordinance paralleling and substantially conforming to a like state law and to all changes and amendments of it:

(a) 1. Voluntary or involuntary manslaughter resulting from the operation driving of a motor vehicle;

(b) (1) 2. Violation of the provisions of § 18.2-266 or § 18.2-272 or violation of a valid town, city or county local ordinance paralleling and substantially conforming to §§ 18.2-266 to 18.2-273 or 18.2-272 ;

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; or

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.

(2) Upon B. Notwithstanding provision 2 of subsection A of this section, receipt of a copy of an order entered by a general district court pursuant to the provisions of subdivision (b1) of § 18.2-271.1 ~~(b1)~~ that a person whose license would otherwise be subject to revocation under the provisions of this section has entered a program under the provision of § 18.2-271.1, the Commissioner shall not revoke such his driver's license, registration card, and license plates, or having revoked them, shall forthwith withdraw his order of revocation. In the event the Commissioner shall receive a copy of an order from the court revoking or suspending the privilege of such the person to operate drive a motor vehicle, the Commissioner shall then revoke or suspend such his driver's license, registration card, and license plates.

(e) Perjury or the making of a false affidavit to the Department under this chapter or any other law of this Commonwealth requiring the registration of motor vehicle or regulating their operation on highways, or the making of a false statement to the Department on any application for a driver's license;

(d) Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used;

(e) [Repealed.]

(f) 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.

NOTE: Subsections (c) through (f) have been rewritten and included as provisions 3 through 6 of subsection A, with subsection (b)(2) becoming subsection B.

§ 46.2-390 ~~46.1-417.1~~. Required suspension upon for conviction of certain offenses theft or unauthorized use of a motor vehicle. -When any person shall be is convicted, or found not innocent in the case of a juvenile, or any theft of a motor vehicle or its unauthorized use thereof, or the theft of any part thereof of its parts, whether the motor vehicle be is used in the commission of a theft or not, then in addition to any other penalties provided by law, the driver's license of such the person shall be suspended by the court or judge for a period of not less than sixty days nor more than six months. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.1-425 ~~46.2-398~~. If the conviction be is a second or subsequent offense, such the license shall be suspended at least sixty days and not more than one year, and the court shall thereupon transmit such the license to the Department of Motor Vehicles as provided by law. If such the person has not obtained a license as required by Chapter 5 (§ 46.1-248 et seq.) of this title this chapter, or is a nonresident, such the court shall direct in the judgment of conviction that such the person shall not drive or operate any motor vehicle in this the Commonwealth for a period to coincide with the judgment of the court. The provisions of this 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 subsection A of § 46.1-417(d) ~~46.2-389~~. The provisions of § Section 46.1-438 ~~46.2-411~~ shall not apply to any person whose license is revoked suspended under the provisions of this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-391 ~~46.1-421~~. Revocation of license upon for conviction of driving while under influence of drugs; or intoxicants; etc.; exception; petition for restoration of privilege. - (a) A. Except as otherwise ordered as provided in pursuant to § 18.2-271 or § 18.2-271.1, the Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person upon on receiving a record of the conviction of any such person who is adjudged to be a second offender in violation of the provisions of § 18.2-266 pertaining to driving under the influence of drugs or intoxicants or of § 18.2-272 pertaining to driving while the driver's license has been forfeited for a conviction under § 18.2-266, or upon on receiving a record of such conviction as a second offender for a violation of a federal law; or law of any other state or a valid ordinance of any city, town or county, city, or town of this the Commonwealth; or of any other state similar to § 18.2-266 or § 18.2-272, if the subsequent violation adjudication as a second offender is within ten years from the prior violation. However, if the Commissioner has received a copy of a court order as provided in § 18.2-271 or subdivision (b1) of § 18.2-271.1 ~~(b1)~~, he shall not revoke such the license, but shall proceed as provided in subsection B of § 46.1-417 ~~(b)~~ (2) ~~46.2-389~~ or as set forth in the order of the court.

(b) B. Except as otherwise ordered as provided in pursuant to § 18.2-271 or § 18.2-271.1, the Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person upon after receiving a record of the conviction of any such person who is adjudged to be a third offender within a period of ten years in violation of the provisions of § 18.2-266 pertaining

to driving under the influence of drugs or intoxicants or upon after receiving a record of such conviction as a third offender within a period of ten years for a violation of federal law or a law of any other state or a valid ordinance of any city, town or county, city, or town of this the Commonwealth or of any other state similar to § 18.2-266 or § 18.2-273. At the expiration of ten years from the date of the revocation hereunder, such the person may petition the circuit court in the county or city wherein such person in which he resides, and for good cause shown, such his license may in the discretion of the court be restored on such terms and conditions as the court may prescribe.

(e) C. Any person who has had his driver's license revoked in accordance with subsection (b) above B of this section may, after the expiration of five years from the date of the last conviction, petition the circuit court of his residence for restoration of his privilege to operate drive a motor vehicle in this the Commonwealth. Upon On such petition, and for good cause shown, the court may, in its discretion, restore to such the person the privilege to operate drive a motor vehicle in this the Commonwealth upon such terms and on whatever conditions as 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 such his previous convictions, the petitioner was addicted to or psychologically dependent upon 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 upon 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 or others with regard to the operation driving of a motor vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-392 46.1-422 . Suspension of license upon on conviction of reckless driving; generally.—
(a) In addition to the penalties for reckless driving prescribed in § 46.1-192 46.2-868 any court may suspend any license issued to a convicted person under Chapter 5 (§ 46.1-348 et seq.) of this title Articles 1 through 9 (§ 46.2-300 et seq. of this chapter) for a period of not less than ten days nor more than six months and such 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 § 46.1-425 46.2-398 .

(b) If a person so convicted has not obtained the license required by such that chapter, or is a nonresident, the court may direct in the judgment of conviction that such person he shall not, for a period of not less than ten days or more than six months as may be prescribed in the judgment, drive or operate any motor vehicle in this 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-393 46.1-423 . Same; reckless driving Suspension of license on conviction of reckless driving involving driving twenty or more miles per hour faster than speed limit .—When any person shall be is convicted of reckless driving as provided for in § 46.1-190 (i) of this title then §§ 46.2-853 through 46.2-864, in addition to any other penalties provided by law, except in those cases for which revocation of licenses is provided in § 46.1-417 46.2-389 , the driver's license of such the person may be suspended by the court or judge for a period of not less than sixty days nor more than six months. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.1-425 46.2-398 . Where the conviction is a second conviction which would require revocation under the provisions of § 46.1-417 46.2-389 , the court shall suspend the driver's license of such the person and thereupon transmit the same it to the Department of Motor Vehicles as provided by law. If such the person so convicted has not obtained a license required by Chapter 5 (§ 46.1-348 et seq.) of this title chapter or is a nonresident, such the court shall direct in the judgment of conviction that such the person shall not drive or operate any motor vehicle in this the Commonwealth for a period of not less than sixty days nor more than six months.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§46.1-423.1. Additional fine and jail sentence for fourth conviction of certain offenses.—If any person, having been convicted 3 times of any offense or offenses set forth below, within a period of 10 years, be again convicted of any 1 of such offenses within such 10-year period, he shall, in addition to the penalty otherwise prescribed by law for such offense, be fined not less than \$100 nor more than \$1,000 and confined in jail not less than 3 months nor more than 12 months. The offenses for a fourth conviction of which such penalties may be imposed are the following: violations within Virginia of §§ 18.2-266, 46.1-176, 46.1-191, 46.1-350, or of any similar ordinance of any county, city or town in Virginia, and manslaughter involving the operation of a

motor vehicle, voluntary or involuntary. Provided, however, that for the purposes of this section where more than one manslaughter conviction results from a single act or omission, then only the first such conviction shall constitute an offense.

NOTE: The section has been repealed as obsolete.

§ 46.2-394 46.1-423.2 . Revocation of license upon for fourth conviction of any such offense certain offenses .— In addition to the penalties set forth in § 46.1-423.1, if If any person be is convicted of a fourth offense as therein provided in §§ 18.2-266, 46.2-894, 46.2-895, 46.2-865, 46.2-301 or any similar ordinance of any county, city, or town in Virginia , the court in which such the conviction is had shall revoke the his driver's license of such person for a period of five years.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-395 46.1-423.3 . Revocation or suspension Suspension of license for failure or refusal to pay fines ; or costs ; etc .— (a) Any person, whether licensed by Virginia or not, who operates drives a motor vehicle on the highways in this the Commonwealth shall be deemed thereby, as a condition of such operation driving , to have consented consent to pay all lawful fines, court costs, forfeitures, restitution , and penalties assessed against him for violations of the motor vehicle laws of this the Commonwealth, or of any county, city , or town.

(b) In addition to any other penalty provided by law, when any person is convicted of any violation of this article title , or any other law of the Commonwealth pertaining to the operator driver or operation driving of a motor vehicle or of any valid local ordinance of any county, city or town adopted pursuant to § 46.1-180 46.2-1300 , and fails or refuses to provide for immediate payment in full of any fine, costs, forfeitures, restitution , or penalty lawfully assessed against him, or fails to make deferred payments or installment payments as ordered by the court, the Commissioner or the court in accordance with procedures established by the Department, upon after receipt of a record of such failure, shall forthwith suspend the person's privilege of such person to operate drive a motor vehicle upon on the highways of the Commonwealth. The driver's license of such the person shall continue suspended until such time as such the fine, costs, forfeiture, restitution , or penalty has been paid in full. If such the person has not obtained a license as required by Chapter 5 (§ 46.1-348 et seq.) of this title chapter , or is a nonresident, the court may direct in the judgment of conviction that such the person shall not drive or operate any motor vehicle in Virginia for a period to coincide with the nonpayment of such the amounts due.

(c) Before transmitting to the Commissioner a record of such the person's failure or refusal to pay any fine, costs, forfeiture, restitution , or penalty or a failure to comply with an order issued pursuant to § 19.2-354, the clerk of the court that convicted such the person shall send or provide such the person written notice that his license or privilege to drive a motor vehicle in Virginia will be suspended if such the fine and costs are not paid within ten days. A record of such the person's failure or refusal shall be sent to the commissioner if the fine, costs, forfeiture, restitution , or penalty remains unpaid at the termination of the ten-day period specified in the notice or upon on the failure to make a scheduled payment.

(d) If such the person pays the amounts assessed against him subsequent to the time the license has been transmitted to the Department of Motor Vehicles , and his license is not under suspension or revocation for any other lawful reason, except pursuant to this section, then the Commissioner shall return the license to the person upon on presentation of the official report of the court evidencing the payment of the fine, costs, forfeiture, restitution , or penalty.

(e) If the court has suspended or revoked the driver's license for any lawful reason other than this section, or the conviction is one for which revocation or suspension is required under any provision of this title, except for this section, then the suspension permitted under the provisions of this section shall be in addition to, and run consecutively with, such the revocation or suspension. The period of such suspension shall be calculated from the date of the assessment of such the fine, costs, forfeiture, restitution , or penalty until the date the same it has been paid.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-396 46.1-423.4 . Suspension of license for reckless driving resulting in death of any person.—When any person shall be is convicted of reckless driving as provided for in § 46.1-190 §§ 46.2-853 through 46.2-864 and such 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 such the person may be suspended by the court or judge for a period not to exceed no more than twelve months. In case of conviction the court or judge may order the surrender of the license to the

court where it shall be disposed of in accordance with the provisions of § 46.1-425 46.2-398 . If ~~such~~ the person so convicted has not obtained a license required by Chapter 5 (~~§ 46.1-348 et seq.~~) of this title chapter or is a nonresident, ~~such~~ the court may direct in the judgment of conviction that ~~such~~ the person shall not drive ~~nor operate~~ any motor vehicle in ~~this~~ the Commonwealth for a period not to exceed twelve months. The fact of ~~such~~ the suspension shall not be admissible as evidence in any related civil proceeding.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-397 46.1-424 . Suspension of license for certain violations while transporting explosives, ~~etc inflammable gas or liquid~~ .--When the driver of any motor vehicle is convicted of a any violation of any of the provisions of §§ 46.1-180 46.2-852 through 46.2-864 , 46.1-190, 46.1-213 46.2-816 , 46.1-221 46.2-820 through 46.2-823 , 46.1-222 46.2-825 or § 46.1-223 46.2-826 , or of any of the applicable speed limits prescribed in § 46.1-193 46.2-870 through 46.2-878 and ~~such~~ the violation was committed while ~~operating~~ driving a motor vehicle, tractor truck , trailer , or semitrailer, transporting explosives or any inflammable gas or liquid, in addition to any other penalty imposed, the court may suspend the driver's license of ~~such~~ the convicted person ~~so convicted~~ for a period of ninety days from the date of conviction. ~~This penalty shall be in addition to any other penalties for such violation.~~

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-398 46.1-425 . Disposition of surrendered licenses ~~upon~~ on revocation or suspension.--
(a) In any case in which the accused is convicted of an offense, ~~upon~~ 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 ~~such~~ revocation or suspension if ~~such~~ the period does not exceed thirty days, or (1) (i) if ~~such~~ the period exceeds thirty days, until the time allowed by law for appeal has elapsed, when it shall be forwarded to the Commissioner, or (2) (ii) until an appeal is effected and proper bond posted, at which time it shall be returned to the accused.

(b) However, when the time of suspension or revocation coincides or approximately coincides with the appeal time, the court may retain the license and return ~~the same~~ it to the accused ~~upon~~ on the expiration of the suspension or revocation.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-399 46.1-426 . Revocation of license for improper use or failure to pay ~~road~~ certain taxes.--The Department shall revoke a driver's license whenever the person to whom the license has been issued ~~shall make~~ makes or ~~permit~~ permits to be made an unlawful use of ~~the same~~ it or ~~permit~~ permits the use thereof of it by a person not entitled ~~thereto~~ to it or ~~fail~~ fails or ~~refuse~~ refuses to pay within the time prescribed by law, any lawful ~~road~~ taxes ~~due the Commonwealth imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1~~ .

NOTE: Specific reference to the current road tax has been supplied.

§ 46.2-400 46.1-427 . Suspension of license of person incompetent because of mental illness, mental deficiency, inebriety , or drug addiction; return of license; duty of clerk of court.--The Commissioner, ~~upon~~ on receipt of notice that any person has been legally adjudged to be incompetent ; in accordance with § 37.1-128.02, or that a person discharged from an institution operated or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services is, in the opinion of the authorities of ~~such~~ the institution, not competent because of mental illness, mental retardation, inebriety , or drug addiction to ~~operate~~ drive a motor vehicle with safety to persons or property , shall forthwith suspend his license; but he shall not suspend the license if the person has been adjudged competent by judicial order or decree.

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 such as is required of applicants by § 46.1-360 46.2-325 , that ~~such~~ the person is competent to ~~operate~~ drive a motor vehicle with safety to persons and property.

The clerk of the court in which ~~any~~ ~~such~~ the adjudication is made shall forthwith send a certified copy or abstract ~~thereof~~ of the conviction to the Commissioner.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-401 46.1-429 . Reports to Commissioner of discharge of patients from state institutions.--
(a) ~~At~~ Whenever practicable, at least ten days ; if ~~practicable~~, prior to the time when any patient is to be discharged from any institution operated or licensed by the Department of

Mental Health, Mental Retardation and Substance Abuse Services, if the mental condition of ~~such~~ the patient is, because of mental illness, mental retardation, ~~epilepsy~~, inebriety, or drug addiction, in the judgment of the director or chief medical officer of the institution such as to prevent him from being competent to ~~operate~~ drive a motor vehicle with safety to persons and property, ~~such~~ the director or chief medical officer shall forthwith report to the Commissioner, in sufficient detail for accurate identification, the date of discharge of ~~such~~ the patient, together with a statement concerning his ability to ~~operate~~ drive a motor vehicle.

~~(b)~~ [Repealed.]

NOTE: The term "epilepsy" has been removed to comport with its removal from § 46.1-427 by Chapter 78 of the 1988 Acts of Assembly.

§ 46.2-402 ~~46.1-430~~. When Commissioner may suspend or revoke license for not more than one year after hearing.— ~~(a)~~ A. The Commissioner may, after due hearing, ~~upon~~ after giving not less than five days' written notice by registered letter to the address given by the driver when applying for his license, 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 under the provisions of this chapter 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)~~ 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)~~ 2. Is incompetent to drive a motor vehicle,

~~(3)~~ ~~Is afflicted with~~ 3. Suffers from mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle ~~upon~~ on the highways,

~~(4)~~ 4. Is habitually a reckless or negligent driver of a motor vehicle, or

~~(5)~~ 5. Has committed a serious violation of the motor vehicle laws of this Commonwealth ; .

~~(6)~~ ~~Is an habitual drunkard or~~

~~(7)~~ ~~Is addicted to the use of drugs.~~

~~(b)~~ 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.

NOTE: Provisions relating to drunkards and drug addicts are unworkable at present.

§ 46.2-403 ~~46.1-431~~. Contents of notice of hearing.— ~~(a)~~ A. The notice of a hearing when mailed to any person, as provided in § ~~46.1-430~~ 46.2-402 shall contain:

~~(1)~~ 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)~~ 2. The date, time and place of the hearing;

~~(3)~~ 3. The names and addresses of all known witnesses whose testimony is proposed to be taken at the hearing;

~~(4)~~ 4. As to any record of conviction of any offense which is to be offered as evidence, the date of ~~such~~ the conviction and the court in which the same was had.

~~(b)~~ B. If these requirements are complied with it shall be sufficient regardless of whether ~~or~~ ~~not~~ the licensee appeared and regardless of whether ~~or~~ ~~not~~ the notice was ever received.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-404 ~~46.1-432~~. 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-405 ~~46.1-433~~ . How ~~such~~ hearings to be conducted.— ~~(a)~~ A. In any such hearing all relevant and material evidence shall be received, except that: ~~(1)~~ The ~~(i)~~ the rules relating to privileged communications and privileged topics shall be observed; ~~(2)~~ ~~(ii)~~ hearsay evidence shall be received only according to the rules of evidence prevailing in courts of record; and ~~(3)~~ ~~(iii)~~ secondary evidence of the contents of a document shall be received only if the original is not readily available.

~~(b)~~ 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)~~ A of this section shall be introduced at the hearing. Any certified copy of any conviction forwarded to the Commissioner under the provisions of § 46.1-413 of this chapter 46.2-383 , shall be prima facie evidence of ~~such~~ the conviction, and may be introduced in evidence.

~~(c)~~ C. Subject to the provisions of subsection ~~(a)~~ 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)~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-406 ~~46.1-434~~ . Appointment and authority of hearing officers.—The Commissioner may appoint one or more persons to conduct the hearings provided for in this title. ~~Such~~ The hearing officers are hereby authorized to administer oaths, take acknowledgements and affidavits, take testimony and depositions, and perform ~~such~~ other duties which are incidental to conducting ~~such~~ the hearings.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-407 ~~46.1-435~~ . Form and contents of decision; copies.—Any decision or order of the Commissioner to be valid ~~and operative~~, 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-408 ~~46.1-436~~ . When Commissioner may suspend or revoke license for ~~not~~ no more than five years.— ~~Upon~~ 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 of this in the Commonwealth and after notice as provided in § 46.1-431 46.2-403 and hearing as provided in §§ 46.1-432 46.2-404 , 46.1-433 46.2-405 , 46.1-434 46.2-406 and 46.1-435 46.2-407 suspend or revoke for a period ~~not to exceed~~ 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 Chapters 1 (~~§ 46.1-1 et seq.~~) through 6 (~~§ 46.1-388 et seq.~~), inclusive, 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 ~~certificates cards and registration~~ license plates for any motor vehicle.

NOTE: See note following proposed § 46.2-102.

§ 46.2-409 ~~46.1-436.1~~ . ~~Abstract~~ Certain abstracts of conviction submitted under § 46.1-413 to be prima facie evidence of conviction.—In any administrative hearing conducted by the Commissioner or his designee pursuant to any provisions of this article , an abstract showing a conviction of the violation of any of the provisions of this title, submitted as provided by § 46.1-413 46.2-383 by the court in which ~~such~~ the conviction was had, shall be prima facie evidence that the person named in ~~such~~ the abstract was duly convicted of ~~such~~ the violation, and the burden shall be on any person challenging the propriety of ~~such~~ the conviction to show that ~~such~~ the conviction was improper.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-410 ~~46.1-437~~ . Appeals from order suspending or revoking license or registration.— ~~(a)~~ 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 (§ 9-6.14:1 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.

~~(b) through (f) [Repealed.]~~

~~(g)~~ 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-411 46.1-438~~ . 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 ~~such~~ the person, whenever he deems or in case of a hearing finds it necessary for the safety of the public ~~upon~~ on the highways ~~of~~ in the Commonwealth.

B. Before granting or restoring a license or registration to any person whose driver's license or other privilege to ~~operate~~ drive motor vehicles has been revoked or suspended pursuant to the provisions of §§ ~~46.1-417 46.2-389~~ , ~~46.1-418, 46.1-421 46.2-391,~~ and ~~46.1-442 46.2-417~~ the Commissioner shall require proof of financial responsibility in the future as provided in Article 6 15 (§ ~~46.1-467 46.2-435~~ et seq.) of this chapter, but no person shall be licensed who may not be licensed under the provisions of §§ ~~46.1-417 46.2-389~~ through ~~46.1-362 46.2-431~~ .

C. Whenever the driver's license or registration ~~certificate cards~~ , ~~registration license~~ plates and decals , or other privilege to ~~operate~~ drive or to register motor vehicles of any ~~resident or nonresident~~ person, ~~resident or nonresident~~, is suspended or revoked by the Commissioner or by a ~~municipal or county district~~ court or by a ~~circuit~~ court of ~~record~~ pursuant to the provisions of Title 18.2 ~~and/or~~ or this title, or any valid ~~town, city or county local~~ ordinance of the Commonwealth , ~~such~~ the order of suspension or revocation shall remain in effect and ~~such~~ the driver's license, ~~registration certificate cards~~ , ~~registration license~~ plates and decals , or other privilege to ~~operate~~ drive or register motor vehicles shall not be reinstated and no new driver's license, ~~registration certificate cards~~ , ~~registration license~~ plates and decals or , other privilege to ~~operate~~ 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 fee of thirty dollars. When three years have elapsed from the termination date of ~~any such~~ the order of suspension or revocation and ~~such~~ the person has complied with all other provisions of law, the Commissioner may relieve him of paying the reinstatement fee.

No reinstatement fee shall be required when the suspension or revocation of license results from the ~~person being afflicted with~~ *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 ~~such~~ 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 ~~such~~ the suspension is not required by § ~~46.1-425 46.2-398~~ to forward the license to the Department during the suspended period.

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 of Motor Vehicles .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-412 46.1-430~~ . Time suspension or revocation ~~to remain effective~~ .—Every suspension or revocation shall remain in effect and the Commissioner shall not issue ~~to such person~~ any new or renewal license or register in his name any motor vehicle, until permitted under the provisions of this chapter ; ~~except that when~~ . When three years shall have elapsed from the date of the termination of the revocation provided by § ~~46.1-417 46.2-389~~ or § ~~46.1-421 46.2-391~~ , or in the case of a suspension pursuant to the provisions of § ~~46.1-442 46.2-417~~ , when three years have elapsed from the date of satisfaction of the judgment or judgments, ~~such~~ the person may be relieved of giving proof of his financial responsibility in the future, provided ~~such person~~ 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 ~~revoked~~ *suspended* under § ~~46.1-427 46.2-400~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-413 46.1-440~~ . 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 ~~will~~ shall entitle the holder to the restoration thereof of his license or registration forthwith without proof of financial responsibility.

NOTE: Only the section number has been changed.

§ 46.2-414 ~~46.1-441~~ . Commencement of periods for suspension or revocation of licenses, registration ~~certificates cards~~, or license plates.—Wherever it is provided in this title that the driver's license, or the registration ~~certificates 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 of the Department of Motor Vehicles as provided by law, ~~such the~~ period shall be counted from 180 days after ~~said the~~ conviction becomes final or after the order of the Commissioner, as a result of ~~such the~~ hearing, becomes final, or shall be counted from the date on which ~~said the~~ license, ~~certificate card~~, or plates are surrendered to the Commissioner or his agent, or to the court or clerk thereof, regardless of whether ~~or not~~ the record of conviction has been received by the Commissioner or his agent, whichever period shall first commence. 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-415 ~~46.1-441.1~~ . 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 ~~such the~~ violation had occurred on the highways of ~~this in the~~ Commonwealth, revocation or suspension of ~~such the~~ person's driver's license would be mandatory or discretionary with a court of ~~this the~~ Commonwealth, ~~such the~~ magistrate or judge is authorized to revoke or suspend ~~such the~~ person's driver's license, provided ~~the same it~~ is forwarded to the Commissioner of the Department of Motor Vehicles as is provided by law as to courts of ~~this the~~ Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-416 ~~46.1-441.2~~ . 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 of the Department of Motor Vehicles or by a court, notice of ~~such 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 last known address supplied by ~~such the~~ driver and on file at the Department, and the certificate of the Commissioner or someone designated by him for that purpose that ~~such the~~ notice or copy has been so sent shall be deemed prima facie evidence that ~~such the~~ notice or copy has been sent and delivered to ~~such the~~ driver for all purposes involving the application of the provisions of this title ; including § 46.1-435 . In the event the Department's records indicate that someone other than ~~such the~~ driver has signed the return receipt or that the return receipt is unsigned, then service may be made as provided in § 8.01-296. ~~Such service~~ Service shall be made by a sheriff or deputy ~~thereof sheriff~~ in the county or city ~~wherein is such in which the address located~~ , who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration ~~certificate card~~, or set of registration license plates or decals and return them to the office of the Commissioner. In any such case, return shall be made to the Commissioner, and a rebuttable presumption that service was made shall arise.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of Department of Motor Vehicles ~~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 ~~in amounts~~ as provided in the general appropriations act.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 13.

Suspension of Licenses for Unsatisfied Judgments and After Certain Accidents.

§ 46.2-417 ~~46.1-442~~ . Suspension for failure to satisfy motor vehicle accident judgment; exceptions; insurance in liquidated company; insurer obligated to pay judgment.— (a) If the report is received within twenty years from the date of the judgment, or if the judgment has

been revived, the A. Upon the application of any judgment creditor, the Commissioner shall suspend the driver's license issued to of any person who has failed for a period of thirty days to satisfy any judgment in an amount and upon on a cause of action as hereinafter stated , immediately upon receiving an authenticated report authenticated judgment order or abstract thereof in an action for damages in a motor vehicle accident, as hereinafter provided to that effect if (i) the order or abstract is received by the Commissioner within ten years of the date of judgment or (ii) 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) B. The Commissioner shall not, however, revoke 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) C. The Commissioner shall not suspend the driver's license or operating driving privilege under the provisions of this section or § ~~46.1-443~~ 46.2-418 , if the Commissioner finds that an insurer authorized to do business in this 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 § ~~46.1-1(8)~~ 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 theretofore made by him, forthwith shall suspend the driver's license or operating driving privilege, or any registration certificate card , license plates or decals of any person against whom the judgment was rendered, as provided in subsection (a) A of this section.

NOTE: Subsection A has been rewritten to comport with current practice.

§ 46.2-418 ~~46.1-443~~ . Judgments Nonpayment of judgments of Virginia and other states ; etc .
- The Commissioner shall take action as required in § ~~46.1-442~~ 46.2-417 upon on receiving proper evidence that the person has failed for a period of thirty days to satisfy any judgment, in amount and upon on a cause of action as stated in §§ ~~46.1-442~~ 46.2-417 and ~~46.1-389(e)~~ 46.2-364 , rendered by a court of competent jurisdiction of this the Commonwealth, any other state of the United States, the United States, the Dominion of Canada or its provinces.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-419 ~~46.1-444~~ . When judgment deemed satisfied.— (a) A. Every judgment for damages in any motor vehicle accident herein referred to in this chapter shall , for the purpose of this chapter only , be deemed satisfied:

(1) 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 \pm one person as the result of any \pm one accident;

(2) 2. When, subject to the limit of \$25,000 because of bodily injury to or death of \pm 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 \geq two or more persons as the result of any \pm one accident;

(3) 3. When the judgment has been paid in full or when \$10,000 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 , \pm one accident; or

(4) 4. When the judgment has been discharged in bankruptcy.

(b) 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-420 ~~46.1-445~~ . Order for payment of judgment in installments.— A judgment debtor upon , 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 ~~and the~~ .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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-421 ~~46.1-446~~ . 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 ~~hereinafter~~ provided *in this chapter* .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-422 ~~46.1-447~~ . Suspension ~~upon~~ on failure to pay installments.— If the judgment debtor fails to pay any installment as permitted by the order of the court, then ~~upon~~ on notice of default , the Commissioner shall forthwith suspend the *driver's* license ~~and~~ , registration ~~certificates cards~~, and ~~registration license~~ plates of the judgment debtor until the judgment is satisfied as provided in this chapter, ~~except that the~~ . 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-423 ~~46.1-448~~ . Creditor's consent to license notwithstanding default in payment.— If the judgment creditor consents in writing, in ~~such whatever~~ form as 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 ~~hereinafter~~ provided *in this chapter* .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-424 ~~46.1-451~~ . Duty of insurance carrier ; ~~etc.~~, after notice of accident; report of omissions by insurers to State Corporation Commission; investigation and assessment for omissions.— (a) ~~Upon~~ On receipt of the certificate of insurance, the insurance carrier or surety company named in the certificate of insurance shall determine whether ~~or not~~ the policy or bond was applicable to liability if any there was 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 there was, as to the named insured resulting from the accident. The Commissioner shall prescribe the manner in which the written notice shall be made.

(1) 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 the provisions of § 46.1-167.4 § 46.2-708, if ~~whether~~ suspension of the driver's license ~~and all~~ , registration ~~certificates cards~~, and license plates issued to the owner of the motor vehicle involved in the accident is required.

(b) If the records of the Department of ~~Motor Vehicles~~ 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.

(c) The State Corporation Commission shall investigate every such report of omission. If the Commission ~~shall find~~ finds that any insurance carrier or surety company licensed to transact business in ~~this the~~ Commonwealth, without good reason, has failed to cause to be filed the notice required hereunder, the State Corporation Commission may assess ~~such the~~ carrier or company the sum of fifty dollars for each ~~such~~ omission.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-425 ~~46.1-452~~ . Driver or owner having no license issued by Department ; ~~etc~~ .— In case a driver or owner has no *driver's* license to ~~operate~~ issued by the Department or no motor vehicle registered in his name in ~~this 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 §§ ~~46.1-417~~ 46.2-389 and ~~46.1-421~~ 46.2-391 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-426 ~~46.1-454~~ . 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 of ~~this in the Commonwealth~~ begun not later than one year after the date of the accident ; ~~except that the~~ . The cash or securities may be assigned by the depositor ~~thereof~~ for the benefit of the person or persons damaged or injured in the accident as the result of which ~~such the~~ cash or securities were filed or deposited without ~~such the~~ damaged or injured person being required to institute legal proceedings. The Commissioner shall accept ~~and honor such the~~ assignment if, in his opinion, the rights of any other person or persons shall not be prejudiced thereby.

NOTE: Only minimal changes have been made.

§ 46.2-427 ~~46.1-459~~ . When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration ; ~~ete.~~; in name of another person.— ~~(a) Repealed.~~

~~(b)~~ The suspension required by the provisions of § ~~46.1-442~~ 46.2-417 shall continue except as otherwise provided by §§ ~~46.1-446~~ 46.2-421 and ~~46.1-448~~ 46.2-423 until the person satisfies the judgment or judgments as prescribed in § ~~46.1-444~~ 46.2-419 and gives proof of his financial responsibility in the future.

~~(c)~~ The motor vehicle involved in the accident ~~upon~~ on which the suspension under § ~~46.1-442~~ 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 ~~instruction learner's~~ permit shall be issued in the name of the person suspended, except as prescribed in § ~~46.1-469~~ 46.2-437 until the suspension is terminated.

~~(d)~~ The ~~provisions of this~~ 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-428 ~~46.1-460~~ . 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 ~~thereof be of the deposit is~~ lost, destroyed , or misappropriated the Commonwealth shall make good the loss to any person entitled thereto.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-429 ~~46.1-461~~ . Release of deposits only upon consent of Commissioner.— Bonds, cash , or securities ~~so 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 ~~the terms of~~ this chapter.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 14.

Suspension of Licenses of Nonresidents or for

Accidents in Other States.

§ 46.2-430 ~~46.1-462~~ . Power over nonresidents.—Whenever by the laws of ~~this the~~ Commonwealth the Commissioner may suspend or revoke: ~~(1)~~ i The license of a resident driver, or ~~(2)~~ ii the registration ~~certificates cards and registration~~ license plates of a resident owner, he may: ~~(1)~~

1. ~~suspend~~ *Suspend* or revoke the privilege of operating a motor vehicle in ~~this the~~ Commonwealth by a nonresident driver and ~~(ii)~~

2. ~~suspend~~ *Suspend* the privilege of ~~operating~~ *driving* a vehicle owned by a nonresident ~~regardless of whether such the~~ vehicle is registered in ~~this the~~ Commonwealth ~~or not~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-431~~ ~~46.1-463~~ . Chapter applies to nonresidents.— Every provision of this chapter applies to any person who is not a resident of ~~this the~~ Commonwealth under the same circumstances as they would apply to a resident ; ~~and no~~ . No nonresident may ~~operate~~ *drive* any motor vehicle in ~~this the~~ Commonwealth and no motor vehicle owned by him may be ~~operated~~ *driven* in ~~this the~~ Commonwealth, unless ~~and until~~ the nonresident has complied with the requirements of this chapter with respect to giving proof of financial responsibility in the future.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-432~~ ~~46.1-464~~ . 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 ~~operating~~ *driving* a motor vehicle in ~~this the~~ Commonwealth and of the ~~operation~~ *driving* within ~~this the~~ Commonwealth of any motor vehicle owned by him.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-433~~ ~~46.1-465~~ . Notification of officers in *nonresident's home state where nonresident resides* .— ~~Upon~~ *On* conviction of a nonresident or in case any unsatisfied judgment results in suspension of a nonresident's driving privileges in ~~this the~~ Commonwealth and the prohibition of the ~~operation~~ *driving* within ~~this the~~ Commonwealth of any motor vehicle ~~owned by him~~ , or ~~upon~~ *on* suspension of a nonresident's driving privileges in ~~this the~~ Commonwealth ~~and the prohibition of the operation within this Commonwealth of any motor vehicle owned by the nonresident~~ pursuant to any other provision ~~or provisions~~ 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 in ~~this Commonwealth and the prohibition of the operation within this Commonwealth 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, or the Dominion of Canada or its provinces in which the nonresident resides.~~

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-434~~ ~~46.1-466~~ . Conviction of or judgment against resident in another jurisdiction.— ~~(a)~~ The Commissioner shall suspend or revoke the license and registration certificate and plates of any resident of ~~this the~~ Commonwealth upon receiving notice of his conviction, in a court of competent jurisdiction of ~~this the~~ Commonwealth, any other state of the United States, the United States, ~~the Dominion of Canada or its provinces or any territorial subdivision of such state or country, of an offense therein which, if committed in this the Commonwealth, would be grounds for the suspension or revocation of the license granted to him. No suspension or revocation under this subsection shall continue for a longer period in this the Commonwealth than in the jurisdiction in which such the offense occurred, provided such the person gives proof of his financial responsibility in the future for the period provided in § 46.1-430 of this chapter~~ ~~46.2-412~~ .

~~(b)~~ The Commission shall take like action upon receipt of notice that a resident of ~~this 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, ~~the Dominion of Canada or its provinces~~ , or any territorial subdivision of such state or country.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 15.

Proof of Financial Responsibility.

§ ~~46.2-435~~ ~~46.1-467~~ . 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.

NOTE: Only the section number has been changed.

§ 46.2-436 ~~46.1-468~~ . Methods of proving financial responsibility.—Proof of financial responsibility when required under this chapter may be given by proof that:

(a) 1. A policy or policies of motor vehicle liability insurance have been obtained and are in full force ~~and effect~~ ;

(b) 2. A bond has been duly executed ; ;

(c) 3. A deposit has been made of money or securities ; ; or

(d) 4. A self-insurance certificate has been filed, all as ~~herein~~ provided *in this chapter* .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-437 ~~46.1-469~~ . 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 ~~herein~~ provided *in this chapter* . The Commissioner shall designate the restrictions imposed by this section on the face of ~~such~~ *the person's* driver's license.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-438 ~~46.1-470~~ . Proof by owner of vehicles operated under permit or certificate of State Corporation Commission.—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, 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 § ~~46.1-305~~ 46.2-368 .

NOTE: Only section numbers have been changed.

§ 46.2-439 ~~46.1-471~~ . 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 ~~this~~ *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.

NOTE: Only the section number has been changed.

§ 46.2-440 ~~46.1-472~~ . 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 ~~this~~ *the* Commonwealth but authorized to transact business in any other state, any territory or possession of the United States and under its exclusive control, ~~the Dominion~~ of Canada or its provinces , or the territorial subdivisions of such states or countries, in which any ~~such~~ 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:

(a) 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 ~~this~~ *the* Commonwealth;

(b) 2. Duly adopt a resolution, which shall be binding upon it, declaring that its policies are to be deemed to be ~~varied~~ *modified* to comply with the law of ~~this~~ *the* Commonwealth and the terms of this chapter relating to the terms of motor vehicle liability policies issued herein;

(c) 3. Agree to accept as final and binding the judgment of any court of competent

jurisdiction in ~~this~~ *the* Commonwealth from which judgment no appeal is or can be taken, duly rendered in any action arising out of a motor vehicle accident;

~~(d)~~ 4. Deposit with the State Treasurer cash or securities ~~such~~ as are mentioned in § 46.1-485 46.2-453 or the surety bond of a company authorized to do business in Virginia equal in value to \$55,000 for each insurance policy filed as proof of financial responsibility.

NOTE: The word "varied" has been changed to "modified" in provision 2 at the suggestion of the Bureau of Insurance.

§ 46.2-441 ~~46.1-473~~ . Nonresident may file certificate of company qualified in Commonwealth. -If a nonresident required to file a certificate of insurance under this chapter files the certificate of insurance of a company authorized to do business in ~~this~~ *the* Commonwealth the provisions of § 46.1-472 46.2-440 shall not apply.

NOTE: Only minimal changes have been made.

§ 46.2-442 ~~46.1-474~~ . Default of foreign insurance carrier.-If any insurance carrier not authorized to do business in ~~this~~ *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 ~~theretofore~~ *previously* granted on the basis of its policies unless the default ~~be~~ *is* immediately repaired.

NOTE: Only minimal changes have been made.

§ 46.2-443 ~~46.1-475~~ . Chapter not applicable to certain policies of insurance.-This chapter does not apply to ~~or~~ *affect* :

(a) 1. Policies of automobile insurance against liability which may now or hereafter be required by any other law of ~~this~~ *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

~~(b)~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-444 ~~46.1-476~~ . Surety requirements of bond.-The bond mentioned in *subdivision 2* of § 46.1-468 ~~(b)~~ 46.2-436 shall be duly executed by the person giving proof and by a surety company duly authorized to transact business in ~~this~~ *the* Commonwealth or by the person giving proof and by one or more individual sureties owning real estate within ~~this~~ *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 judge of the circuit court of the ~~county or the corporation, hustings or other court of record of the city jurisdiction~~ wherein the real estate is located.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-445 ~~46.1-477~~ . How bond to be conditioned.-The Commissioner shall not accept any ~~such~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-446 ~~46.1-478~~ . Notice to Commissioner prerequisite to cancellation of bond; cancellation not to affect rights arising prior thereto.-No ~~such~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-447 ~~46.1-479~~ . Bond to constitute lien ~~upon~~ *on* real estate of surety.-A bond with individual sureties shall constitute a lien in favor of the Commonwealth ~~upon~~ *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 in 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.

NOTE: Only the section number has been changed.

§ 46.2-448 46.1-480 . 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 the sum of 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.

NOTE: Only minimal changes have been made.

§ 46.2-449 46.1-481 . 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, upon 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, upon request, furnish a certificate of the cancellation signed by him or by someone designated by him with and bearing the seal of the Department thereon. 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.

NOTE: Only the section number has been changed.

§ 46.2-450 46.1-482 . Order discharging lien of bond.— Upon 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 judge in the clerk's office of court in which the bond was admitted to record; in term of vacation, 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-451 46.1-483 . 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 be 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.

NOTE: Only minimal changes have been changed.

§ 46.2-452 46.1-484 . 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 be is obtained.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-453 46.1-485 . 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 § 46.1-504 46.2-472 . Securities so deposited must shall be such as public bodies may invest in according to the provisions of § 2.1-327.

NOTE: Only minimal changes have been made.

§ 46.2-454 46.1-486 . Moneys or securities to be deposited with State Treasurer subject to execution.—All moneys or securities so 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 the State Treasurer him.

NOTE: The language in this section has been simplified, but no significant changes have

been made.

§ 46.2-455 ~~46.1-486.1~~ . 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. ~~Such funds collected are to~~ *These funds shall* be deposited to the general fund of the state treasury. If any ~~such~~ 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-456 ~~46.1-487~~ . Additional security if fund impaired by any legal process, or otherwise.—~~(a)~~ 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.

~~(b)~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-457 ~~46.1-488~~ . Substitution of new proof; cancellation or return of old.—The Commissioner may cancel any bond or return any certificate of insurance and ~~upon~~ on the substitution and acceptance by him of other adequate proof of financial responsibility pursuant to this chapter, and ~~upon~~ on his direction to such effect the State Treasurer shall return any money or securities on deposit with him to the person entitled ~~thereto~~ to it .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-458 ~~46.1-489~~ . 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-459 ~~46.1-490~~ . When other proof of financial responsibility required; suspension of license; etc.; pending furnishing of proof required.—Whenever any proof of financial responsibility filed by any person under the provisions of 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 ~~such~~ the person's driver's license, registration ~~certificates cards~~ and ~~registration~~ license plates pending the furnishing of proof as required.

Nonpayment of the assessment provided for in § ~~46.1-486.1~~ 46.2-455 shall also be reason for suspension of the driver's license, registration ~~certificates cards~~ and ~~registration~~ license plates of a person offering cash or securities as proof of financial responsibility under this chapter. ~~Such~~ The suspension shall be promptly initiated by the Commissioner ~~upon~~ 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 ~~such~~ the person by first-class mail, ~~such~~ the notice to notify the person of the forthcoming suspension if payment is not received within the ten-day period.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-460 ~~46.1-491~~ . When Commissioner shall consent to cancellation of bond or policy, or return of money or securities.—The Commissioner, ~~upon~~ on request and subject to the provisions of § ~~46.1-492~~ 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:

(a) 1. Of the death of the person on whose behalf the proof was filed;

(b) 2. Of his permanent incapacity to operate a motor vehicle; or

(c) 3. That the person who has given proof of financial responsibility surrenders his driver's license, and all of his registration certificates cards, and registration license plates to the Commissioner.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-461 ~~46.1-492~~ . When Commissioner not to release proof of financial responsibility; affidavit of nonexistence of facts.— (a) A. Notwithstanding the provisions of § ~~46.1-491~~ 46.2-460 the Commissioner shall not release the proof in the event:

(1) 1. Any action for damages upon a liability included in this chapter is then pending;

(2) 2. Any judgment upon on any such liability is then outstanding and unsatisfied; or

(3) 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) 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-462 ~~46.1-493~~ . New license or registration to person to whom proof surrendered.— Whenever any person to whom proof has been surrendered as provided in § ~~46.1-491~~ 46.2-460 applies for a driver's license or the registration of a motor vehicle , the application shall be refused unless the applicant reestablish reestablishes proof as requisite required by this chapter .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.1-495. Penalty for operation of motor vehicle in violation of chapter.— Any person whose registration certificate has been suspended or revoked, restoration thereof or the issuance of a new registration being contingent upon the furnishing of proof of financial responsibility, and who, during the period of suspension or while the revocation is in effect, or in the absence of full authorization from the Commissioner, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by him to be operated by another upon any highway except as permitted under this chapter shall be guilty of a misdemeanor and upon conviction be punished by imprisonment for not less than 2 days nor more than 6 months and be fined not less than \$50 nor more than \$500, either or both.

NOTE: This section is superfluous, given proposed § 46.2-350.

§ 46.2-463 ~~46.1-496~~ . Penalty for forging ; etc., 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 and upon conviction be punished by a fine of not more than \$1,000 or imprisonment for not more than 30 days, either or both .

NOTE: A Class 1 misdemeanor most nearly fits the penalties provided for in this section.

Article 16.

Assignment of Insurance Risks.

§ 46.2-464 ~~46.1-497~~ . 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 (hereinafter called the "Commission") to have his risk assigned to an insurance carrier licensed to write and writing motor vehicle liability insurance in this State 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 herein 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 ~~such~~ 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 of ~~such~~ coverages, and the insurance carrier shall issue a policy providing the coverage or coverages applied for.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-465 ~~46.1-497.1~~ . 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 ~~this~~ 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 ~~such~~ the coverage ~~(1)~~ (i) to the named insured and, while resident of the ~~same~~ named insured's household, the spouse and relatives of the named insured while occupying a motor vehicle or ~~through being if struck by a motor vehicle while not occupying a motor vehicle~~ ; and ~~(2)~~ ii to persons occupying the insured motor vehicle, the following health care and disability benefit for each accident:

~~(a)~~ 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 ~~1~~ year two years after the date of the accident, up to \$2,000 per person;

~~(b)~~ 2. If ~~such~~ the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred within ~~1~~ one year after the date of the accident resulting from injuries received in ~~such~~ 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 ~~such~~ on which the person is able to return to his usual occupation and for a period not to exceed ~~52~~ fifty-two weeks or any part thereof; and

~~(c)~~ 3. The insured has the option of purchasing either or both of the coverages set forth in ~~(a)~~ and ~~(b)~~ subdivisions 1 and 2 of this section .

NOTE: Provision 1 of this section has been rewritten to conform to § 38.2-2201 with the additional change of "within one year" to "within two years."

§ 46.2-466 ~~46.1-498~~ . Rules and regulations ~~Regulations~~ for ~~such~~ assignment, rate classifications, and schedules ; etc .— ~~(a)~~ The Commission may make reasonable ~~rules~~ and regulations for the assignment of risks to insurance carriers.

~~(b)~~ It shall establish ~~such~~ rate classifications, rating schedules, rates, ~~rules~~ 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.

~~(c)~~ In the establishment of rate classifications, rating schedules, rates, ~~rules~~ and regulations, it shall be guided by ~~such~~ the principles and practices as 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-467 ~~46.1-499~~ . Action within power of Commission.— The Commission may, ~~if in its judgment it deems such action to be justified in its discretion~~, after reviewing all information pertaining to the applicant or policyholder available from its records, the records of the Department of Motor Vehicles or from other sources:

~~(a)~~ 1. Refuse to assign an application;

~~(b)~~ 2. Approve the rejection of an application by an insurance carrier;

~~(c)~~ 3. Approve the cancellation of a policy of motor vehicle liability, physical damage , and medical payments insurance by an insurance carrier; or

~~(d)~~ 4. Refuse to approve the renewal or the reassignment of an expiring policy.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-468 ~~46.1-500~~ . Information filed with Commission by insurance carrier confidential.—Any ~~and all~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-469 ~~46.1-501~~ . Commission not required to disclose reasons for action; liability of Commission for act or omission.— ~~(a)~~ A The Commission shall not be required to disclose to any person, including the applicant or policyholder, its reasons for:

~~(1)~~ 1. Refusing to assign an application;

~~(2)~~ 2. Approving the rejection of an application by an insurance carrier;

~~(3)~~ 3. Approving the cancellation of a policy of motor vehicle liability, physical damage , and medical payments insurance by an insurance carrier; or

~~(4)~~ 4. Refusing to approve the renewal or the reassignment of an expiring policy.

~~(b)~~ B. The Commission shall not nor shall anyone acting for it 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-470 ~~46.1-502~~ . 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 ~~this~~ the Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-471 ~~46.1-503~~ . Assignment of risks for certain carriers.—Notwithstanding the provisions of § ~~46.1-392~~ 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 ~~or by regulation of the State Corporation Commission~~ to carry public liability and property damage insurance for the protection of the public.

NOTE: Insofar as “law” encompasses both statutes and regulations, “or by regulation of the State Corporation Commission” is superfluous.

Article 17.

Motor Vehicle Liability Insurance Policies.

§ 46.2-472 ~~46.1-504~~ . Coverage of owner's policy.— Every *motor vehicle* owner's policy shall:

~~(a)~~ 1. Designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.

~~(b)~~ 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.

~~(c)~~ 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 ~~this~~ the Commonwealth, any other state in the United States ; ~~any territory, district or possession of the United States and under its exclusive control~~ , or the Dominion of 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 ~~2 two~~ or more persons in any ~~± one~~ accident, and to a limit of \$10,000 because of injury to or destruction of property of others in any ~~± one~~ accident.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-473 ~~46.1-505~~ . Coverage of ~~operator's driver's~~ policy.— Every ~~operator's 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 ~~an a motor vehicle~~ owner's policy.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-474 ~~46.1-506~~ . Policy must contain certain agreement; additional coverage.—Every policy of insurance subject to the provisions of this chapter:

(a) 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 ~~this the~~ Commonwealth relating to this kind of insurance; and

(b) 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 ~~this the~~ Commonwealth.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-475 ~~46.1-507~~ . Policy must comply with law.—No policy required under this chapter shall be issued or delivered in ~~this the~~ Commonwealth unless it complies with §§ 38.2-2218 through 38.2-2225, with all other applicable and not inconsistent laws of the Commonwealth ~~now or hereafter in force~~ , and with the terms and conditions of this chapter.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-476 ~~46.1-508~~ . Liability covered by workers' compensation law.—Policies issued under ~~the provisions of~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-477 ~~46.1-509~~ . When chapter applicable to policy.— ~~The provisions of this~~ This chapter shall not apply to any policy of insurance except as to liability thereunder incurred after certification thereof as proof of financial responsibility.

NOTE: Only minimal changes have been made.

§ 46.2-478 ~~46.1-510~~ . Several policies together meeting ~~relevant~~ requirements of chapter.— Several policies of one or more insurance carriers which together meet the ~~relevant~~ requirements of this chapter shall be deemed a motor vehicle liability policy within the meaning of this chapter.

NOTE: Only minimal changes have been made.

§ 46.2-479 ~~46.1-511~~ . 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:

(a) 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;

(b) 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;

(c) 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;

(d) 4 ~~Upon~~ 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;

(e) 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

(f) 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-480 ~~46.1-512~~. Reimbursement of carrier and proration of insurance.—Any policy may provide:

(a) 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

(b) 2. For proration of the insurance with other applicable valid and collectible insurance.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-481 ~~46.1-513~~. Binder or endorsement in lieu of policy.—Insurance carriers authorized to issue policies as provided in this chapter may, pending the ~~issue~~ issuance of the policy, execute an agreement to be known as a binder, which shall not be valid beyond ~~thirty~~ 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 ~~such~~ these binders and endorsements.

NOTE: The Bureau of Insurance recommends that “valid beyond thirty days” be changed to “valid beyond sixty days” to conform to § 38.2-304.

§ 46.2-482 ~~46.1-513.2~~. Notification of cancellation or termination of certified policy.—When any insurance policy certified under the provisions of this chapter is cancelled or terminated, the insurer shall report ~~such~~ the fact to the Commissioner within fifteen days after the cancellation ~~thereof~~ on a form prescribed by the Commissioner.

NOTE: Only minimal changes have been made.

Article 18.

Driver License Compact.

§ 46.2-483 ~~46.1-167.8~~. 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.

NOTE: Insofar as this section is an interstate compact, no changes whatever have been made in it, even though its format is nonstandard.

§ 46.2-484 ~~46.1-167.9~~ . 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.

NOTE: Only the section number has been changed.

§ 46.2-485 ~~46.1-167.10~~ . 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.

NOTE: Only the section number has been changed.

§ 46.2-486 ~~46.1-167.11~~ . Governor to be "executive head" within meaning of compact.— As used in the compact, with reference to ~~this~~ *the* Commonwealth, the term "executive head" shall mean the Governor.

NOTE: Only minimal changes have been made.

§ 46.2-487 ~~46.1-167.12~~ . Statutes and ordinances deemed to cover offenses specified in paragraph (a) of Article IV of compact.— For the purposes of complying with paragraphs (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 paragraph (a) of Article IV: With respect to subparagraph (2), § 18.2-266; with respect to subparagraph (4), § ~~46.1-176~~ §§ 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 subparagraphs (1) and (3), the Department shall determine which offenses are covered in the same manner as under § ~~46.1-417~~ 46.2-389 of the Code of Virginia .

NOTE: Only minimal changes have been made.

§ 46.2-488 ~~46.1-167.13~~ . Question to be included in application for driver's license; surrender of license issued by another party state.— For the purpose of enforcing paragraph (3) of Article V of this Compact, the Department shall include as part of the form for application for a driver's license under § ~~46.1-368~~ 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 Chapter 5 3 (~~§ 46.1-348 et seq.~~) of Title ~~46.1~~ 46.2 of the Code of Virginia.

NOTE: Only numbering has been changed.

Article 19.

Driver Improvement Program.

§ ~~46.1-514.1~~ . Short title. The short title of this chapter is the "Virginia Driver Improvement Act."

NOTE: This section is superfluous.

§ 46.2-489 ~~46.1-514.2~~ . Purpose; educational and training programs; rules and regulations Regulations ; appeals.— (a) The purpose of the Virginia Driver Improvement Act is to improve and promote greater safety upon the highways and streets of this Commonwealth; to improve the attitude and driving habits of drivers who accumulate traffic accident and motor vehicle conviction records; to determine whether certain drivers possess mental, physical or skill deficiencies which may affect their ability to safely operate a motor vehicle; to establish a Uniform Demerit Point System which will identify those drivers who are considered by the accumulation of demerit points to be habitually reckless or negligent drivers and frequent violators of the laws regulating the movement or operation of motor vehicles; to provide uniform educational and training programs for the rehabilitation of persons identified as habitually reckless or negligent drivers and frequent violators; and to suspend or revoke the license of those persons who do not respond to the rehabilitation programs.

(b) The educational and training programs shall be developed to improve the knowledge and skill of drivers in the operation of motor vehicles and to help eliminate their aggressive driving attitudes and habits or other driving problems through the media of advisory letters, group interviews, personal interviews and driver improvement clinics .

(c) The Commissioner shall, subject to the provisions of § ~~46.1-26~~ 46.2-203 , adopt those administrative rules and promulgate regulations which he deems necessary to carry out the provisions of this chapter article . The Commissioner shall publish all administrative rules and/or regulations which he adopts to carry out the provisions of this chapter and shall furnish them to any person requesting them .

(d) 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 such the order , file a petition of appeal in accordance with the provisions of § ~~46.1-437~~ 46.2-410 .

NOTE: The nonoperative portions of this section have been dropped. The phrase "or placing

him on probation" in the last paragraph of this section has been added at the suggestion of the Attorney General's Office.

§ 46.2-490 ~~46.1-514.3~~ . Designation of driver improvement analysts; analysts to conduct group interviews, personal interviews , and driver improvement clinics.- The Commissioner shall , *in his discretion*, designate ; ~~appoint and empower~~ such persons as he shall see fit to act for the Department as driver improvement analysts to examine and evaluate the driving records of the problem drivers and to conduct group interviews, personal interviews , and driver improvement clinics.

NOTE: Only minimal changes have been made.

§ 46.2-491 ~~46.1-514.5~~ . Persons included within scope of chapter.- ~~(a) Every person who possesses a driver's license issued by the Department regardless of whether such person is a resident or nonresident is included within the provisions of this chapter.~~

~~(b) Every~~ *This chapter shall apply to (i) every resident of this the Commonwealth , regardless of whether such person he possesses a driver's license issued by the Department is included within the provisions of this chapter and (ii) every nonresident to whom the Department has issued a driver's license .*

NOTE: Only minimal changes have been made.

§ 46.2-492 ~~46.1-514.6~~ . Uniform Demerit Point System.- ~~(a) A. The Commissioner shall assign numerical 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 § 46.1-413 46.2-383 for traffic offenses committed in violation of the laws of this the Commonwealth or any valid town, city or county , city, or town ordinance paralleling and substantially conforming to such 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 law this title .~~

~~(b) B. The Commissioner shall assign numerical point values to those convictions received from any other state of the United States, the United States, the Dominion of Canada or its provinces , or any territorial subdivision of such state or country of any of them , of an offense therein, which if committed in this Commonwealth, would be required to be reported to the Department by § 46.1-413 46.2-383 .~~

~~(c) C. Notwithstanding the provisions of (a) and (b) herein subsections A or B of this section , no point assignment shall be made for those convictions that require the mandatory revocation or suspension of the license by the Commissioner.~~

~~(d) 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 numerical 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, except that no demerit points shall be assessed for any conviction when the court suspends the driver's license because of the conviction. The Commissioner shall develop point system assignments as follows:~~

~~(1) 1. Serious traffic offenses such as reckless driving in violation of § 46.1-189 46.2-852 , speeding twenty or more miles per hour above the posted speed limit, racing in violation of § 46.1-191 46.2-865, and other serious traffic offenses as the Commissioner may designate, shall be assigned six demerit points.~~

~~(2) 2. Relatively serious traffic offenses such as failure to yield the right-of-way in violation of § 46.1-221 §§ 46.2-820 through 46.2-823 , speeding between ten and nineteen miles per hour above the posted speed limit, following too close closely in violation of § 46.1-213 46.2-816 , failure to stop when entering a highway in violation of § 46.1-190 (j) 46.2-863, and other relatively serious traffic offenses as the Commissioner may designate, shall be assigned four demerit points.~~

~~(3) 3. Traffic offenses of a less serious nature such as improper driving in violation of § 46.1-192.2 46.2-869 , speeding between one and nine miles per hour above the posted speed limit, improper passing in violation of § 46.1-208 46.2-836 , failure to obey a highway sign in violation of § 46.1-173 46.2-830 and other offenses of a less serious nature as the Commissioner may designate, shall be assigned three demerit points.~~

~~(e) In order to ensure that demerit points are assessed in a uniform manner, the following method will be used effective January 1, 1975, to assess demerit points:~~

For any conviction where the offense was committed on or subsequent to January 1, 1975, demerit points will be assessed according to the point values contained in (d) (1), (d) (2) and (d) (3) herein and any other point value assignments which are designated by the Commissioner.

(f) E. When a person is convicted of two or more traffic offenses committed on a single occasion, ~~such person~~ he shall be assessed points for one offense only and if the offenses involved have different point values, ~~such person~~ he shall be assessed points for the offense having the greater point value.

NOTE: Former subsection (e) has been stricken at the suggestion of the Attorney General's Office.

§ 46.2-493 ~~46.1-514.7~~ . 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 ~~such~~ the suspension, revocation, ~~or~~ probationary period , or other action has terminated.

§ 46.2-494 ~~46.1-514.8~~ . Safe driving point credit.— Every *resident or nonresident* person ; ~~resident or nonresident~~, 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, ~~except that but~~ no person shall be permitted to accumulate more than five safe driving points. The Commissioner shall apply ~~such~~ 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 ~~that 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-495 ~~46.1-514.9~~ . Advisory letters.— (a) Whenever the driving record of any person shows an accumulation of at least six demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twelve consecutive months, or at least nine demerit points based on convictions, or findings of not innocent in the case of a juvenile, 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 ~~such~~ the person an advisory letter listing his convictions, or findings of not innocent in the case of a juvenile, 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 ~~such~~ the person, for the purpose of preventing subsequent traffic offenses.

(b) 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 ~~chapter~~ article .

NOTE: Only minimal changes have been made.

§ 46.2-496 ~~46.1-514.10~~ . Group interviews.— (a) Whenever the driving record of any person shows an accumulation of at least eight demerit points based on ~~conviction(s)~~ one or more convictions , or ~~finding(s)~~ findings of not innocent in the case of a juvenile, for traffic ~~offense(s)~~ offenses committed within a period of twelve consecutive months, or at least twelve demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct ~~such~~ the person to attend a group interview. The driver improvement analyst shall examine the persons attending the group interview as a single unit for the purpose of identifying their basic reasons for failing to ~~respond to~~ obey the ~~motor vehicle~~ laws governing the movement or operation of motor vehicles and to provide corrective information and persuasion to improve their driving performance.

(b) The Department's failure to schedule a person for a group interview shall not be grounds for waiving any other provision of this ~~chapter~~ article .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-497 ~~46.1-514.11~~ . Personal interviews.— (a) A. Whenever the driving record of any

person shows an accumulation of at least twelve demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twelve consecutive months, or at least eighteen demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic offenses committed within a period of twenty-four consecutive months, respectively, the Commissioner shall direct ~~such~~ *the* person to appear for a personal interview. The driver improvement analyst shall examine ~~such~~ *the* person for the purpose of identifying his basic reasons for ~~failing to respond to~~ *disobeying* the ~~motor vehicle~~ laws governing the movement or operation of motor vehicles, and evaluate the problems contributing to his continued reckless or negligent driving habits, and shall recommend to the Commissioner that he impose one of the following actions deemed appropriate to prevent future violations or accident involvement:

(1) 1. Suspend the license or other privilege to ~~operate~~ *drive* a motor vehicle for a period not to exceed six months, and that ~~upon~~ at termination of the suspension, ~~such~~ *the* person be placed on probation for a period of not less than three nor more than twelve months.

(2) 2. Place immediately on probation for a period of not less than three nor more than twelve months, and require ~~such~~ *the* person to forthwith attend a driver improvement clinic.

(a1) B. Whenever the operating record of any person appearing for a personal interview 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 analyst shall recommend to the Commissioner that he suspend the driver's license or licenses of ~~such~~ *person* for a ~~period~~ of three months and that ~~upon~~ at termination of the suspension ~~such~~ *, the* person be placed on probation for a period of not less than three nor more than twelve months.

(b) C. Whenever the analyst has cause to believe that any person appearing for a personal interview suffers from a physical or mental disability or disease as will serve to prevent his exercising reasonable and ordinary control over a motor vehicle while operating the same ~~upon~~ *on the highways and streets*, he shall recommend to the Commissioner that the case be processed for one or more of the following actions, whichever in his judgment are applicable:

(1) 1. That he be required to undergo an examination in accordance with the provisions of § ~~46.1-383~~ *46.2-322*.

(2) 2. That he be cited to appear for a formal hearing as provided in §§ ~~46.1-430~~ *46.2-402* through ~~46.1-436~~ *46.2-408*.

(3) 3. That the case be referred to the Medical Advisory Board in accordance with the provisions of § ~~46.1-26.1~~ *46.2-204*.

(4) 4. That he be *placed on probation and* required to attend a driver improvement clinic as provided in subdivision (a) (2) 2 of subsection A of this section.

(e) ~~Upon~~ D. On review of the recommendations of the driver improvement analyst, the Commissioner shall direct that the recommendations be carried out, with ~~such~~ *whatever* modifications as the Commissioner shall direct, except that in no case may the action directed by the Commissioner be more severe than provided for in this section and except that a three-month suspension recommended pursuant *subdivision 1 of* to subsection (a1) A of this section shall be imposed.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-498~~ *46.1-514.12*. Driver improvement clinics.— (a) The Commissioner shall ~~develop and~~ implement a system of driver improvement clinics; for the purpose of dealing with those persons identified as problem drivers in need of driver improvement education and training. The clinics shall be composed of uniform education and training programs designed for the rehabilitation of the problem drivers, and for the purpose of creating a lasting and corrective influence on their driving performances.

(b) The clinic classes shall be scheduled to begin at a reasonable hour during the evenings and shall be conducted for a two-hour period, one night each week for four consecutive weeks. The Commissioner may, when he deems it necessary because of unusual conditions or circumstances, schedule and conduct clinic classes between the hours of 8:30 a.m. and 5:00 p.m.

(e) Every person who attends a driver improvement clinic and who satisfactorily completes ~~such~~ 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.

(d) No person shall be rescheduled to attend a driver improvement clinic for a period of two years from the date he satisfactorily completes ~~such~~ the clinic; however, the provisions of this ~~subsection~~ section shall not apply to any person who is required to attend a driver improvement clinic in accordance with the provisions of § ~~46.1-514.18~~ 46.2-505 .

(e) For the purpose of generating greater interest in highway safety, the ~~The~~ Commissioner may solicit local governmental authorities, associations, societies, clubs, schools, colleges and other organizations or persons, knowledgeable in highway safety driving standards, to participate in conjunction with the Department of Motor Vehicles in the development of the local driver improvement clinic program and in conducting the driver improvement clinic classes. ~~Further,~~ the ~~The~~ Commissioner may employ the services of qualified professional instructors for the purpose of conducting driver improvement clinic classes in those areas of the Commonwealth where it is not economically practicable to maintain the full-time services of a driver improvement analyst.

(f) ~~Repealed.~~

(g) Any ~~resident or nonresident~~ person ; ~~resident or nonresident~~, holding a valid license to ~~operate~~ drive a motor vehicle in Virginia, whether or not he has accumulated demerit points, may apply to the Department in writing for permission to attend a driver improvement clinic on a voluntary basis. The Commissioner may, when seating space is available, schedule ~~such~~ the person to attend a driver improvement clinic.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-499~~ ~~46.1-514.13~~ . Driver's license probation.— The Commissioner may place any person on probation for a period of not more than one year when probation is used in conjunction with the provisions of §§ ~~46.1-514.11~~ 46.2-497 and ~~46.1-514.12~~ 46.2-498 . In addition, the Commissioner shall place any person on probation for a period of six months ~~upon~~ 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 § ~~46.1-514.13~~ 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 ~~such~~ the person's ~~license(s)~~ license or licenses for a period of one-half of the probation period when six demerit points are assigned, for a period of one-third of the probation period when four demerit points are assigned, and for a period of one-fourth of the probation period when three demerit points are assigned. In addition, the Commissioner shall again place ~~such~~ the person on probation for a period equal to the probationary period originally prescribed for ~~such~~ the person pursuant to § ~~46.1-514.11~~ 46.2-497 or this section, effective ~~upon~~ on termination of the suspension imposed pursuant to this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ ~~46.2-500~~ ~~46.1-514.13~~ . Driver control period.— Whenever an individual is placed on probation pursuant to §§ ~~46.1-514.11~~ 46.2-497 , ~~46.1-514.12~~ 46.2-498 or § ~~46.1-514.13~~ 46.2-499 , the Commissioner shall also place ~~such~~ 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 ~~such~~ 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.

NOTE: Only section numbers have been changed.

§ ~~46.2-501~~ ~~46.1-514.14~~ . Notice to attend group interview, personal interview or driver improvement clinic.— (a) A. Any notice to attend a group interview or a personal interview shall contain:

(1) 1. A specific statement of the ~~offense(s)~~ offense or offenses which the person has been convicted of, or found not innocent of in the case of a juvenile.

(2) 2. The date, time , and location of the group interview or the personal interview.

~~(3)~~ 3. The purpose of the group interview or personal interview.

~~(b)~~ B. Any notice to attend a driver improvement clinic must contain:

~~(1)~~ 1. The date, time, and location of the driver improvement clinic.

~~(2)~~ 2. The purpose of the driver improvement clinic, including the consequences of not attending the clinic program.

~~(3)~~ 3. An explanation of the terms of the probationary licensing period, if any.

~~(e)~~ C. The notice directing any person to attend a group interview, personal interview or driver improvement clinic shall provide the addressee with a minimum of ten days' notice, and shall be forwarded by certified mail to the last known address of the person, as shown on the records of the Department.

NOTE: Provisions of this section have been renumbered to conform to standard format.

§ 46.2-502 ~~46.1-514.15~~. Commissioner to designate place for conducting interviews and clinics; fees.— A. The Commissioner shall designate the ~~cities and/or counties~~ *localities* in which the group interviews, personal interviews and driver improvement clinics are to be conducted. ~~Such cities and/or counties~~ *These localities* shall be designated on the basis of their geographical location so as to be reasonably accessible to any person required to attend ~~such these~~ interviews or clinics.

B. The Commissioner shall charge fees to participants in the driver improvement program, attending group interviews, personal interviews or driver improvement clinics according to the fee schedule in subsection C of this section. No person shall be permitted to attend a group interview, personal interview or driver improvement clinic unless he first pays to the Commissioner ~~such the~~ *required* attendance fee. 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 of ~~Motor Vehicles~~.

C. A fee of fifteen dollars shall be paid for attendance of a group interview. A fee of twenty dollars shall be paid for attendance of a personal interview. A fee of thirty dollars shall be paid for attendance of a driver improvement clinic.

NOTE: Only minimal changes have been made.

§ 46.2-503 ~~46.1-514.16~~. Suspension of driver's license, etc., for failure to attend interviews or clinics.— ~~(a)~~ A. The Commissioner shall suspend the driver's license or other privilege to operate a motor vehicle of any person who fails to attend a scheduled group interview, personal interview or driver improvement clinic. ~~Every such~~ *This* suspension shall remain in effect until such person applies to the Department in writing for permission to attend a scheduled group interview, personal interview or driver improvement clinic, whichever is applicable, and thereafter until he is rescheduled and satisfactorily completes the assignment, except as hereinafter provided.

~~(b)~~ B. The Commissioner may, for good cause shown, cancel ~~and/or~~ *or* terminate ~~such the~~ suspension ~~and/or~~ *or* reinstatement requirement, provided ~~such the~~ person applies to the Department in writing for permission to attend a scheduled group interview, personal interview or driver improvement clinic, whichever is applicable. In the event he does not satisfactorily complete the assignment, the Commissioner shall forthwith suspend the person's driver's license or other privilege to operate a motor vehicle as required by subsection ~~(a)~~ A. of this section.

NOTE: Internal numbering has been changed to conform to standard format.

§ 46.2-504 ~~46.1-514.17~~. 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 § ~~46.1-441.2~~ *46.2-416*.

NOTE: Only section numbers have been changed.

§ 46.2-505 ~~46.1-514.18~~. Court may direct defendant to attend driver improvement clinic.— ~~(a)~~ Any ~~town, city or county court of this Commonwealth, or any other circuit or general district court of this the Commonwealth, or any federal court, charged with the duty of hearing traffic cases for offenses committed in violation of any law of this the Commonwealth, or any valid town, city or county local ordinance of this Commonwealth, or any federal law regulating the movement or operation of a motor vehicle, may require any person found guilty of a violation of any such the state law, or town, city or county local ordinance, or federal law, to attend a driver improvement clinic. Such requirement for~~ *The attendance requirement may be in lieu of*

or in addition to the penalties prescribed by § ~~46.1-16.01~~ 46.2-113 , or any such the ordinance , or federal law.

(b) Whenever any court stipulates in its judgment of conviction, or finding of not innocent in the case of a juvenile, that a person attend a driver improvement clinic, the court shall so indicate in the space provided on the abstract of conviction filed with the Department in accordance with the provisions of § ~~46.1-413~~ 46.2-383 , or any federal law, rule or regulation. Upon receipt of such the abstract of record, the Department shall forthwith schedule such the person to attend a driver improvement clinic.

(c) Failure of such the person to attend and satisfactorily complete a driver improvement clinic, in compliance with the court order, may be punished as contempt of such court. In every such case, the Commissioner shall notify the court of the defendant's failure to comply with the court order.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-506 ~~46.1-514.10~~ . Formal hearings; suspension for excessive point accumulation.— A. Whenever the operating record of any person shows an accumulation of six 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 twelve 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, and subsequent to his assignment to attend a personal interview, he may be charged as an habitually reckless or negligent driver of a motor vehicle, and cited for a formal hearing in accordance with the provisions of §§ ~~46.1-430~~ 46.2-402 through ~~46.1-436~~ 46.2-408 .

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 such the person's license(s) license or licenses for a period of ninety days and thereafter until he attends a personal interview.

NOTE: Minimal changes have been made.

§ ~~46.1-514.20~~ . Suspension and revocation orders issued prior to January 1, 1975. Any order of the Commissioner issued under the provisions of §§ ~~46.1-383.1~~, ~~46.1-410~~ and ~~46.1-420~~ prior to January 1, 1975, remain in full force and effect until the termination date shown on such order.

NOTE: This section is obsolete.

CHAPTER 6.

TITLING AND REGISTRATION OF MOTOR VEHICLES.

Article 1.

Titling and Registration, Generally.

§ 46.2-600 ~~46.1-41~~ . Owner to secure registration and certificate of title or certificate of ownership.— A. Except as otherwise provided in §§ ~~1-42~~ through ~~46.1-49~~, ~~46.1-110~~ and ~~46.1-120~~ this chapter every person ; or his duly authorized attorney-in-fact, including every railway, express and public service company, owning who owns a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this Commonwealth , or his authorized attorney-in-fact, shall, before the same it is so operated on any highway in the Commonwealth , apply to the Department for and register with the Department and obtain from the Department the registration thereof card and a certificate of title therefor in the name of the owner for the vehicle . Such persons Persons applying for registration shall provide the Department with either the home or business street address of the owner of the motor vehicle being registered. Such registration for those residing in the Counties of Arlington, Fairfax and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park shall be in accordance with the vehicle emission inspection requirements established in Article 10.1 (§ ~~46.1-326.2~~ et seq.) of Chapter 4 of this title.

B. Unless he has previously submitted an application under subsection A of this section

applied for registration and a certificate of title or he is exempted under §§ 46.1-90, 46.1-91, or § 46.1-555.8 46.2-631, 46.2-619, and 46.2-1206 , every person residing in the Commonwealth ; or his ~~duly authorized attorney-in-fact~~, who owns a motor vehicle, trailer , or semitrailer, or ~~his duly authorized attorney-in-fact~~, shall, within thirty days of the purchase or transfer, apply to the Department for a certificate of ownership.

NOTE: The requirements of emissions inspections prior to registration are duplicative of § 46.2-1178.

§ 46.2-601 ~~46.1-139~~ . Appointment of Commissioner agent for service of process.—Each nonresident owner of a motor vehicle, trailer, or semitrailer ~~making application~~ applying for the registration thereof in ~~this the~~ Commonwealth shall file with ~~such the~~ application a duly executed instrument, constituting the Commissioner and his successors in office his ~~true and lawful attorney upon~~ on whom all lawful process against and notice to ~~such 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, ~~within this in the~~ Commonwealth; and therein shall agree that any process against or notice to ~~such the~~ owner shall be of ~~have~~ the same ~~force and effect~~ as if served on ~~such the~~ owner within ~~this the~~ Commonwealth. The service of ~~such the~~ process or notice shall be made by leaving a copy of ~~the same 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 ~~such the~~ owner of ~~such the~~ service by letter

NOTE: Only minimal changes have been made.

§ 46.2-602 ~~46.1-41.2~~ . Titling and registration of foreign market vehicles.—A. The Department of ~~Motor Vehicles~~ 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. ~~Any The~~ *certificate of title* of any foreign market vehicle ~~which~~ is titled under this section shall contain ~~on the face of the certificate of title~~ an appropriate notation that the owner of ~~the foreign market vehicle~~ has submitted proof that ~~the vehicle it~~ complies with federal safety requirements.

D. Any foreign market vehicle previously titled in ~~this 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 ~~on the face of the title~~ 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 ~~the provisions~~ of this section.

F. Notwithstanding the provisions of subsection A of this section, the Department shall issue a nonnegotiable title for a foreign market vehicle ~~upon~~ on submission of a complete application for a title including all necessary documents of ownership. A negotiable title will be issued ~~upon~~ on proof of compliance as provided in subsection A of this section. The Department ~~will~~ shall show on the face of any title issued under this section any negotiable security interests in the motor vehicle as provided in §§ ~~46.1-68.1 46.2-636~~ through ~~46.1-76 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. ~~In the event~~ If the nonnegotiable title owner is deceased, a new, nonnegotiable title may be issued to the legatee or distributee in accordance with §§ ~~46.1-93 46.2-633~~ and ~~46.1-94 46.2-634~~ .

H. A nonnegotiable title may be issued for the purpose of recording a lien. A negotiable *certificate of title* ~~will~~ shall be issued ~~upon~~ on proof of compliance with all regulations prescribed in this section.

I. Notwithstanding other provisions of this section, the Department shall issue, ~~upon~~ 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 ~~Virginia Certificate of Title~~ *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 § ~~46.1-42.1~~ 46.2-651 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-603 ~~46.1-68~~ . Issuance of certificate of title and registration card.—The Department ~~upon~~ , 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 ~~therefor~~ and a registration card as separate documents.

NOTE: Only minimal changes have been made.

§ 46.2-604 ~~46.1-79~~ . Contents of registration card and certificate.— ~~(a)~~ The registration card and the certificate of title shall each contain ~~upon the face thereof~~ the date issued, the registration number assigned to the ~~owner and 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 ~~such~~ other statement of facts as may be determined by the Department.

~~(b)~~ The registration card shall contain forms for providing notice to the Department of a transfer of the motor vehicle, trailer , or semitrailer.

~~(c)~~ The certificate of title shall contain a statement of the owner's title and of all liens or encumbrances ~~upon~~ on the motor vehicle, trailer , or semitrailer ~~therein~~ 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 ~~thereof of title~~ with space for notation of liens and encumbrances ~~upon such~~ on the motor vehicle, trailer , or semitrailer at the time of a transfer.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-605 ~~46.1-85~~ . Altering or forging certificate of title or registration card.—Any person who ; (i) with fraudulent intent ; alters any certificate of title 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 or registration card issued by the Department or any other state, (iii) forges or counterfeits any certificate of title 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 ~~thereof of title~~ , (iv) holds or uses any ~~such~~ certificate, registration card , or assignment, knowing the same to have been altered, forged , or falsified, shall be guilty of a *Class 6* felony and ~~upon conviction shall be punished as provided in § 46.1-17~~ .

It shall be unlawful for any person to conspire with any other person to violate the provisions of this section.

NOTE: The penalty of a Class 6 felony (one to five years imprisonment or a jail term of up to twelve months and a fine of up to \$1,000, either or both) does not fit this felony (one to five years imprisonment or a \$500 to \$5,000 fine, either or both), but is closest in regards to the term of imprisonment.

§ 46.2-606 ~~46.1-52.1~~ . Notice of change of address.—Whenever any person ~~after making application who has applied for or obtaining~~ *obtained* the registration or title of to a vehicle ~~shall move~~ moves from the address shown in the *his* application or ~~upon a~~ , registration card or certificate of title, ~~such person he~~ shall ~~within thirty days thereafter~~ notify the Department in writing of his change of address *within thirty days* .

There may be imposed upon anyone *Anyone* failing to comply with this section *may be charged* a fee of five dollars, ~~which fee shall to be used to defray the expenses incurred by cover the Department~~ *Department's expenses* .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-607 46-1-55 . Duplicates for lost or mutilated plates, etc *indicia of titling and registration* .—If any license plate, decal, registration card , or certificate of title issued hereunder is lost or , mutilated , or has become illegible, the person who is entitled thereto to the certificate shall immediately apply for and obtain a duplicate or substitute therefor upon replacement after furnishing information of such the fact satisfactory to the Department and upon after payment of the required fee as herein provided fees . For a duplicate registration card there shall be no charge. For a certificate of title the charge shall be five dollars. For registration license plates or license plates with decals, the charge shall be four dollars. For one or two registration decals the charge shall be one dollar.

A person ; having who has twice applied for and received obtained a duplicate or substitute replacement set of license plates or decals ; shall not be entitled to apply again for and receive a duplicate or substitute obtain another replacement set of license plates or decals during the license year period for which the original set of plates was issued unless the Commissioner finds that such duplicate or substitute the replacement license plates or decals have been lost or mutilated without the fault of the person entitled thereto to them .

NOTE: The fee portions of this section have been relocated to Article 7 of this chapter.

§ 46.2-608 46-1-56 . When application for registration or certificate of title refused rejected .—The Department may refuse to grant reject an application for the registration of a motor vehicle, trailer , or semitrailer or certificate of title therefor in any of the following events when :

(a) When the 1. The applicant therefor for registration is not entitled thereto to it under the provisions of this title or Title 43 ; ;

(b) When the 2. The applicant has neglected or refused to furnish the Department with the information required in on the appropriate official form or responsible other information required by the Department ; ;

(c) When the 3. The required fees required therefor by law have not been paid ; ;

(d) When the 4. The vehicle is not equipped with proper brakes, proper lights, proper horn or warning devices, proper mirror, safety glass when required, muffler, or windshield wiper or proper steering gear, adequate to insure the safe control of the vehicle equipment required by this title or when such the vehicle is equipped with a smoke screen device or is not equipped with a proper electrical or mechanical device when such device is required by law. equipment prohibited by this title;

(e) When an 5. An applicant, if not a resident of this 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 § 46-1-139. 46.2-601; or

(f) When there 6. There is reason to believe that the application or accompanying documents have been altered or contain any false statement or alteration .

NOTE: The list of specific equipment has been changed to a general reference to equipment required or prohibited by this title.

§ 46.2-609 46-1-59 . When registration may be revoked.—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 shall make makes or permit permits to be made an unlawful use of the same any of them or permit the permits their use thereof by a person not entitled thereto to them , or fail fails or refuse 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.

NOTE: Only minimal changes have been made.

§ 46.2-610 46-1-60 . Suspension of registration upon 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 state or local police law-enforcement authorities of such the theft or embezzlement ; provided in the event of an embezzlement the owner shall have first procured a warrant for the arrest of the persons charged with such embezzlement , the Department shall immediately suspend the registration of such that motor

vehicle, trailer , or semitrailer until such time as it shall be notified that the owner has recovered ~~such~~ 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. But notices given as heretofore provided Any such suspension shall be effective only during for the current registration year period in which the notice was given. If during such year such that period the motor vehicle, trailer , or semitrailer is not recovered, a new notice may be given with like effect during the ensuing year period . Every owner who has given a notice of theft or embezzlement must shall immediately notify the Department of the recovery of such his motor vehicle, trailer , or semitrailer.*

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-611 ~~46.1-61~~ . Appeal.—From any action by the Department under this chapter title suspending ; or revoking, rescinding or cancelling the registration of any motor vehicle, trailer , or semitrailer or suspending, revoking, ~~rescinding~~, 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 provisions of the Administrative Process Act (§ 9-6.14:1 et seq.). ~~From any action of the Department under §§ 46.1-92 and 46.1-93 denying an application for transfer of title, an appeal shall lie in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.).~~

NOTE: The last sentence is unnecessary.

§ 46.2-612 ~~46.1-62~~ . Failure to surrender revoked certificate of title, registration card, license plates or decals.—It shall be unlawful for the owner of any motor vehicle, trailer , or semitrailer, license plates and decals for which have been revoked pursuant to the provisions of the preceding sections *this article* , to fail or refuse to surrender and deliver up to the Department or any of its officers upon on demand a certificate of title if such certificate of title it is incorrect in any material particular, or a revoked registration card, license plates , and decals so revoked and any person convicted of a violation of this provision shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in jail for not less than 30 days or by both such fine and imprisonment . *Violation of this section shall constitute a Class 2 misdemeanor.*

NOTE: A Class 2 misdemeanor is the lowest class misdemeanor which provides for a jail term.

§ 46.2-613 ~~46.1-64~~ . Offenses relating to registration, licensing , and certificates of title ; ~~name and address of owner on "for hire" vehicle; name on truck, etc .~~—No person shall:

(a) 1. Operate or permit the operation of a motor vehicle, trailer , or semitrailer ; *owned, leased, or otherwise controlled by him to be operated upon on a highway which is not unless (i) it is registered or for which , (ii) a certificate of title therefor has not been issued or which does not have attached thereto and , and (iii) it has displayed thereon on it the license plate or plates and decal or decals assigned thereto to it by the Department for the current registration period, subject to the exemptions mentioned in § § 46.1-45, 46.1-81 and 46.1-113 through 46.1-139 46.2-626, Article 5 (§ 46.2-655 et seq.), and Article 6 (§ 46.2-662 et seq.) of this chapter .*

(b) 2. Display, cause or permit to be displayed , or to have in possession any registration card, certificate of title , or registration license plate or decal ; *knowing the same to be which he knows is fictitious or to have which he knows has been cancelled, revoked, suspended , or altered.*

(c) 3. Lend or knowingly to permit the use ; ~~by one not entitled thereto,~~ of any registration card, license plate , or decal *by anyone not entitled to it .*

(d) 4. Fail or refuse to surrender to the Department or the Department of State Police, ~~upon~~ on demand, any certificate of title or , registration card , or registration license plate or decal ; *which has been suspended, cancelled , or revoked as in this title provided .*

(e) 5. Use a false or fictitious name or address in any application for the registration of any motor vehicle, trailer , or semitrailer or for a certificate of title or for any renewal or duplicate thereof *certificate* , or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any such registration application.

(f) Operate or cause to be operated or to permit the operation of a "for hire" motor vehicle, except those falling within the gross weight group of ten thousand pounds and less as shown by § 46.1-154, over or on the highways of this Commonwealth unless the name and address of the owner of such vehicle plainly appears on both sides of such vehicle in letters of such size, shape and color as to be readily legible during daylight hours from a distance of fifty

feet while the vehicle is not in motion. Such display shall be kept and maintained in such manner as to remain so legible, and may be accomplished through the use of a removable device so prepared as otherwise to meet the identification and legibility requirement of this subdivision; provided that the provisions contained in this subdivision shall not apply to any motor vehicle the use of which is restricted to wedding, ambulance or funeral services, nor to any motor vehicle rented without chauffeur and operated under a valid lease agreement which provides that the lessee of such vehicle shall have exclusive control thereof, but this exemption shall not include motor vehicles leased to common or contract carriers of persons or property which operate or should operate under certificates or permits issued by the State Corporation Commission or the Interstate Commerce Commission.

(g) Operate upon the highways of this Commonwealth a pickup or panel truck, tractor truck, trailer or semitrailer with a name on it other than the owner's or lessee's name thereon; provided, however, advertising material thereon for another pursuant to a valid contract is not prohibited.

(h) Operate or cause to be operated or permit the operation on or over the public highways of the Commonwealth any tow truck unless the name, business address, and business telephone number of the owner of such tow truck plainly appears on both sides of such vehicle in letters and numerals of such size, shape, and color as to be readily legible during daylight hours from a distance of fifty feet while the vehicle is not in motion. Such display shall be kept and maintained in such manner as to remain so legible, and may be accomplished through the use of a removable device so prepared as otherwise to meet the legibility requirements of this subdivision. For the purposes of this subdivision, "tow truck" shall mean any motor vehicle which is constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles. The provisions of this subdivision shall only apply to those tow trucks used in providing service to the public for hire.

NOTE: The provisions of this section relating to lettering on trucks has been relocated to Article 11 of Chapter 10 along with other provisions relating to truck lettering.

§ 46.2-614 46-1-67 . 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 such motor vehicle, trailer, semitrailer, or locomotive engine or electric car to sue and recover damages as heretofore .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-615 46-1-96 . 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 until (ii) the ownership of the motor vehicle, trailer , or semitrailer is transferred before the end of such 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 § 46-1-92 46.2-632 or § 46-1-93 46.2-633 , or until the (iii) its ownership thereof is transferred to a new owner before the end of such the registration period by the survivor of two its joint owners thereof .

NOTE: Internal numbering has been added for clarity.

Article 2.

Titling Vehicles.

§ 46.2-616 46-1-5 . Purchasing, etc., Acquiring vehicle from vendor who does not have certificate of title.— Any Except as otherwise provided in this title, no person who shall purchase, trade, exchange , or barter for a motor vehicle, trailer , or semitrailer in this the Commonwealth, knowing or having reason to believe that the vendor thereof its seller has not secured a certificate of title, or knowing or having reason to believe that the vendor thereof its seller does not legally have in his or her possession a certificate of title therefor to the vehicle issued to the its owner thereof, except as otherwise provided in this title, shall be guilty of a traffic infraction and shall be punished as provided in § 46-1-16.01 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-617 46-1-88 . Sale ; etc., of vehicle without having certificate of title.—Except as provided in § 43-34 46.2-213 , any person who shall sell, trade, exchange or barter sells, trades, exchanges, or barters a motor vehicle, trailer , or semitrailer in this the Commonwealth without first having secured a certificate of title therefor for it or without legally having in his or her possession a certificate of title therefor for the vehicle issued to the its owner thereof , except

as otherwise provided in this title, shall be guilty of a Class 3 misdemeanor.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-618 ~~46.1-80~~ . When unlawful to have in possession certificate of title issued to another. —It shall be ~~unlawful and~~ constitute a *Class 1* misdemeanor for any person in ~~this the~~ Commonwealth to ~~have in his possession possess~~ a certificate of title issued by the Commissioner to a person other than the *title holder thereof* , unless ~~and until~~ the certificate of title has been ~~duly~~ assigned to the holder as provided in this title. This section , *however*, shall apply neither to secured parties who legally hold ~~such~~ certificates of title as provided in this title nor to the spouse of the person to whom the certificate of title was issued.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-619 ~~46.1-91~~ . New indicia of title.— ~~The Department upon receipt of~~ *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 therein* described *in the application* and shall issue to the person entitled ~~thereto to it~~ by reason of the transfer a new registration card, license plate , or plates and certificate of title in the manner and form for the fees ~~herein~~ provided *in this chapter* for original registration.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-620 ~~46.1-86~~ . Period of validity of certificate of title.—Every certificate of title issued under this ~~article chapter~~ shall be valid for the life of the motor vehicle, trailer , or semitrailer so long as the owner to whom ~~the same~~ it is issued shall retain legal title or right of possession of or to ~~such the~~ vehicle. Such certificates need not be renewed ~~annually or at any other time~~ except ~~upon~~ on a transfer of title or interest of the owner and except as provided in § ~~46.1-81~~ 46.2-626 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-621 ~~46.1-51~~ . Application for certificate of title.— ~~An~~ *The owner of a vehicle*, or his duly authorized attorney-in-fact, shall ~~make application apply~~ for a certificate of title in the name of the owner ~~upon on~~ appropriate forms ~~to be~~ prescribed and furnished by the Commissioner. Officers and employees of the Department are vested with the authority ~~and power~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-622 ~~46.1-68.1~~ . Issuance of certificate of title in names of joint owners.— ~~The~~ *When the Department ; upon receiving 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 the its owners thereof* a certificate of title accordingly. Any ~~such~~ 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 the disjunctive pronoun “or,” shall be deemed to be the substantial equivalent of a certificate issued to them or to the survivor of them. Whenever, in this article, the word “owner” appears, it shall be deemed to include both of such joint owners during their lives, and the survivor of them *create joint ownership during the lives of owners, and individual ownership in the survivor of them* .

Nothing herein shall be construed to (i) prohibit the issuance of a certificate of title in the names of two or more persons as owners in common ; ~~and the issuance of a certificate in the names of two or more persons, conjunctively, which shall be deemed to be sufficient evidence of ownership of undivided interests in such the vehicle nor shall anything herein be construed to~~ or (ii) grant immunity from enforcement of any liability of any person owning ~~such the~~ vehicle, as one of two joint owners, to the extent of his interest in the vehicle, during the ~~joint~~ lives of the ~~its owners thereof~~ or (iii) permit the issuance of a certificate of title in the names of two persons as tenants by the entireties .

NOTE: There is no “disjunctive pronoun.”

§ 46.2-623 ~~46.1-52~~ . Statements in application.— ~~(a)~~ Every application for a certificate of title shall contain a statement of the applicant's title and of all liens or encumbrances ~~upon on~~ the vehicle and the names and addresses of all persons having any interest ~~therein in the vehicle~~

and the nature of every such interest in the vehicle . The application shall also contain the Social Security number , if any , of the owner ~~(s)~~ assigned by the Social Security Administration, and in the event , 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.

~~(b)~~ Every application for a certificate of title shall contain a brief description of the vehicle to be registered, including the name of the maker, the vehicle identification or serial number and, upon the registration of when registering a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such the vehicle.

~~(e)~~ The application shall contain such other whatever additional information as may be required by the Department.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-624 ~~46.1-64.1~~ . Information required upon on transfer of titles of taxicabs or vehicles damaged by water.— ~~(a)~~ If Unless there is attached to the certificate of title of the vehicle a statement signed by the owner to the effect that the vehicle has been used as a taxicab or has been damaged by water, it shall be unlawful for any person knowingly to sell, transfer, or otherwise dispose of any motor vehicle that:

~~(1)~~ 1. Has been used as a taxicab, or

~~(2)~~ has 2. Has been damaged by water to such an extent that the insurance company insuring such vehicle it has paid a claim of \$1,000 or more because of such this water damage or has determined such the motor vehicle to be a total loss ; unless and until he shall attach to the certificate of title of such motor vehicle a signed statement to the effect that such vehicle has been used as a taxicab or has been damaged by water .

~~(b)~~ Persons violating the provisions of ~~(a)~~ hereof B. Violation of subsection A of this section shall be guilty of constitute a Class 1 misdemeanor.

~~(e)~~ Upon C. On receipt of a certificate of title to which is attached the information required in ~~(a)~~ hereof subsection A of this section is attached , the Commissioner shall, upon on issuing a new certificate of title, place an appropriate stamp indicator upon such certificate in order to convey such that information to the new owner of such the motor vehicle.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-625 ~~46.1-53~~ . Specially constructed or foreign vehicles.— In the event that the If a vehicle for which the registration of or a certificate of title is applied is a specially constructed, reconstructed , or foreign vehicle as defined in § 46.1-1 , such the fact shall be stated in the application and, with reference to every in the case of any foreign vehicle which has been registered outside of this the Commonwealth, the owner shall exhibit present to the Department the certificate of title and registration card or other evidence of such former registration as he may be in the applicant's possession or control have . The Commissioner may accept as evidence of ownership a certificate of title issued by another state bearing a legend indicating that the certificate does not guarantee that no liens are outstanding, or that it is a duplicate and may be subject to claims under the original, if placement of such legend upon the certificate was mandatory under the law of the jurisdiction which issued such title. 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 specially constructed, reconstructed, or foreign vehicles .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-626 ~~46.1-81~~ . New certificate of title after substitution of motor and change in description.—Each holder of a certificate of title of to a motor vehicle who shall substitute substitutes in such the vehicle another motor so that such the motor vehicle shall no longer conform conforms to the description contained in the application for the certificate of title shall ; promptly after such change is made, secure a new certificate of title for which he shall pay a fee of one dollar.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-627 ~~46.1-78~~ . 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 by the

Commissioner under the provisions of 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 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-628 46.1-87 . How certificate of title transferred.—The owner of a motor vehicle, trailer , or semitrailer registered under the provisions of this chapter , when transferring or assigning his title or interest thereto , shall fully and correctly endorse the assignment and warranty of title upon on the certificate of title of the motor vehicle, trailer , or semitrailer to the its purchaser thereof , with a statement of all security interests thereon 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.

NOTE: Only minimal changes have been made.

§ 46.2-629 46.1-89.1 . Odometer reading to be reported on certificate of title, application , or power of attorney.— (a) Each and every 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 this 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 ; provided, however, that where . 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 such a motor vehicle, if the transferor shall conspicuously record on the power of attorney the reading on the odometer or similar device at the time of such the assignment ; the requirements of this subsection shall be satisfied as to that assignment .

(b) B. The Department shall not issue to any transferee any new certificate of title on to a motor vehicle unless and until the provisions of subsection (a) have A of this section has been complied with.

(c) C. It shall be unlawful for any person knowingly to knowingly 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 therefor for a title , or on any power of attorney as described in subsection (a) A of this section .

(d) Any person convicted of a violation D. Violation of this section shall be guilty of constitute a Class 1 misdemeanor.

(e) E. The provisions of subsections (a) and (b) A and B of this section shall not apply to transfers by operation of law under § 46.1-93 46.2-633 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-630 46.1-89 . Transfer and application for certificate of title forwarded to Department.—The transferee shall write his name and address with pen and in ink upon on the certificate of title and, except as provided in §§ 46.1-90 46.2-631 and 46.1-90.1 46.2-619 , 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.

NOTE: Only minimal changes have been made.

§ 46.2-631 46.1-90 . When transferred certificate of title need not be forwarded.—When the transferee of the a motor vehicle, trailer , or semitrailer is a dealer who holds the same it for resale and operates the same 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 § 46.1-89 46.2-630 , but such the transferee upon , on transferring his title or interest to another person , shall give notice notify the Department of the transfer to the Department and shall endorse and acknowledge an assignment and warranty of title upon on the certificate and deliver it to the person to whom the transfer is made.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-632 46.1-92 . Transfer when certificate of title lost ; etc .—Whenever the applicant for the registration of a motor vehicle, trailer , or semitrailer or a new certificate of title thereto is unable to present a certificate of title by reason of the same being because the certificate has been lost or unlawfully detained by one in possession of it or whenever such the certificate of

title is otherwise not available, the Department may receive the application and ~~examine into~~ *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 ~~thereto to the title~~, it may register the motor vehicle, trailer, or semitrailer and issue a new registration card, license plate, or plates and certificate of title to the person entitled ~~thereto to it~~.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-633 ~~46.1-93~~ . Transfer of title by operation of law.—Except as otherwise provided in § ~~46.1-96~~ 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 § 43-34, repossession ~~upon~~ 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 ~~make application~~ *apply* to the Department for a certificate of title ~~therefor~~, giving the name and address of the person entitled ~~thereto to it~~, and accompany ~~such~~ *his* application with the registration card and certificate of title previously issued for the motor vehicle, trailer, or semitrailer, if available, together with ~~such whatever~~ instruments or documents of authority, or certified copies ~~thereof of them~~, as are required by law to evidence or effect a transfer of title or interest in or to chattels in ~~such 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 ~~thereto to it~~.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-634 ~~46.1-94~~ . Same; Transfer of title when no qualification on estate.—If the holder of a certificate of title ~~be is~~ dead and there has been no qualification on his estate, a transfer may be made by a legatee or distributee if there ~~be 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 ~~such the~~ estate and that ~~his the~~ *the decedent's* debts have been paid ~~in full~~ or that the proceeds from the sale of ~~such the~~ motor vehicle will be ~~used to apply~~ *applied* against his debts. The statement shall ~~state contain~~ the name, residence at the time of death, date of death, and the names of ~~all any~~ other persons; ~~if any~~, having an interest in the motor vehicle which is sought to be transferred and, if ~~there are such these~~ persons ~~who~~ are of legal age, they shall signify in writing their consent to ~~such the~~ transfer of the title.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-635 ~~46.1-98.1~~ . Surrender of certificates for vehicles to be demolished; securing new title certificates.— (a) 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 § ~~46.1-87~~; ~~however, the~~ 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 ~~such the~~ vehicle is to be demolished. ~~Upon~~ On receipt of this form and the assigned title, the Commissioner shall forward to the transferee a receipt ~~therefor for them~~.

(b) If ~~such the~~ person, in lieu of demolishing ~~same the~~ vehicle, sells, transfers, or operates the motor vehicle, trailer, or semitrailer, ~~such person he~~ shall first secure a certificate of title from the Department. Before issuing the new ~~certificate of title certificate~~, the Department shall ~~make inspect~~, or ~~cause to be made~~, ~~adequate inspection of~~ *have inspected*, the reconstructed vehicle.

(c) If a motor vehicle, trailer, or semitrailer; obtained for use or resale, is subsequently demolished, ~~such the~~ owner shall immediately surrender ~~the its~~ certificate of title ~~thereto~~ to the Department.

(d) Failure to comply with any of the provisions of this section shall constitute a traffic infraction punishable under § 46.1-16.01.

NOTE: Specific reference to the general penalty for traffic infractions is unnecessary.

§ 46.2-636 ~~46.1-69~~ . Certificate to show security interests.— ~~The~~ *When the* Department ~~upon receiving receives~~ an application for a certificate of title to a motor vehicle, trailer, or semitrailer showing security interests ~~upon such on the~~ motor vehicle, trailer, or semitrailer shall, ~~upon issuing to the owner thereof a the~~ *upon the face of the certificate of title issued by the Department to the owner of the vehicle shall show* all security interests disclosed by ~~such the~~ application. All ~~such~~ security interests ~~shown on the~~

certificate of title shall be shown in the order of their priority ; such priority being according to the information contained in such the application.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-637 46.1-70 . Security interests subsequently created.—Security interests (, other than a security interest those in inventory held for sale) , created 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 blank form furnished for that purpose, setting forth the security interests and such whatever additional information in connection therewith as the Department may deem necessary. The Department, if If satisfied that it is proper that the same for the security interest to be recorded, and upon surrender of when the certificate of title covering the motor vehicle, trailer , or semitrailer, is surrendered, the Department shall thereupon issue a new certificate of title, showing the security interests in the order of their priority ; the priority being according to the date of the filing of the application for same . For the purpose of recording such a subsequent security interest, the Commissioner may require any secured party to deliver to him the certificate of title. Upon issuing the The new certificate it shall thereupon be sent or delivered to the secured party from whom the prior certificate was obtained. Notwithstanding the foregoing or 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 §§ 8.9-301 through 8.9-408.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-638 46.1-71 . Certificate as notice of security interest.— Such A certificate of title, when issued by the Department showing a security interest, shall be deemed 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 §§ 8.9-301 through 8.9-408 and 55-96 and whether or not inventory held for sale shall be exempt from the provisions of § 55-152, 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.

NOTE: Only minimal changes have been made.

§ 46.2-639 46.1-72 . Security interest may be filed within thirty days after purchase.—If application for the registration or recordation of a security interest to be placed upon on a motor vehicle, trailer , or semitrailer be is filed in the principal office of with the Department ; within thirty days from the date of such an applicant's purchase of such the motor vehicle, trailer , or semitrailer, it shall be as valid as to all persons, whomsoever, including the Commonwealth, as if such that registration had been done accomplished on the day such the security interest was acquired.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-640 46.1-73 . 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 §§ 8.9-301 to 8.9-408, 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, except that lien . The foregoing provisions of this section shall not apply, to liens of keepers of garages to the extent given by § 43-32 and the lien liens of mechanics for repairs to the extent given by § 43-33 if the requirements therefor exist, provided the garage keeper or mechanic furnishes the holder of any such recorded lien who may request it with an itemized sworn statement of the storage charges, work done , and materials supplied for which the said lien is claimed.

NOTE: This section has been somewhat revised for clarity.

§ 46.2-641 46.1-74 . Who to hold certificate of title subject to security interest.—The certificate of title of such a motor vehicle, trailer , or semitrailer shall be delivered to the person ; firm or corporation holding the security interest having first priority upon on the motor vehicle, trailer , or semitrailer and retained by him or them until the entire amount of his or their security interest is fully paid by the owner of the motor vehicle, trailer or semitrailer . Thereupon When the security interest is fully paid, the certificate of title shall be delivered to the secured party next in order of priority and so on, or, if none, then to the owner of the

motor vehicle, trailer or semitrailer .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-642 ~~46.1-75~~ . Release of security interest shown on certificate of title.— ~~An~~ *When an owner upon securing secures* the release of any security interest ~~upon on~~ a motor vehicle, trailer , or semitrailer shown ~~upon the~~ *on its* certificate of title issued ~~therefor~~ , he may exhibit the documents evidencing ~~such the~~ release, signed by the person or persons making ~~such the~~ release, and the certificate of title to the Department ; ~~or~~ . *However*, when it is impossible to secure ~~such 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 thereof *of the release*, shall issue to the owner either a new certificate of title in ~~proper form~~ or an endorsement or rider showing the release of the security interest , which the Department shall attach to the outstanding certificate of title.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-643 ~~46.1-76~~ . Surrender of certificate of title required when security interest paid.—It shall be ~~unlawful 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 ~~such certificate of title~~ it to the person legally entitled thereto within ten days after his security interest ~~shall have been is paid and~~ satisfied.

NOTE: Violation of this section has been made a Class 3 misdemeanor.

§ 46.2-644 ~~46.1-77~~ . Levy of execution ; etc .—A levy made by virtue of an execution, fieri facias , or other ~~proper~~ court order, ~~upon 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 ~~theretofore previously~~ recorded by the Department and subsequent to security interests in inventory held for sale and perfected as otherwise permitted by law, ~~if and~~ when the officer making ~~such the~~ levy reports to the Department at its ~~principal office~~, on forms provided ~~therefor~~ by the Department, that ~~such the~~ levy has been made and that the motor vehicle, trailer , or semitrailer thus levied ~~upon on~~ has been seized by ~~and is in the custody of~~ ~~such officer him~~ . *Should such lien be If the lien is* thereafter satisfied or should the motor vehicle, trailer , or semitrailer thus levied ~~upon on~~ and seized ~~be is~~ thereafter released by ~~such the~~ officer, he shall immediately report that fact to the Department at its ~~principal office~~ . Any owner who , after ~~such the~~ levy and seizure by an officer and before ~~the report thereof~~ by the officer *reports the levy and seizure* to the Department , shall fraudulently assign or transfer his title to or interest in ~~such a~~ motor vehicle, trailer , or semitrailer or cause ~~the its~~ certificate of title ~~thereto~~ to be assigned or transferred or cause a security interest to be shown ~~upon such on~~ its certificate of title shall be deemed guilty of a Class 1 misdemeanor and ~~upon conviction thereof shall be fined not less than \$25 nor more than \$500, or imprisoned in jail for not less than 10 days nor more than 12 months~~ .

NOTE: A Class 1 misdemeanor is the only classified misdemeanor which permits a 12-month jail term.

Article 3.

Registration of Vehicles.

§ 46.2-645 ~~46.1-54~~ . Registration of vehicles and owners .—The Department shall file each *motor vehicle registration* application received and , when satisfied as ~~to the genuineness and regularity thereof~~ and that the applicant is entitled ~~thereto to register the vehicle~~, shall register and record the vehicle ~~therein described and the owner thereof~~ .

NOTE: This section has been condensed.

§ 46.2-646 ~~46.1-63~~ . Expiration and renewal of registration.— ~~(a)~~ 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 ~~such~~ registration, unless otherwise provided, shall be renewed annually ~~upon on~~ application by the owner and by payment of the fees required by law, ~~such the~~ renewal to take effect on the first day of the month succeeding the date of expiration.

~~(b)~~ [Repealed.]

~~(c)~~ B. All motor vehicles, trailers , and semitrailers registered in ~~this 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 twelve months of the year. All such motor vehicles, trailers , and semitrailers, unless otherwise provided, shall be registered for a period of twelve months. The registration ~~will~~ shall be extended, at the discretion of the Commissioner, ~~upon~~ on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than eleven months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall ~~upon~~ , 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 ~~(d)~~ C of this section, every registration shall be renewed annually ~~upon~~ on application by the owner and by payment of fees required by law, ~~such~~ the renewal to take effect on the first day of the succeeding month.

~~(d)~~ 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 ~~such~~ this option is offered and chosen by the registrant, all annual and twelve-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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-647 ~~46.1-63.1~~ . Grace period for replacement of *license* plates or decals and renewal of registrations.—The Commissioner may, ~~upon~~ 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 ~~such~~ 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 ~~such~~ license plates or decals and the renewal of ~~such~~ registrations. The declaration of ~~such~~ 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.

NOTE: Only minimal changes have been made.

§ 46.2-648 ~~46.1-105.12~~ . Registration of logging vehicles.— ~~Upon~~ 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 site 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.

NOTE: Only the section number has been changed.

§ 46.2-649 ~~46.1-153.1~~ . Certain vehicles required to show evidence of payment of taxes and of registration or exemption from registration with *S.C.C State Corporation Commission* .—A. Before the Commissioner ~~shall register or reregister~~ registers or reregisters any motor vehicle, trailer , or semitrailer under §§ 46.1-154, ~~46.1-154.3~~, ~~46.1-156~~ 46.2-697, 46.2-698, 46.2-700 or § ~~46.1-157.1~~ 46.2-703 , the applicant for ~~such registration or reregistration~~ shall furnish evidence satisfactory to the Commissioner that all state, local , and federal taxes levied ~~upon~~ on that motor vehicle, trailer , or semitrailer have been paid and that ~~such~~ the motor vehicle, trailer , or semitrailer either (i) is registered with the State Corporation Commission as required by law, or (ii) is not required so to register.

B. The Commissioner, in consultation with the State Corporation Commission, with local commissioners of the revenue and directors of finance, and with appropriate federal officials, by regulation shall provide for the kinds of evidence required to satisfy the provisions of subsection A of this section.

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.

NOTE: Only minimal changes have been made.

Article 4.

Temporary Registration.

§ 46.2-650 ~~46.1-42~~ . Temporary permits or duplicate applications.—The Department may ~~make and enforce promulgate~~ regulations providing that ~~upon proper~~ on application for a certificate of

title and registration of a vehicle, either new or after a transfer, ~~such~~ the vehicle may be operated ~~upon~~ on the highway ~~(1)~~ under (i) a temporary permit issued by the Department or ~~(2)~~ (ii) a duplicate application carried in the vehicle.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-651 ~~46.1-42.1~~ . Temporary one-trip permit.—The Department may, ~~upon proper~~ on application on forms provided by the Department, issue a ~~temporary~~ one-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 ~~on such~~ a ~~under the~~ permit is a vehicle designed as a property-carrying vehicle , it shall be unladen at the time of operation ~~on such~~ ~~under the~~ permit. ~~Such~~ 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. Any vehicle so operated shall only operate between the beginning and destination points. The fee for ~~such~~ the a permit shall be five dollars.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-652 ~~46.1-43~~ . Temporary registration for transportation of heavy equipment.— ~~(a)~~ The Commissioner may, if in his ~~opinion~~ it is equitable discretion , grant a ~~special~~ temporary registration or permit for the operation of tractor trucks, trucks , and heavy duty trailers used for the transportation of heavy construction equipment, cranes, well-digging apparatus , and other heavy equipment ~~upon~~ on the highways of ~~this in the~~ Commonwealth from one point to another within ~~this the~~ Commonwealth, or from ~~this the~~ Commonwealth to a point or points ~~without this~~ ~~outside the~~ Commonwealth, or from ~~without this~~ ~~outside the~~ Commonwealth to a point or points within ~~this the~~ Commonwealth. ~~Such special~~ A temporary registration or permit shall ~~give show~~ the registration or permit number, the date of issue, the date of expiration , and the route to be traveled and shall be displayed in a prominent place on the vehicle or other apparatus.

~~(b)~~ For ~~such~~ a special temporary registration or permit the applicant shall pay a fee based ~~upon~~ the sum of ten cents per mile for each and every mile to be traveled by the tractor truck, truck, heavy duty trailer, crane, well-digging apparatus , or other heavy equipment.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-653 ~~46.1-44~~ . Temporary registration or permit for transportation of mobile homes or house trailers exceeding the size permitted by law.— ~~(a)~~ The Commissioner may, if in his ~~opinion~~ it is equitable discretion , grant a ~~special~~ temporary registration or permit for the transportation of mobile homes or house trailers, which exceed the size permitted by law, ~~upon~~ on the highways of ~~this in the~~ Commonwealth from one point to another within ~~this the~~ Commonwealth, or from ~~this the~~ Commonwealth to a point or points ~~without this~~ ~~outside the~~ Commonwealth, or from ~~without this~~ ~~outside the~~ Commonwealth to a point or points within ~~this the~~ Commonwealth. Such ~~special temporary~~ registration or permit shall ~~give show~~ the registration or permit number, the date of issue, the date of expiration , and the route to be traveled and shall be displayed in a prominent place on the vehicle. The owner of every ~~such~~ mobile home or house trailer of ~~this sort~~ purchased in ~~this the~~ Commonwealth for use within ~~this the~~ Commonwealth or brought into ~~this the~~ Commonwealth for use within ~~this the~~ Commonwealth shall apply within thirty days to the Department for ~~and obtain~~ title ~~therefor~~ in the name of the owner ; ~~provided that this~~ . This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. After a mobile home has been titled in ~~this the~~ Commonwealth and at such time as the wheels and other ~~appendages~~ equipment previously used for mobility have been removed and ~~such~~ the unit has been attached to the realty, then the Virginia title issued for ~~such~~ the unit may be returned to the Department for cancellation and ~~such~~ the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ ~~46.1-60~~ 46.2-636 through 46.1-74 46.2-641 shall continue , notwithstanding the provisions of this section.

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

~~(c)~~ For ~~such special~~ each temporary registration or permit, issued ~~thereunder~~ hereunder , the applicant shall pay a fee of one dollar ~~for each~~ permit issued .

~~(d)~~ No ~~special~~ mileage permit, as ~~herein~~ authorized ~~provided in this section~~ , shall be issued hereunder covering any of the ~~above-mentioned~~ mobile homes or house trailers which are

subject to a license.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-654 ~~46.1-90.2~~ . Issuance of ~~certain~~ temporary registration certificates by motor vehicle auctions.—In addition to the provisions of § ~~46.1-90.1~~ 46.2-1542 , businesses licensed by the Department of Motor Vehicles to conduct sales of motor vehicles by auction may issue to persons who purchase motor vehicles through auctions conducted by ~~such~~ these businesses temporary certificates of registration.

Issuance of certificates under this section shall be subject to regulations promulgated by the Commissioner.

NOTE: Only minimal changes have been made.

Article 5.

Reciprocity for Nonresidents.

§ 46.2-655 ~~46.1-131~~ . Reciprocity required.—The privileges extended under §§ ~~46.1-132, 46.1-134, 46.1-135, and 46.1-137~~ of this article to nonresident owners of foreign motor vehicles, trailers , and semitrailers operated in ~~this~~ 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 ~~this~~ the Commonwealth operating motor vehicles, trailers , or semitrailers in such state of the United States or foreign country.

NOTE: Only minimal changes have been made.

§ 46.2-656 ~~46.1-132~~ . Nonresident may operate temporarily without registration.— A ~~nonresident owner, except~~ Except as otherwise provided in this article, ~~owning any a nonresident owner of a~~ passenger car which has been ~~duly~~ 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 ~~this~~ the Commonwealth has ~~displayed upon it~~ 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 ~~such~~ the passenger car or paying any fees to ~~this~~ the Commonwealth. ~~But if~~ If, however, at the expiration of such six months ~~such~~ the passenger car is still in ~~this~~ the Commonwealth, ~~such~~ its owner shall ~~procure~~ apply for registration and license of the vehicle and shall pay a fee for such license registration ~~from based on~~ the time operation of ~~such~~ the vehicle in ~~this~~ the Commonwealth commenced.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-657 ~~46.1-133~~ . When registration by nonresident not required.— ~~Anything in §§ 46.1-131 and 46.1-132 to the contrary notwithstanding~~ Notwithstanding other provisions of this article , any nonresident from a state or political division 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 or political division in which the foreign vehicle owned or operated by such nonresident is registered , shall not be required to register such vehicle in ~~this~~ the Commonwealth ; ~~provided, however, that this~~ . This section , however, shall not be so construed as to 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.

NOTE: References to "political subdivisions" have been removed as obsolete.

§ 46.1-658 ~~46.1-134~~ . Regular operation other than for pleasure.— Except as provided and permitted under the provisions of in § ~~46.1-133~~ 46.2-657, a nonresident owner of a foreign motor vehicle, trailer , or semitrailer ; which is regularly operated in ~~this~~ the Commonwealth, or from a point or points ~~without~~ outside ~~this~~ the Commonwealth to a point or points within ~~this~~ the Commonwealth, or from a point or points within this Commonwealth to a point or points ~~without~~ outside ~~this~~ the Commonwealth, or through ~~this~~ the Commonwealth, for purposes other than purposes of pleasure, shall, unless otherwise provided in this ~~article~~ chapter , register such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of ~~this~~ the Commonwealth. Any ~~such~~ owner who operates or permits to be operated one or more ~~such~~ of these vehicles either simultaneously or alternately as often as four times in any one month shall be considered to be regularly operating ~~such~~ vehicle or vehicles ~~them~~ in ~~this~~ the Commonwealth.

NOTE: Only minimal changes have been made.

§ 46.2-659 46.1-135 . License fee for operation in interstate commerce.— In the event that A. If a nonresident owner of a foreign motor vehicle described in § 46.2-658 operates such vehicle it for purposes other than pleasure as often as four times a month in this the Commonwealth exclusively in interstate commerce , such nonresident owner he shall pay the following charges:

(a) 1. For each such vehicle whose gross weight is less than 5,000 pounds , the sum of 1¢ one cent per mile for each mile operated over the public highways of this the Commonwealth; for each such vehicle whose gross weight is 5,000 pounds, but less than 10,000 pounds, the sum of 1 1/2¢ one and one-half cents per mile so operated; for each such vehicle whose gross weight is 10,000 pounds, but less than 15,000 pounds, the sum of 2¢ two cents per mile so operated; and for each such vehicle whose gross weight is 15,000 pounds, or more, the sum of 2 1/2¢ two and one-half cents per mile so operated.

(b) In the event that the mileage charge imposed by this section becomes operative, the 2. The Commissioner shall collect such the charges and pay the same them to the State Treasurer. For the purpose of collecting such these charges , the Commissioner is authorized to promulgate such rules and regulations, appoint such deputies or agents and perform such other acts as shall be reasonable, necessary and proper for the collection of such the charges. The In accordance with the General Appropriations Act, the State Treasurer shall ; in the manner provided by law, pay out of any funds so collected and paid to him the cost of collection of such the charges ; which payments shall be in addition to the appropriations otherwise made to the Department of Motor Vehicles but shall not exceed the amount so collected and paid to the State Treasurer .

(c) 3. For the purpose of aiding in the enforcement of the provisions of this section, with reference to the mileage charges, every nonresident operator required to pay such the mileage charges required by the section , while transporting property in interstate commerce over the public highways of this Commonwealth, shall at all times cause to be in the possession of the person in charge of such the vehicle a bill of lading or waybill showing the point of origin and destination of the property so transported. It shall be unlawful for any such nonresident operator to fail or refuse to pay such the charges or to have in his possession or exhibit any false or fraudulent bill of lading or waybill.

(d) 4. For the purpose of this section "gross weight" shall be the weight of the chassis (manufacturer's shipping weight), plus 1 1/2 one and one-half times the manufacturer's rated carrying capacity. The provisions of this section shall not be construed to supersede §§ 56-304 through 56-304.12 of this Code .

NOTE: Appropriations provisions in general statutes run counter to Article X, Section 7 of the Virginia Constitution.

§ 46.2-660 46.1-136 . Operating vehicles in carrying on business in Commonwealth.—Every nonresident, including any foreign corporation, carrying on conducting business within this in the Commonwealth and owning and regularly operating in such business any motor vehicle, trailer , or semitrailer within this in the Commonwealth shall be required to register such the vehicle and pay the same fees therefor as is required with reference to like for registration of similar vehicles owned by residents of this the Commonwealth.

NOTE: Only minimal changes have been made.

§ 46.2-661 46.1-137 . Extension of reciprocal privileges.—Notwithstanding the other provisions of this article chapter , the Commissioner, with the consent of the Governor, may extend to the owners of foreign vehicles operated in this State the Commonwealth the same privileges which are granted by the state of the United States or foreign country wherein the owners of such the foreign vehicles are residents to residents of this Commonwealth operating vehicles in such state of the United States or foreign country.

NOTE: Only minimal changes have been made.

Article 6.

Exemptions from Registration.

§ 46.2-662 46.1-41.1 . Temporary exemption for new resident operating vehicle registered in another state or country.—A resident owner of any passenger car, pickup or panel truck, or motorcycle, other than those provided for in § 46.1-43 46.2-652 , which has been duly registered for the current calendar year in another state or country and which at all times when operated in this the Commonwealth has displayed upon it displays the license plate or plates issued for such the vehicle in such the other state or country, may operate or permit the operation of such the passenger car, pickup or panel truck, or motorcycle within or partly within this the Commonwealth for the first thirty days of his residency in this the Commonwealth without registering such the passenger car, pickup or panel truck, or motorcycle or paying any fees to

this the Commonwealth.

NOTE: Only minimal changes have been made.

§ 46.2-663 46.1-45 . Exemption of motor vehicles, tractors, etc., used for agricultural, horticultural, mining, etc., purposes *Backhoes* .— (a) No person shall be required to obtain the registration certificate, license plates , and decals or to pay the a registration fee prescribed therefor; pursuant to the provisions of this chapter, for any backhoe operated on any highway for a distance not in excess of *no more than* twenty miles from the its operating base of such backhoe, for any truck upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee of the truck or for any motor vehicle, trailer or semitrailer, which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof and which is not operated on or over any public highway of this Commonwealth for any purpose other than for operating it across a highway or along a highway from one point of the owner's land to another part thereof, irrespective of whether or not the tracts adjoin, when the distance between the points does not exceed twenty miles, or for taking it or other fixtures thereto attached, to and from a repair shop for repairs. The foregoing exemption from registration and license requirements shall also apply to any vehicle hereinbefore described or to any farm trailer owned by the owner or lessee of the farm on which such trailer is used, when such trailer is used by the owner thereof for the purpose of moving farm produce and livestock from such farm along a public highway for a distance not to exceed twenty miles to a storage house, packing plant or market, when such use is a seasonal operation .

(b) The exemptions contained in this section shall also apply to farm machinery and tractors; however, such machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether such land be owned by the same or different persons.

(c) The exemptions contained in this section shall also apply to any motor vehicle, trailer or semitrailer validly registered in another state and bearing valid license plates issued by such state, for the use of which the owner or lessee of a farm has contracted as an incidental part of the harvesting of a crop from such farm, while such vehicle is engaged in moving farm produce from such farm as an incidental part of such harvesting operations, along a public highway for a distance not to exceed twenty miles to a storage house, packing plant, market, or transportation terminal, when such use is a seasonal operation and when the owner of such vehicle has secured from the Commissioner an exemption permit for each such vehicle. The Commissioner, upon receipt of certification by the Superintendent of the State Police that such vehicle is entitled to the exemption set forth in this subsection shall issue such exemption permit on a form to be prescribed by him, which shall be carried at all times by the operator of the vehicle, for which it is issued or displayed in a conspicuous place on such vehicle. Such exemption permit shall be valid for a period of ninety days from date of issue and shall be renewable by the procedure set forth above.

(d) Any vehicle exempted hereunder from the requirements of registration certificate, license plates and decals and fees therefor shall not be permitted to use the highways as above provided between sunset and sunrise unless said vehicle is equipped with headlights, taillights and other lights required by law.

(e) The exemption contained in this section shall also apply to any farm or other tractor, trailer, log cart or similar vehicles owned by a sawmill operator when operated on a highway while being moved from one site to another, or being taken to or from a repair shop for repairs, or while crossing a highway from one contiguous tract of land to another.

(f) The exemptions contained in this section shall also apply to any motor vehicle, trailer or semitrailer, so as to permit its operation on the highway between a sawmill or sawmill site and the farm of the owner of such motor vehicle for a distance not to exceed twenty miles for the purpose of hauling sawdust, shavings, slab wood, and other wood wastes.

(g) The exemptions contained in this section shall also apply to any motor vehicle, trailer or semitrailer used at mines, so as to permit the operation thereof on the highway between such mines, or when being taken to or from a repair shop for repairs; however, the exemption contained in this subsection shall not apply to such motor vehicles when carrying cargo or to any such motor vehicles traveling a distance of more than twenty miles.

(h) The exemptions contained in this section shall also apply to any trailer or semitrailer or fertilizer spreader drawn by a farm tractor, or any motor vehicle when used by a farmer, his tenant, agent or employee, or cotton ginner or peanut buyer or fertilizer distributor in transporting unginmed cotton or peanuts or fertilizer owned by such farmer, cotton ginner or peanut buyer or fertilizer distributor from place to place on the same farm, from one farm to

another, from farm to gin, from farm to dryer, or from farm to market, or from fertilizer distributor to farm and upon return to such distributor, when not operated on a for-hire basis.

(i) The exemptions contained in this section shall also apply on any return trip made from any marketplace as provided herein, when the motor vehicle is used to transport back to the farm ordinary and essential food and other products for home and farm use, or when the motor vehicle is used for carrying supplies to the farm.

(j) The exemptions contained in this section shall also apply to any motor vehicle, trailer or semitrailer when used by a commercial fisherman, his agent or employee for the purposes of transporting his boat or boats, or other equipment of his trade on or over any public highway of this Commonwealth from his place of residence or business to the waters within the territorial limits of this Commonwealth or the marginal seas adjacent thereto, and for any return trip; however, such distance shall not exceed twenty miles.

NOTE: See note following proposed § 46.2-674.

§ 46.2-664. *Vehicles used for spraying fruit trees and other plants.*—No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: See note following proposed § 46.2-674.

§ 46.2-665. *Vehicles used for agricultural or horticultural purposes.*—A. No person shall be required to obtain the registration certificate, license plates and decals, 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 vehicles which are not operated on or over any public highway in this Commonwealth for any purpose other than:

1. Crossing a highway;

2. Operating along a highway for a distance of no more than twenty miles from one part of the owner's land to another, irrespective of whether the tracts adjoin; or

3. Taking the vehicle or attached fixtures to and from a repair shop for repairs.

NOTE: See note following proposed § 46.2-674.

§ 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 and decals, 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 twenty miles to a storage house, packing plant, or market.

NOTE: See note following proposed § 46.2-674.

§ 46.2-667. *Farm machinery and tractors.*—A. No person shall be required to obtain the registration certificate, license plates and decals, or pay the prescribed fee for any farm machinery or tractor when going from one tract of land to another regardless of whether the land is owned by the same person.

NOTE: See note following proposed § 46.2-674.

§ 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 and decals, 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 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 twenty 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 certification by the Superintendent of State Police that a vehicle is entitled to the exemption set forth in this subsection, 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 ninety days from date of issue and shall be renewable by the procedure set forth in the foregoing provision of this section.

NOTE: See note following proposed § 46.2-674.

§ 46.2-669. Tractors and similar vehicles owned by sawmill operators.—No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: See note following proposed § 46.2-674.

§ 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 and decals, 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 twenty miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes.

NOTE: See note following proposed § 46.2-674.

§ 46.2-671. Vehicles used at mines.—No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: See note following proposed § 46.2-674.

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.—No person shall be required to obtain the registration certificate, license plates and decals, 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 unginning 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.

NOTE: See note following proposed § 46.2-674.

§ 46.2-673. Return trips of exempted farm vehicles.—No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: See note following proposed § 46.2-674.

§ 46.2-674. Vehicles used by commercial fishermen.—No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer 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 twenty miles between his place of residence or business and the waters within the territorial limits of the Commonwealth or the adjacent marginal seas; or

2. Any return trip to his place of residence or business.

NOTE: Former § 46.1-45 has been broken up into proposed §§ 46.2-663 through 46.2-674 for clarity. The exemptions contained in the present section are so thoroughly shaken together with restrictions on those exemptions that it is difficult really to say just what exemptions are provided and what conditions apply to those exemptions.

§ 46.2-675 ~~46.1-45.1~~. Certain vehicles engaged in mining or quarrying operations; permit when such vehicle required to cross public highways.— Notwithstanding the provisions of subsection (g) of § 46.1-45, no No person shall be required to obtain the registration certificate, license plates and decals or to pay the a registration fee prescribed therefor, pursuant to the provisions of this chapter, for any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, where if the sole function of said the motor vehicle is to haul coal from mine to tippie or to haul other mined or quarried products from mine or quarry to the a processing plant ; provided that the . The owner thereof of the vehicle, however, shall first obtain, without charge, a permit from the State Highway and Commonwealth Transportation Commissioner in any case in which such the motor vehicle is required to cross the public highways ; provided further, that the . The Commonwealth Transportation Commissioner shall not issue such the permit unless and until he is satisfied that the owner of such the motor vehicle has, at his own expense, strengthened such 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 such this operation shall be repaired in a manner satisfactory to the Commonwealth Transportation Commissioner, at the expense of such the vehicle's owner.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-676 ~~46.1-45.2~~ . Golf carts ; self-propelled wheelchairs, forklift trucks and and snowmobiles .—A. No person shall be required to obtain the registration certificates, license plates and or decals , or to pay any registration fee prescribed therefor , pursuant to the provisions of this chapter, for any vehicle designed to transport persons playing golf and their equipment from one hole on a golf course to another, and golf cart which is not operated on or over any public highway of this in the Commonwealth for any other purpose other than for the purpose of operating it across a highway from one hole portion of a public or private golf course to another hole portion thereof or to another adjacent golf course . Nor shall any person be required to obtain such registration certificates, license plates or decals , or to pay any fees therefor to operate such a vehicle golf cart across any highway if the person driving such vehicle the golf cart has with him in the vehicle either (i) a valid special parking permit issued to him under § 46.1-254.2 46.2-1238 or (ii) a valid special parking decal issued to him under § 46.1-104.1 46.2-731 .

B. Nor shall any person be required to obtain such registration certificates, license plates or decals , or to pay any registration fee therefor to operate such vehicle a golf cart along a road between his home and golf course if: (i) such a the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than thirty-five miles per hour, and (iii) the driver of the vehicle ; is at least sixteen years old, and (iv) while operating along a highway the vehicle displays a slow-moving vehicle emblem in conformity with § 46.1-264.1 46.2-1081 .

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

B. No person shall be required to obtain the registration certificates, license plates and decals or to pay any fee prescribed therefor, pursuant to the provisions of this chapter, for any self-propelled wheelchair or self-propelled wheelchair conveyance as defined in § 46.1-1, provided such self-propelled wheelchair or self-propelled wheelchair conveyance (i) is being 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 (ii) is not operated upon a public highway of this Commonwealth except to the extent necessary to cross the highway.

C. No person shall be required to obtain the registration certificates, license plates and decals or to pay any fee prescribed therefor, pursuant to the provisions of this chapter, for any forklift truck, as herein defined, provided such forklift truck (i) is operated by a person holding a valid Virginia driver's license, (ii) is operated along or across highways only in traveling from one plant, factory, or job site to another by the most direct route, (iii) is not carrying or transporting any object or objects or person or persons, other than the driver, (iv) displays a slow-moving vehicle emblem in conformity with § 46.1-264.1, (v) conforms to requirements of the federal Occupational Safety and Health Administration, and (vi) is not operated on or along any

limited access or controlled access highway or more than ten miles from any such plant, factory, or job site. For the purposes of this subsection, "forklift truck" shall mean a self-propelled machine used for hoisting and transporting heavy objects by means of steel fingers inserted under the load. The provisions of this subsection shall not affect vehicles and exemptions covered under the provisions of § 46.1-45 or § 46.1-45.1.

D. No person shall be required to obtain the registration certificates, license plates and decals or to pay any fee prescribed therefor, pursuant to the provisions of this chapter, for any self-propelled vehicle, designed for 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.

E. Any vehicle exempted under the provisions of subsection A, B or C hereof shall not be permitted to use the highways as above provided between sunset and sunrise unless such vehicle is equipped with headlights, taillights and other lights required by law.

NOTE: A definition of "golf cart" in the general definitions section. See also note following proposed § 46.2-679.

§ 46.2-677. *Self-propelled wheel chairs.*—No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: The requirement of subsection E of former § 46.1-45.2 that these wheelchairs be equipped with lights if operated at night has been changed to a prohibition on night operation. See also note following proposed § 46.2-679.

§ 46.2-678. *Forklift trucks.*—A. No person shall be required to obtain the registration certificate, license plates and decals, 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.

NOTE: See note following proposed § 46.2-679.

§ 46.2-679. *Snowmobiles.*—No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any snowmobile.

NOTE: A definition of snowmobile will be provided in the general definitions section. Former § 46.1-45.2 has been broken up into proposed §§ 46.2-676 through 46.2-679. No lights are presently required for nocturnal snowmobile operations.

§ 46.2-680 46.1-45.3 . *Certain vehicles Vehicles transporting oyster shells.*—No person shall be required to obtain the registration certificates, license plates and decals , or to pay any registration fee prescribed therefor, pursuant to the provisions of this chapter 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.

NOTE: Only minimal changes have been made.

§ 46.2-681 46.1-46 . Vehicles of volunteer fire departments, etc., used for fire fighting, or for lifesaving, first aid , or rescue activities .—No person shall be required to obtain a registration certificate, license plates and decals , or to pay the *prescribed* fee ~~prescribed therefor pursuant to the provisions of this chapter~~ for any (i) fire-fighting trucks, trailers , and semitrailers upon which there is permanently attached fire-fighting apparatus *is permanently attached* when such these vehicles are owned or under exclusive control of a volunteer fire department ; or for (ii) ambulances or other vehicles owned or used exclusively by such volunteer fire departments or volunteer lifesaving or first aid crews or rescue squads ; ~~provided that any such vehicle is if these vehicles are used exclusively as an ambulance ambulances or lifesaving and first aid vehicle vehicles and is are not rented, leased , or loaned lent~~ to any private individual, firm , or corporation, and no charges are made by such the organizations for the use of such the vehicles. Such The equipment ~~must shall~~ be painted a distinguishing color and conspicuously display in letters and figures ; not less than three inches in height ; the identity of the volunteer fire department, lifesaving or first aid crew or rescue squad having control of its operation ; ~~provided, however, that such .~~ The equipment *shall* be used exclusively in the prevention and control of fires ; or for lifesaving, first aid , or rescue activities. Before such the equipment may be operated upon on the highways of this in the Commonwealth without license plates or license plates with decals, there ~~must shall~~ be filed with the Department of Motor Vehicles and the Department of State Police, on forms furnished by the Department of Motor Vehicles , a certification by the clerk of the circuit court of the county in which such the equipment is based, certifying a description of the equipment and the name of the volunteer fire department or association, lifesaving or first aid crew, or rescue squad.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-682 46.1-47 . Farm tractors Tractors , road rollers , and road other machinery used for highway purposes.— Farm tractors Tractors , road rollers , and road other machinery used for highway purposes need not be registered under this chapter.

NOTE: Farm tractors are already exempted under § 46.2-667. It would appear that the intent of this section was to exempt road-building machinery, generally, and that the term “farm tractor” was used to avoid confusion with “road tractors.”

§ 46.2-683 46.1-48 . Traction engines; engines, etc., vehicles operating on rails.—Nothing in this chapter shall apply to the machines known as traction engines or to any locomotive engines locomotives or electric cars running operating on rails.

NOTE: Only minimal changes have been made.

§ 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.

NOTE: Most vehicles presently exempted from registration are required to be equipped with lights if they use the highways at night. It seemed sensible to extend this requirement to all vehicles exempted by this article.

Article 7.

Fees for Registration.

§ 46.2-685 46.1-44.2 . Payment of fees into special fund.—All fees collected by the Commissioner under the provisions of §§ 46.1-42.1 46.2-651 , 46.1-43 46.2-652, and 46.1-44 46.2-653 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.

NOTE: Only minimal changes have been made.

§ 46.2-686 46.1-157.2 . Portion of certain fees to be paid into special fund.—Except as provided in subdivision (a) (12) 13 of § 46.1-149 subsection A of § 46.2-694 and § 46.1-157.1 46.2-703 , an amount equal to twenty percent of the fees collected, after refunds, from the registration of motor vehicles, trailers , and semitrailers pursuant to this article (§ 46.1-149 et seq) chapter , calculated at the rates in effect on December 31, 1986, shall be transferred from the special fund established by the provisions of § 46.1-167 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-687 46.1-152 . Failure to pay certain fees a misdemeanor ; penalty .—Any person who operates or permits the operation of any motor vehicle, trailer , or semitrailer over any highway of this State in the Commonwealth for the transportation of passengers without first having paid to the Commissioner the fee prescribed by § 46.1-149 46.2-694 shall be guilty of a Class 2

misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in jail for a period not to exceed 6 months, or by both such fine and imprisonment .

NOTE: A Class 2 misdemeanor most nearly fits the penalties previously specified.

§ 46.2-688 46.1-07 . Refund of fees paid.— (a) Any person holding a registration certificate 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 of this in the Commonwealth , or transfers another valid license plate to the vehicle, may surrender , prior to the beginning of the registration period, ~~surrender~~ the license plates or license plates with decals and registration certificate 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 of this 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 ~~such~~ the fee to cover the costs incurred in issuing said the plates and processing said the refund.

(b) 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 ~~such~~ the refund is made at ~~such~~ time when there are six or more months remaining in the registration period. No charge or deduction shall be assessed for any refund made under this subsection.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-689 46.1-154.01 . Refund of certain registration fees.—Upon application on a form prescribed by the Commissioner of the Department of Motor Vehicles , any person registering any vehicle whose fees are set under § 46.1-154 46.2-697 shall be refunded that portion of the registration fee for a gross weight in excess of that set forth in subsection (d) of § 46.1-330 46.2-1126 .

NOTE: Only minimal changes have been made.

§ 46.2-690 46.1-154.1 . Refund for certain for-hire vehicles.— (a) Notwithstanding any other provision of law, the owner of any motor vehicle which is required to be licensed under § 46.1-154 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 herein in this section .

(b) If ~~such~~ the motor vehicle , while licensed as a for-hire vehicle , is used exclusively in reasonable 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 . 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 is authorized and directed to shall refund this surcharge upon proper on application on forms prescribed by him and submitted to the Department within thirty days of the registration expiration date of the license plates.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-691 46.1-166 . Credit to truck owner inducted into armed forces.— (a) The owner and operator of any motor vehicle truck who secured and paid for a license thereon therefor but was prevented from operating the truck for the full license year by reason of his being inducted 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.

(b) The application for a credit shall be made during the license year for which credit is sought and each ~~such~~ application shall be accompanied by the certificate of 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.

(c) All such affidavits shall set forth that the vehicle cannot be operated due to the owner's service in the armed forces.

(d) 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 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 a registration card, no charge;
2. For a certificate of title, five dollars;
3. For license plates or license plates with decals, four dollars;
4. For one or two decals, one dollar.

NOTE: This section is derived from a portion of § 46.1-55. The remainder of that section is contained in Article 1 of this chapter.

§ 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 provision 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.

NOTE: This is a new section.

§ 46.2-694 ~~46.1-149~~ . Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.— ~~(a)~~ A. The annual registration fees for motor vehicles, trailers, and semitrailers, designed and used for the transportation of passengers upon the highways of this in the Commonwealth are:

~~(1)~~ 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 and, 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.

~~twenty~~ 2. Twenty - eight dollars for each passenger car or motor home which weighs in excess of more than 4,000 pounds such passenger car or motor home, 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)~~ 3. Thirty cents per 100 pounds of weight or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adult persons ten adults including the driver if such 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 chauffeur. In no case shall the fee be less than twenty-three dollars if the vehicle weighs 4,000 pounds or less or twenty-eight dollars if the vehicle weighs in excess of more than 4,000 pounds.

~~(3)~~ 4. Thirty cents per 100 pounds of weight or major fraction thereof for a school bus, public or private. In no case shall the fee be less than twenty-three dollars if the vehicle weighs 4,000 pounds or less or twenty-eight dollars if the vehicle weighs in excess of more than 4,000 pounds.

~~(4)~~ 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

~~(5)~~ 6. Thirteen dollars in addition to plus thirty cents per 100 pounds of weight or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Starting with the 1950 license year beginning April 1, 1950, interstate Interstate common carriers of interstate passengers may elect to be licensed and pay the fees therefor as prescribed in subdivision ~~(5a)~~ 7 of this subsection upon on submission to the Commissioner of a declaration of operations and equipment as he may prescribe; provided an. An additional \$5 five dollars shall be charged if the motor vehicle weighs in excess of more than 4,000 pounds.

~~(5a)~~ 7. Thirteen dollars ~~in addition to~~ *plus* seventy cents per 100 pounds of weight 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~~ *five dollars* shall be charged if the motor vehicle weighs ~~in excess of more than~~ 4,000 pounds. ~~Starting with the 1959 license year beginning April 1, 1959, in~~ *In* lieu of the foregoing fee of seventy cents per 100 pounds, a motor carrier of passengers, operating ~~2~~ *two* or more vehicles both within and ~~without~~ *outside* the Commonwealth under authority of the Interstate Commerce Commission, may ~~make application apply~~ to the Commissioner for ~~proration~~ *prorated* registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner is ~~authorized and directed to~~ *shall* apportion the registration fees provided in this ~~paragraph~~ *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 travelled by such vehicles within and ~~without~~ *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 thirty-three dollars. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and ~~without~~ *outside* the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

~~(6)~~ 8. Thirteen dollars ~~in addition to~~ *plus* eighty cents per 100 pounds of weight 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 chauffeur for the transportation of passengers. An additional fee of five dollars shall be charged if the vehicle weighs ~~in excess of more than~~ 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

~~(7)~~ 9. Twenty-three dollars for a taxicab ~~and or other vehicles~~ *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 Corporation Commission as required by law.~~ An additional fee of ~~\$5~~ *five dollars* shall be charged if the vehicle weighs ~~in excess of more than~~ 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

~~(8)~~ 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of three dollars which shall be distributed as provided in ~~§ 46-1-569~~ *46.2-1191*

~~(9) Repealed.~~

~~(10)~~ 11. Twenty-three dollars for a bus used exclusively for transportation to and from Sunday school or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be ~~\$28~~ *twenty-eight dollars*.

~~(11)~~ 12. Thirteen dollars ~~in addition to~~ *70¢ plus* seventy cents per 100 pounds of weight or major fraction thereof for other passenger-carrying vehicles.

~~(12)~~ 13. An additional fee of one dollar *per year* shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions ~~(a)~~ *(1)* through ~~(11)~~ *1 through 12* of this subsection. All funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as a special fund to be used *only* for emergency medical service purposes ~~and for no other purpose~~. Seventy-five percent of the funds so collected shall be available to the State Department of Health for use in emergency medical services. The remaining twenty-five percent of the funds ~~so collected~~ shall be returned by the State Department of Health to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

~~(a1) [Repealed.]~~

~~(a2)~~ *B.* All motor vehicles, trailers, and semitrailers registered as provided in *subsection B* of ~~§ 46-1-63 (e), 46.2-646~~ shall pay a registration fee equal to one-twelfth of all fees required by subsection ~~(a)~~ *A* of this section or ~~§ 46-1-154 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.

(b) 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.

(e) 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-695 ~~46.1-150~~ . Small rented ; etc., vehicles jointly operated.—The fees required by § 46.1-149 (a) (6) and (7) subdivisions 8 and 9 of § 46.2-694 to be paid for certificates of registration and license plates for the operation 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 twelve adult persons adults including the driver (a) while used (i) not for profit in transporting persons who, as a common undertaking, bear or agree to bear all or a part of the actual costs of such operation, or (b) while used (ii) by a lessee renting or hiring such vehicle for a period of twelve months or longer under a written lease or agreement ; and for . For for the purpose of § 46.1-149 46.2-694, every such motor vehicle shall be treated as a private motor vehicle for which the fee for the annual certificate of registration card and license plates shall be fifteen dollars. Provided, however, if such If, however, the vehicles exceed a weight of weigh more than 4,000 pounds such , the fee shall be \$20 twenty dollars .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-696 ~~46.1-153~~ . Exemption of buses operated in special or chartered service and carriers subject to road tax calculated upon gross receipts .—The provisions of §§ 46.1-149 and 46.1-150 through 46.1-152 §§ 46.2-107, 46.2-687, 46.2-694, and 46.2-695 shall not apply to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission for buses operated in special or chartered party service, nor shall the provisions of § 46.1-149 (a) (6) and (7) subdivisions 8 and 9 of subsection A of § 46.2-694 apply to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission or the Interstate Commerce Commission, or under a local franchise granted by any city or town ; or to any carrier which is subject to and pays to the Commonwealth the road tax calculated upon gross receipts provided under § 58-638 .

NOTE: The road tax based on gross receipts, provided for in § 58-638, was repealed in 1978 (Chapter 673 of the Acts of Assembly).

§ 46.2-697 ~~46.1-154~~ . Fees for vehicles not designed or used for transportation of passengers.—
 (a) A. Except as hereinafter otherwise provided in this section , the fee for certificates of registration and license plates to be paid by the owners of all motor vehicles not designed and used for the transportation of passengers shall be thirteen dollars in addition to plus an amount to be 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 herein set forth in this section . For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered and licensed , 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 § 46.1-99 (b) 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 , as defined, shall be \$23 twenty-three dollars if the its gross weight is 4,000 pounds or less , and \$28 twenty-eight dollars if the its gross weight is 4,001 pounds through 6,500 pounds ; and the . The fee shall be \$29 twenty-nine dollars for a any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

Gross Weight Groups (pounds)	Fee Per Thousand Pounds of Gross Weight	
	Private Carriers	For Rent or For Hire Carriers
10,001 - 11,000	\$2.60	\$4.75
11,001 - 12,000	2.80	4.90
12,001 - 13,000	3.00	5.15
13,001 - 14,000	3.20	5.40
14,001 - 15,000	3.40	5.65
15,001 - 16,000	3.60	5.90
16,001 - 17,000	4.00	6.15
17,001 - 18,000	4.40	6.40
18,001 - 19,000	4.80	7.50
19,001 - 20,000	5.20	7.70

20,001	-	21,000	. . . . .	5.60	7.90
21,001	-	22,000	. . . . .	6.00	8.10
22,001	-	23,000	. . . . .	6.40	8.30
23,001	-	24,000	. . . . .	6.80	8.50
24,001	-	25,000	. . . . .	6.90	8.70
25,001	-	26,000	. . . . .	6.95	8.90
26,001	-	27,000	. . . . .	7.00	9.10
27,001	-	28,000	. . . . .	7.05	9.30
28,001	-	29,000	. . . . .	7.10	9.50
29,001	-	40,000	. . . . .	7.20	9.70
40,001	-	45,000	. . . . .	7.30	9.90
45,001	-	50,000	. . . . .	7.50	10.00
50,001	-	55,000	. . . . .	8.00	12.00
55,001	-	76,000	. . . . .	10.00	14.00
76,001	-	80,000	. . . . .	12.00	15.00

For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee in the amount of \$5 five dollars shall be imposed.

(b) B. In lieu of registering and licensing any motor vehicle referred to in this section for an entire licensing year, the owner thereof may elect to register and license such 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 and licensed .

(c) C. When an owner elects to register and license a motor vehicle under subsection (b) above then B of this section, the provisions of §§ 46.1-63 46.2-646 and 46.1-97 46.2-688 shall not apply.

(d) D. Nothing contained in this section or Notwithstanding any other provision of law shall be construed as requiring , 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-698 46.1-154.3 . Fees for farm vehicles.—A. The fees for certificates of registration and license plates paid by the owners of farm motor vehicles having a gross weight weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be 50% one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.1-154 46.2-697 and 50% one-half of the fee for overload permits under subsection (f) of § 46.1-339 46.2-1128 , but the annual registration fee to be paid for each farm vehicle shall not be less than \$15 fifteen dollars .

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 operation of a size to reasonably require requiring the use of such vehicle or vehicles to be registered under this section and when such vehicle is:

a. Used in the transportation of agricultural commodities, poultry, dairy products, or livestock 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; or

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,

or securing other household or family necessities.

C. As used in this section, the term "farm" shall include one or more farms, orchards, or ranches, but does not include a tree farm unless ~~such~~ it is part of what otherwise is a farm.

D. 1. The application for registration under this section shall be made ~~upon~~ or forms provided by the Department of ~~Motor Vehicles~~ and shall include:

a. 1. . The location and acreage of each farm ~~upon~~ on which the vehicle to be registered is to be used;

b. 2. The type of agricultural commodities, poultry, dairy *products* or livestock produced on such farms and the approximate amounts produced annually;

e. 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 of this section; and

d. 4. Other information required by the Department of ~~Motor Vehicles~~ .

2. E. The Department of ~~Motor Vehicles~~ shall issue appropriately ~~designated~~ *designed* license plates for those motor vehicles registered under this section. The design of such license plates shall be at the discretion of the Commissioner.

E. F. 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 ~~of this in the~~ Commonwealth without first having paid the *prescribed* registration ~~and license plate fee herein prescribed~~; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

F. G. Nothing in this section shall be ~~construed~~ to affect the exemptions of agricultural and horticultural vehicles under § 46.1-45 §§ 46.2-664 through 46.2-670 .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-699 ~~46.1-155~~ . Fees for certain trailers.—The fee for ~~the certificate of registration and license plates to be paid to the Commissioner by the owner of a one- or two-wheel trailer~~ of a cradle, flatbed , or open pickup type *trailer* which (i) has one or two wheels and a body width not greater than the width *that* of the motor vehicle to which it is attached at any time of operation, ~~which~~ (ii) is pulled ~~or towed~~ by a passenger car ~~or station wagon~~ , or a pickup or panel truck having an actual gross vehicle weight not exceeding 5,000 pounds, and ~~which~~ (iii) is used for carrying property ~~not exceeding weighing no more than~~ 1,500 pounds at any one time, and for all trailers designed exclusively to transport boats shall be \$6.50. Nothing ~~herein in this section shall be construed as applying~~ *apply* to the fees for trailers or semitrailers designed for use as living quarters for human beings, or to those trailers or semitrailers operated under lease or rental agreement, or operated for compensation.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-700 ~~46.1-156~~ . Fees for vehicles for transporting well-drilling machinery and specialized mobile equipment.—A. The fee for ~~the certificate of registration and license plates to be paid by the owner of any motor vehicle, trailer , or semitrailer upon~~ on which well-drilling machinery is attached and which is permanently used solely for transporting ~~such~~ *the* machinery shall be fifteen dollars.

B. The fee ~~to be paid by the owner for the registration~~ of specialized mobile equipment shall be fifteen dollars. "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 ~~will be~~ *is* used on a job site and whose movement ~~upon~~ on any highway is incidental to the purpose for which it was designed and manufactured. ~~Such~~ *The* vehicle must be constructed as to fall within all size and weight requirements as contained in §§ ~~46.1-328 (a)~~ 46.2-1105 , ~~46.1-329 (a)~~ 46.2-1110 , ~~46.1-330~~ 46.2-1113 and ~~46.1-339~~ *Article 17 of Chapter 10 (§ 46.2-1122 et seq.) of this title* and must be capable of maintaining sustained highway speeds of forty miles per hour or more. Vehicles registered under this section shall be exempt from the requirements of § ~~46.1-315~~ 46.2-1157 .

C. Specialized mobile equipment which cannot maintain a sustained highway speed in excess of forty 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-701 ~~46.1-157~~ . Combinations of tractor trucks and semitrailers; five-year registration of certain trailer fleets.— ~~(a) In the case A. Each vehicle~~ of a combination of a truck or tractor truck and a trailer or semitrailer ; ~~each vehicle constituting a part of such combination~~ shall be registered as a separate vehicle, and separate vehicle license plates shall be issued ~~therefor for each vehicle~~ , but, for the purpose of determining the gross weight group into which any ~~such~~ vehicle falls pursuant to § ~~46.1-154~~ 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 ~~such the~~ gross weight group. The fee for the registration certificate card and license plates for a trailer or semitrailer constituting a part of ~~such the~~ combination shall be seventeen dollars. ~~Provided, however, if such~~ If the trailer or semitrailer exceeds a gross weight of 4,000 pounds ~~such~~ , ~~however, the fee shall be \$22~~ twenty-two dollars .

~~(b) B.~~ In determining the fee to be paid for the registration certificate and license plates for 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. However, there shall be no deduction from this fee for the registration fee of the trailer or semitrailer in the combination.

~~(c) C.~~ At the his option of , the owner of a fleet of ~~not less than at least~~ fifty trailers ; he may elect to register the his fleet for a period of five years provided the following requirements below are met : :

1. The application shall be made on a form prescribed by the Commissioner and contain such information as the Commissioner may require.

2. ~~Upon~~ On receipt of a ~~proper~~ an application and registration fees, the Commissioner shall issue to for each trailer in the fleet a ~~registration license plate and registration card which shall be valid for five years~~ .

3. All license plates issued to for a fleet shall expire on the last day of the same month five years from the month of registration of the fleet.

4. Should the fleet owner add vehicles during the five-year registration period, the registration for the additional trailers shall expire on the same date as the ~~registration of the original fleet of trailers are to expire~~ expires .

5. 5. The fleet owner shall be required to pay all registration renewal fees due each year for all trailers registered in his fleet prior to the expiration date as shown on the records of the Department.

6. If the registration renewal fees are not paid prior to the date of expiration, all trailer license plates and registrations in the fleet shall be cancelled.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.1-702 ~~46.1-163~~ . Determining fees 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, ~~such 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 ~~other similar~~ private motor vehicles and not as motor vehicles operated for compensation or for hire.

NOTE: Only minimal changes have been made.

§ 46.2-703 ~~46.1-157.1~~ . Reciprocal agreement with other states; assessment and collection of fees on an apportionment or allocation basis.— ~~(a)~~ Notwithstanding any other provision of this title, the Governor may, with the advice of the Reciprocity Board, as authorized in § ~~46.1-20~~ of this title 46.2-106 , enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States ; the District of Columbia; or a state or province of a country providing for the assessing and collecting of license fees for motor vehicles, ~~road tractors~~, tractor trucks, trucks, trailers , and semitrailers on an apportionment or allocation basis, as outlined in the International Registration Plan developed by the American

Association of Motor Vehicle Administrators.

(b) The Commissioner is authorized to audit the records of any owner, lessor, or lessee to verify the accuracy of any information required by any ~~and all jurisdictions~~ jurisdiction to determine the registration fees due. Based on ~~such~~ this audit, the Commissioner may assess any ~~such~~ 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 ~~and~~ or the Reciprocity Board may deny ~~such~~ the owner, lessor, or lessee the right to operate any motor vehicle; ~~or vehicles, upon~~ on the highways of ~~this in the~~ Commonwealth until ~~such~~ the assessment has been paid.

(c) Trip permit registration may be issued for any vehicle or combination of vehicles which could be lawfully operated in the jurisdiction if full registration or proportional registration were obtained. The fee for ~~any such~~ this permit shall be fifteen dollars and ~~such~~ the permit shall be valid for a period of ten days.

(d) Any person who operates or permits the operation of any motor vehicle, trailer, or semitrailer over any highway of ~~this 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 and ~~upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in jail for a period not to exceed 6 months, or by both such fine and imprisonment.~~

(e) If the Commissioner ascertains that any fees which 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 ~~such~~ the year because of failure or refusal of any ~~such~~ owner, lessor, or lessee to make his records available for audit as provided herein, or if any ~~such~~ owner, lessor, or lessee ~~shall misrepresent, falsify or conceal~~ misrepresents, falsifies, or conceals any ~~such~~ of these records, the Commissioner shall determine from any information obtainable the lawful fees at the rate prescribed for that year, ~~adding thereto plus~~ a penalty of five per centum percent and interest at the rate of six per centum per annum percent per year, which shall be computed ~~upon~~ on the fees and penalty from the date the fees became due and payable to the date of assessment, and is authorized to make an assessment therefor against ~~such~~ the owner, lessor, or lessee; and if . If the assessment be is not paid within thirty days after its date, interest at the rate of six per centum per annum percent per year shall accrue thereon from the date of such assessment until the fees and penalty are paid. The notice of ~~said~~ the assessment shall be forthwith sent to ~~such~~ the owner, lessor, or lessee by registered or certified mail to the address of ~~such~~ the owner, lessor, or lessee as it appears on the records in the office of the Department of Motor Vehicles, Richmond, Virginia. ~~Such~~ The notice, when sent in accordance with these requirements, shall be sufficient regardless of whether ~~or not~~ it was ever received.

(f) 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 State Corporation Commission for the recovery of ~~such~~ the fees, penalty, and interest, and judgment shall be rendered for the amount so found to be due together with costs; ~~provided that if . If it shall be is~~ found as a fact ~~such~~ that the failure to pay was willful on the part of ~~such~~ the owner, lessor or lessee, judgment shall be rendered for double the amount of the fees found to be due, with ~~plus~~ costs.

Note: A Class 2 misdemeanor fits the imprisonment portion of the previous penalty.

§ 46.2-704 ~~46.1-159~~. Prohibited operations; checking on weights; penalties.— (a) It shall be ~~unlawful for any~~ A. No person to shall operate or to permit the operation of any motor vehicle, trailer, or semitrailer for which the fee for registration and license plates is prescribed by § ~~46.1-154~~ 46.2-697 on any highway of ~~this in the~~ Commonwealth, under any of the following circumstances:

(1) 1. Without first having paid the registration and license plate fee hereinabove prescribed.

(2) 2. If, at the time of ~~such~~ 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 and licensed. 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 and licensed.

(b) 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 of this in the Commonwealth exceeds that on the basis of which such the vehicle is registered and licensed, is authorized to may weigh the same the vehicle by such means as whatever means the Superintendent may prescribe and the operator, or other person in possession of such the vehicle, shall permit such this weighing whenever requested by such the officer.

(e) 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, upon on the highways of this in the Commonwealth without having first paid to the Commissioner the fee prescribed in subdivision 5 of subsection A of § 46.1-149(4) 46.2-694 is guilty of a Class 2 misdemeanor.

NOTE: The language in this section has been simplified, but no significant changes have been made.

Article 8.

Registration of Uninsured Motor Vehicles.

§ 46.2-705 46.1-167.2 . "Motor vehicle," "insured motor vehicle" and "uninsured motor vehicle" defined. Definitions.—For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

(a) For purposes of this article, a "motor vehicle" is defined as "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 the its owner thereof, or (ii) which vehicle is owned by or assigned to a motor vehicle manufacturer, distributor, or dealer licensed in the Commonwealth.

(b) As used in this article, the term "insured "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 § 46.1-504 46.2-472, issued by an insurance carrier authorized to do business in this the Commonwealth, or as to which a bond has been given or cash or securities delivered in lieu of such the insurance; or as to which the owner has qualified as a self-insurer in accordance with the provisions of § 46.1-395; and 46.2-368.

the term "uninsured "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.

NOTE: Only minimal changes have been made.

§ 46.2-706 46.1-167.1 . Additional fee; certificates required of applicants for registration of insured motor vehicles; verification of such certificates; 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 hereinafter defined in § 46.2-705, shall pay at the time of registering or reregistering the same uninsured vehicle, shall pay a fee of \$400; however, if the uninsured motor vehicle is a passenger car and is being registered or reregistered effective on or after April 1, 1973, as provided in § 46.1-62(b), or is a motor vehicle; trailer, or semitrailer being registered or reregistered effective on or after April 1, 1975, as provided in subsection B of § 46.1-62(e) 46.2-646, the fee shall be one-twelfth of the annual uninsured motor vehicle fee for each month of the registration period. If the vehicle is a motor vehicle being registered or reregistered effective January 1, 1974, as provided in subsection B of § 46.1-154(b) 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. Every person applying for registration for of a motor vehicle and declaring the same it to be an insured motor vehicle shall, under the penalties set forth in § 46.1-167.3 46.2-707, execute and furnish to the Commissioner his certificate that such the motor vehicle is an insured motor vehicle as herein defined in § 46.2-705, or that the Commissioner has issued to the its owner thereof, in accordance with the provisions of § 46.1-395 46.2-368, a certificate of self-insurance applicable to the vehicle sought to be registered. The Commissioner, or his duly authorized agent, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured motor vehicle to submit a certificate of insurance on a form prescribed by the Commissioner. The Commissioner shall forward the certificate 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 named in the certificate is currently in force. Thereupon At that time 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 as to the named insured.

The Commissioner shall prescribe the manner in which the written notice shall be made.

B. The refusal or neglect of any owner to ~~submit~~, within thirty days ; *to submit* the certificate of insurance when required by the Commissioner or his duly authorized agent or the 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 ~~such~~ the person (i) has paid to the Commissioner a fee of \$400 to be disposed of as provided for in § ~~46.1-167.6~~ 46.2-710 with respect to the motor vehicle determined to be uninsured and (ii) furnishes proof of financial responsibility for the future in the manner prescribed in Article 6 15 § ~~46.1-467~~ 46.2-435 et seq.) of Chapter 6 3 of this title. 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. When three years have elapsed from the effective date of the suspension ~~herein~~ required *in this section* , the Commissioner may relieve ~~such~~ the person of the requirement of furnishing proof of future financial responsibility.

C. If the Commissioner determines that the fee applicable to the registration of an uninsured motor vehicle has been paid ; on the vehicle in question ; on or before the date that the insurance certificate was requested, no suspension action shall be taken.

D. The Commissioner shall suspend the driver's license and all registration certificates and license plates of any person ~~upon~~ on receiving a record of his conviction of a violation of any provisions of § ~~46.1-167.2~~ 46.2-705 , but the Commissioner shall dispense with ~~such~~ the suspension when the person is convicted for a violation of § ~~46.1-167.3~~ 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.

NOTE: Obsolete language has been deleted.

§ 46.2-707 ~~46.1-167.3~~ . Operating uninsured motor vehicle without payment of fee; furnishing certificate of insurance; false evidence of insurance.—Any person ~~owning who owns~~ an uninsured motor vehicle ~~(1)~~ (i) licensed in ~~this~~ the Commonwealth, or ~~(2)~~ (ii) subject to registration and ~~license~~ in ~~this~~ the Commonwealth, or ~~(3)~~ (iii) displaying temporary license plates provided for in § ~~46.1-121~~ 46.2-1558 who operates or permits the operation of ~~such~~ that motor vehicle without first having paid to the Commissioner the ~~required~~ uninsured motor vehicle fee required by § 46.2-706 , to be disposed of as provided by § ~~46.1-167.6~~ 46.2-710 , shall be guilty of a ~~traffic~~ infraction punishable by a fine not to exceed \$500 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 ~~traffic~~ infraction punishable by a fine not to exceed \$500 Class 3 misdemeanor .

The Commissioner ; or his duly authorized agent, having ~~good~~ 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 submit the certificate of insurance provided for by § ~~46.1-167.1~~ 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 § ~~46.1-167.1~~ 46.2-706 as to such motor vehicle , to furnish such certificate shall be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation.

Any person who presents or causes to be presented to the Commissioner a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, shall be guilty of a ~~traffic~~ infraction punishable by a fine not to exceed \$500 Class 3 misdemeanor .

However, the foregoing portions of this section shall not be applicable if it is established that ~~such~~ 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 § ~~46.1-59~~ 46.2-609 shall be applicable.

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 § ~~46.1-413~~ 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 ~~shall pay~~ pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in § ~~46.1-167.1~~ 46.2-706 and shall have furnished ~~proof~~ furnishes proof of future financial responsibility as prescribed by Article 6 15 (§ ~~46.1-467~~ 46.2-435 et seq.) of Chapter 6 3 of this title. 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 a false certificate 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 thirty days from the date of such order of suspension.

NOTE: The penalty provided in § 46.1-16.01 for a traffic infraction is a fine up to \$100. A fine of \$500 equates to a Class 3 misdemeanor. Nowhere else in Title 46.1 is a fine greater than \$100 provided for a traffic infraction.

§ ~~46.2-708~~ 46.1-167.4 . 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 that an uninsured motor vehicle as herein defined in § 46.2-705 , subject to registration in ~~this~~ the Commonwealth, is involved in a reportable accident in ~~this~~ 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 § ~~46.1-167.1~~ 46.2-706 , the Commissioner shall, in addition to enforcing the applicable provisions of Article 4 13 (§ ~~46.1-442~~ 46.2-417 et seq.) of Chapter 6 3 of this title, suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with the provisions of Article 4 13 of Chapter 6 3 of this title and has paid to the Commissioner a fee of \$400, to be disposed of as provided by § ~~46.1-167.6~~ 46.2-710 , with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility for the future in the manner prescribed in Article 6 15 (§ ~~46.1-467~~ 46.2-435 et seq.) of Chapter 6 3 of this title. 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.

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 for the future . 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.

NOTE: Only minimal changes have been made.

§ 46.2-709 ~~46.1-167.5~~ . 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.— (a) 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 and/ or chauffeur's endorsement, registration certificates , and license plates and decals pending the furnishing of proof as required.

(b) Any person whose driver's license and/ or chauffeur's endorsement 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 § ~~46.1-16.01~~ 46.2-113 .

(c) The Commissioner is authorized to take possession of any license, registration certificate , or set of license plates and decals upon on their suspension under the provisions of this article

chapter or to direct any police officer to take possession of and return them to the office of the Commissioner.

NOTE: Reference to suspension of the chauffeur's endorsement has been eliminated because no endorsement remains effective if the license to which is an endorsement is suspended.

§ 46.2-710 ~~46.1-167.6~~ . Disposition of funds collected.—All 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 ; ~~provided, that the .~~ The Commissioner may expend *monies* from such funds an amount to be fixed by the Governor , for the administration of this article, for which purpose such funds are hereby appropriated in accordance with the General Appropriations Act .

NOTE: Prospective, blanket appropriations are not permitted by Article X, Section 7 of the Virginia Constitution.

§ 46.1-167.7. Rescinding certain revocations of licenses and denials of registration under § 46.1-167.2.—~~The Commissioner of the Department of Motor Vehicles may, for good cause shown, rescind any revocation of any driver's license or denial of registration made between October 1, 1958, and March 14, 1960, pursuant to § 46.1-167.2 of the Code of Virginia, as that section existed on January 1, 1960, upon the application of such person and upon payment of the fee prescribed in § 46.1-167.1.~~

NOTE: This section is obsolete.

Article 9.

License Plates, Generally.

§ 46.2-711 ~~46.1-99~~ . Furnishing number and design of plates; displaying on vehicles required.—~~(a)~~ A. The Department shall furnish to every owner whose motor vehicle, trailer or semitrailer is registered one license plate for a every registered motorcycle, road tractor, 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)~~ B. The Department shall issue appropriately designated license plates for :

1. ~~passenger~~ Passenger -carrying vehicles for rent or hire for the transportation of passengers for private trips; ~~for~~

2. ~~taxicabs~~ Taxicabs ; ~~for~~

3. ~~passenger~~ Passenger -carrying vehicles operated by common carriers or restricted common carriers; ~~for~~

4. ~~property~~ Property -carrying vehicles to applicants who operate as private carriers only and ;

5. ~~to applicants~~ Applicants who operate as carriers for rent or for hire and for motor vehicles held for rental as defined in § 58.1-2401 ; and;

6. Motor vehicles held for rental as defined in § 58.1-2401.

~~(c)~~ C. No vehicles shall be operated upon on the highways of this in the Commonwealth without displaying the license plates required by this chapter.

~~(d)~~ D. A pickup Pickup or panel truck, as defined, is trucks are exempt from the provisions of subsection ~~(b)~~ B of this section with reference to displaying for hire license plates when operated as a carrier for rent or for hire.

NOTE: This section has been conformed to standard format.

§ 46.1-100. When only one license plate required.—~~Notwithstanding the provisions of §§ 46.1-99 and 46.1-106, if the Department is unable to secure sufficient suitable material to provide two license plates for each motor vehicle for any year, it may provide only one for each vehicle, which shall be attached to the rear end thereof in the manner provided in § 46.1-107.~~

NOTE: This section is obsolete.

§ 46.2-712 ~~46.1-101~~ . Requirements of license plates and decals.—Every license plate shall ~~have displayed upon it~~ *display* the registration number assigned to the motor vehicle, trailer , or semitrailer and to the owner thereof, ~~also~~ the name of this 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 ~~clear visibility~~ *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 ~~such~~ *the* manner as prescribed by the Commissioner, ~~which will and shall~~ indicate the month and year of expiration. ~~Upon~~ *On* the issuance of the decals , a new registration ~~certificate will~~ *card shall* be issued with the same date of expiration as the decals.

NOTE: The Attorney General's Office suggests "and to the owner thereof" be retained in the first paragraph of this section. DMV advises that numbers are not being assigned to owners.

§ 46.2-713 ~~46.1-102~~ . 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~~ *provided* .

NOTE: Only minimal changes have been made.

§ 46.2-714 ~~46.1-103~~ . Permanent license plates.— ~~(a)~~ Notwithstanding the provisions of §§ ~~46.1-99 (a) and 46.1-101~~ *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 to be attached ~~thereto~~ *to the license plates* to indicate the registration period for which such vehicles have been properly licensed. The design of ~~such~~ *the* license plates and decals shall be determined by the Commissioner.

~~(b)~~ Every permanent license plate and decal shall be returned to the Department whenever the owner of a vehicle disposes of ~~the same~~ *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 ~~make application~~ *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.

~~(c)~~ Every permanent license plate and decal shall be returned to the Department whenever the owner of a vehicle elects to ~~garage~~ *garage* the vehicle and discontinue the use of the ~~same upon~~ *it* on the highway. The person in whose name the *license* plate is registered may ~~make application~~ *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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-715 ~~46.1-106~~ . Display of license plates.— ~~(a)~~ License plates assigned to a motor vehicle, other than a motorcycle, ~~road tractor,~~ tractor truck, trailer , or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to ~~such motor vehicle,~~ *one in the front and the other in the rear of the vehicle* . The license plate assigned to a motorcycle, trailer , or semitrailer shall be attached to the rear ~~thereof~~ *of the vehicle* . The license plate assigned to a ~~road tractor~~ *or tractor truck* shall be attached to the front ~~thereof 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.

~~(b)~~ Decals shall be attached to license plates in ~~such manner~~ *as may be prescribed by the Commissioner*.

NOTE: The term "tractor truck" is being used in place of "road tractor." Both terms presently have nearly the same definition. Subsection (b) is already included in the second paragraph of § 46.2-712.

§ 46.2-716 ~~46.1-107~~ . How license plates fastened to vehicle.— A. Every license plate shall at ~~all times~~ be securely fastened to the motor vehicle, trailer , or semitrailer to which it is assigned :

1. ~~so~~ *So* as to prevent the plate from swinging,
2. ~~in~~ *In* a position to be clearly visible, and
3. ~~in~~ *In* a condition to be clearly legible.

B. No covering of any type which has the effect of altering alters the appearance of the license plate may be placed upon on or over the license plate. Insignia, emblems, or trailer hitches or couplings shall not be mounted in such a way that any portion of the license is illegible.

C. The Superintendent may make such rules and regulations as he may deem advisable to enforce the proper mounting and securing of the license plate on the vehicle.

NOTE: Internal numbering has been added for clarity.

§ 46.2-717 ~~46.1-108~~ . Use of plates and decals before beginning of registration period.— ~~Registration and license~~ License plates or a license plate and decals or decal issued under the laws of this the Commonwealth for a succeeding registration period may be used without penalty on and after the first day of the last month prior to the day such on which a new registration period begins.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-718 ~~46.1-109~~ . Use of old license plates or decals after application for new.— An owner who has made proper application 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, plate, decals, decal or registration card for the ensuing registration period shall be entitled to operate or permit the operation of such the vehicle upon on the highways upon on displaying thereon on the vehicle the license plates ; plate, or decals or decal issued for the preceding registration period for such time to be prescribed by the Department as it may find until the Department finds it necessary for issuance of such to issue new license plates ; plate, or decals or decal .

NOTE: Only minimal changes have been made.

§ 46.2-719 ~~46.1-110~~ . Permit for emergency use of registration license plates.— (a) A. The Commissioner may, if in his opinion it is equitable discretion , grant a special permit for the use of registration license plates on a vehicle other than the vehicle for which the license plates were issued, when the vehicle for which such 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) B. Application for such the permit shall be made jointly by such the dealer and the person whose vehicle is being repaired, on forms provided by the Department and must shall show, in addition to such whatever other information as may be required by the Commissioner, that an emergency exists which would warrant the issuance of such the permit.

(c) Such C. The permit shall be evidenced by a certificate , issued by the Commissioner and , 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 such the license plates are to be used , and shall be in the immediate possession of the person operating such the vehicle at all times while operating the same it . Such The certificate shall be valid for a period of five days from its issuance. Upon On its expiration, application may be made for a renewal permit in the manner as herein provided for the original permit , but only one such renewal permit shall be issued to cover any one emergency.

(d) D. The Commissioner may, subject to the limitations and conditions hereinafter set forth in this section , authorize a motor vehicle dealer licensed in this Commonwealth to issue such permit on behalf of the Commissioner in accordance with the provisions of subsections (a), (b) and (c) above A, B, and C of this section provided such permits are issued only with regard to the transfer in an emergency situation of registration license plates from a vehicle undergoing repairs in that dealer's repair shop. Any such dealer to whom such the authority is delegated by the Commissioner shall use such the forms for such purpose as are provided by the Commissioner and shall maintain in permanent form a record of all such permits issued by him and any other relevant information relating thereto that may be required by the Commissioner. Each such record shall be kept by the dealer for a period of not less than three years from the date of entry. The dealer shall allow full and free access to such these records, during regular business hours, to duly authorized representatives of the Department and to police law-enforcement officers. One copy of any such permit of this kind issued by a dealer and the application form submitted therefor for the permit shall be filed promptly by the dealer with the Department. The Commissioner, upon 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 such registration license plate transfer permits.

(e) The Commissioner shall have the power to revoke such rules and regulations, not

inconsistent herewith, as he shall deem necessary for the purpose of carrying out the provisions of this section and § 46.1-110.1.

NOTE: The concluding paragraph is unnecessary, given the Commissioner's other regulatory powers.

§ 46.2-720 ~~46.1-110.1~~ . 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 of Motor Vehicles may remove ~~such~~ the license plates from ~~such~~ the motor vehicle and use them ~~upon~~ 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 ~~such~~ the use is limited to the time during which the first motor vehicle is being repaired or while ~~such~~ the second motor vehicle is loaned to him for demonstration, as provided by § ~~46.1-110~~ 46.2-719 .

NOTE: Only minimal changes have been made.

§ 46.2-721 ~~46.1-110.2~~ . Application of liability insurance policy to vehicle carrying plates from insured vehicle. The policy of public liability and property damage 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 § ~~46.1-110.1~~ 46.2-720 .

NOTE: Only minimal changes have been made.

§ 46.2-722 ~~46.1-112~~ . Altered or forged license plates or decals; use as evidence of knowledge. — (a) Any person who shall alter , with fraudulent intent, alters any license plate or decal issued by the Department or by any other state, or forge forges or counterfeit 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 shall alter or falsify , with fraudulent intent , or forge alters, falsifies, or forges any assignment thereof, or who shall hold or use holds or uses any ~~such~~ license plate or decal knowing the same it to have been altered, forged , or falsified, shall be guilty of a Class 1 misdemeanor.

(b) The owner of a vehicle if operating the same when such vehicle has who operates it while it displays altered or forged license plates or decals thereon, used as identification plates or decals, shall be deemed presumed to have knowledge of ~~such~~ the alteration or forgery.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-723 ~~46.1-44.1~~ . Issuance of license License plates for transporting certain mobile homes used as temporary offices at construction sites.—The Department of Motor Vehicles 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. ~~Such~~ 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 ~~hereunder~~ under this section shall be twenty-two dollars per year.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-724 ~~46.1-160~~ . Operation for hire of certain vehicles displaying not-for-hire plates; penalty.—If a vehicle of over 10,000 pounds registered gross weight displaying license plates entitling it to be operated exclusively not for hire is operated for hire, the licensee thereof shall be guilty of a traffic infraction and shall be fined an amount not to exceed \$100, which . This penalty shall be in addition to the penalty prescribed by § ~~46.1-150~~ 46.2-704 .

NOTE: Superfluous language has been removed.

§ 46.1-161. Definition of "gross weight".— As used in §§ 46.1-154, 46.1-157, and 46.1-159, the term "gross weight" means the aggregate weight of a vehicle or combination of vehicles and its load.

NOTE: A definition of "gross weight" has been supplied in § 46.2-100.

Article 10.

Special License Plates.

§ 46.2-725. Special license plates, generally.—Except as otherwise provided in this article, the annual fee for the issuance of any license plates issued pursuant to this article shall be ten dollars 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.

NOTE: This added section eliminates the need of repetitive language in many sections in this article.

§ 46.2-726 ~~46.1-105.2~~ . Issuance of Special license plates with reserved numbers or letters.— ~~A.~~ 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/or~~ and lettered and may provide forms for use by persons in submitting requests for such plates .

~~B.~~ In addition to any other fees and charges imposed by law, an annual fee of ten dollars shall be charged upon the issuance to any person of a license plate or set of plates bearing a number specially assigned or reserved to such person.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-727 ~~46.1-105.5~~ . Bicentennial license plates and decals ; fees .— ~~A.~~ Notwithstanding any other provision of law to the contrary relating to the displaying of license plates and decals assigned to any motor vehicle, Bicentennial license plates and decals may be issued to any properly registered passenger motor vehicle ; beginning from January 1, 1976, through December 31, 1981, and may continue in use for such a period as shall be determined by the Commissioner ; provided, however, if the proper fee is paid as required in § 46.1-140 ~~46.2-694~~ .

~~B.~~ In addition to any other fees and charges imposed by law, a one-time fee of five dollars shall be charged upon issuance to any person of a Bicentennial license plate.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-728 ~~46.1-105.14~~ . Special license plates incorporating the Great Seal of Virginia; fees.— ~~A.~~ Upon receipt of an application on a form prescribed by him , the Commissioner shall issue appropriate license plates incorporating the Great Seal of Virginia. Such These license plates shall bear such numbers and shall be valid for such periods as whatever period the Commissioner shall determine determines .

~~B.~~ For each set of license plates issued hereunder 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.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-729 ~~46.1-105.1~~ . Presidential inauguration license plates.—Notwithstanding any other provision of law to the contrary relating to the displaying of license plates assigned to a motor vehicle , presidential inauguration license plates duly issued by the Department of Motor Vehicles, Washington, D.C., may be displayed on any motor vehicle duly registered and licensed in Virginia in lieu of the license plates assigned to such that motor vehicle. Such presidential inauguration license plates shall not be displayed except for a period of sixty days preceding the inauguration and sixty days succeeding such inauguration.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-730 ~~46.1-104~~ . License plates for antique motor vehicles; fee for registration and plates .— ~~A.~~ Upon receipt of an application on a form prescribed by , the Commissioner ; the Commissioner may shall issue appropriately designated designed license plates to owners of antique motor vehicles. Such These license plates shall be valid so long as title to such the vehicle is vested in the applicant. The fee for the certificate of registration card and license plates of any such vehicle of these vehicles shall be five dollars.

~~B.~~ Notwithstanding the provisions of subsection A of this section, upon receipt of an application on a form prescribed by , the Commissioner ; the Commissioner may shall authorize the use on an antique motor vehicle Virginia license plates of the same year of issue as the

model year of the antique motor vehicle on which they are to be displayed. ~~Such~~ These license plates shall remain valid so long as title to ~~such~~ the vehicle is vested in the applicant. The fee for the ~~certificate of registration card~~ and permission to use ~~such~~ the license plates on any ~~such~~ vehicle of these vehicles shall be five dollars.

C. Notwithstanding the provisions of §§ ~~46.1-99~~ 46.2-711 and ~~46.1-106~~ 46.2-715 , antique motor vehicles may display single license plates if the design of ~~such~~ the antique motor vehicles allows for the use of only single license plates.

Motor vehicles registered as antique motor vehicles may be used for participation in club activities, exhibits, tours, parades, and similar purposes, but it shall be unlawful to use them for general transportation. Antique motor vehicles may, however, be driven on the highways to test their operation, obtain repairs or maintenance, and for transportation to events and activities as authorized in this section.

NOTE: The change of "may" to "shall" in the first and second paragraphs is to conform to general usage in the balance of this article. The last paragraph derives from the definition of "antique motor vehicle" in former § 46.1-1.

§ ~~46.2-731~~ ~~46.1-104.1~~ . Special license plates for handicapped persons and owners of vehicles specially equipped and used to transport groups of handicapped persons; decals for persons with temporary or permanent physical handicaps; fees; parking privileges of holders of ~~such~~ plates and decals ; ~~penalties~~ - ~~(a)~~ ~~Upon~~ ~~On~~ receipt of an application ~~on a form prescribed by the Commissioner~~ , the Commissioner shall issue appropriately ~~designated~~ *designed* license plates to persons with physical handicaps which limit their mobility and to the owners of vehicles specially equipped and used for the transportation of groups of physically handicapped persons. Issuance of such plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. The designation thereon shall be in the discretion of the Commissioner . The fee for the ~~certification of registrants~~ and license plates issued to ~~such~~ the person shall be as provided in § ~~46.1-149~~ 46.2-694 .

~~(a)~~ ~~The~~ *On application, the Commissioner shall also issue to any person with a temporary or permanent physical handicap which limits his mobility, a removable decal, to be used on any passenger car, pickup or panel truck operated by such person him , which decal shall allow such handicapped person him the same parking privileges as allowed by special license plates issued under this section. Such 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. Issuance of ~~such~~ the decal shall be limited to physically handicapped persons for use in conjunction with passenger vehicles ; and pickup or panel trucks. A reasonable fee to be determined by the Commissioner shall be charged ~~each person or vehicle owner for each decal~~ issued a ~~decal~~ under this section ; , but no fee shall be charged any person exempted from fees by § ~~46.1-149.1~~ 46.2-739 . Decals issued to temporarily handicapped persons shall be valid for no more than one year ; and no less than three months. No decal issued hereunder shall be valid for more than five years. The Commissioner, in order to determine the period of validity of ~~any such~~ a temporary decal, may require any applicant for ~~such~~ a decal to furnish a statement from a licensed physician as to the nature of ~~such~~ the applicant's handicap and its likely duration. All decals shall bear the date of their expiration and the name, age, and sex of the person to whom issued. ~~Any decal issued under this section prior to July 1, 1986, shall be valid until June 30, 1988, but not thereafter.~~

~~(b)~~ The disabled person or vehicle owner to whom ~~such~~ these special license plates or decal is issued or any person to whom special license plates have been issued under § ~~46.1-149.1~~ 46.2-739 shall be allowed to park the vehicle ~~upon~~ on which ~~such~~ these license plates are displayed for unlimited periods of time in 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. The provisions of this subsection shall take precedence over any county, city or town ordinance; however, this subsection shall not apply to any ~~such~~ 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 ~~such~~ local ordinance which prohibits parking during heavy traffic periods , during specified rush hours, or where parking would clearly present a traffic hazard.

~~(c)~~ ~~Any~~ No person ~~who either uses shall use or displays~~ *display* a temporary decal beyond its expiration date ~~or is not a person described in subsection (a), (a1), or (b) of this section and who (1) . It shall be unlawful for any person to willfully and falsely represents represent himself as having the qualifications to obtain the special license plates or decal or (2) utilizes utilize the parking privilege accorded by this section shall be guilty of a traffic infraction and punishable as provided in § 46.1-16.01 when not entitled thereto .~~

NOTE: The language in this section has been simplified, but no significant changes have

been made.

§ 46.2-732 ~~46.1-104.2~~ . Special license plates and decals for the deaf; ~~penalties fees~~ .- A. ~~Upon~~ *On* receipt of an application ~~on a form prescribed by the Commissioner~~ , the Commissioner shall issue appropriately ~~designated~~ *designed* license plates to deaf persons ~~who are deaf~~ . For purposes of this section, a deaf person shall be defined as a person who cannot hear and understand normal speech. Issuance of such plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. The designation thereon shall be in the discretion of the Commissioner. The fee for the certification of registrants and ~~these~~ license plates issued to such person shall be as provided in § ~~46.1-149~~ *46.2-694* .

B. 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. ~~Such~~ *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, ~~provided that~~ *but* no fee shall be charged any person exempted from fees by § ~~46.1-149.1~~ *46.2-739* .

C. ~~Any~~ *It shall be unlawful for any person who is not a person described in subsection A of this section and who* to willfully and falsely ~~represents~~ *represent* himself as having the qualifications to obtain the special plates or decal shall be guilty of a traffic infraction and punishable as provided in § ~~46.1-16.01~~ .

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-733 ~~46.1-162~~ . License plates for persons delivering unladen vehicles ; ~~fees~~ .- (a) ~~The~~ *A. On receipt of an application, the Commissioner may* shall issue appropriately ~~designated~~ *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) ~~B.~~ Every applicant for license plates to be issued under this section shall, before he begins delivery of any ~~such of these~~ *vehicles, make application apply* to the Commissioner for ~~certificate of a registration card and license plates upon such forms as may be prescribed by the Commissioner.~~ All 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 the license plates as uniformly as possible throughout the year .~~ On the payment of a fee of seventy-five dollars a certificate of registration card and license plates shall be issued to the applicant in ~~such a form as may be prescribed by the Commissioner.~~ The Commissioner shall issue to ~~such the~~ applicant two license plates. For each additional license plate a fee of twenty dollars per set ~~plate~~ shall be paid by ~~such the~~ applicant.

(c) ~~C.~~ It shall be unlawful for any person to use ~~such 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 ~~and ordinary~~ course of ~~such his~~ delivery business or which are used as provided in (d) ~~hereof~~ *subsection D of this section* ; and the operators of such vehicles being delivered, bearing license plates issued under this section, shall at all times during ~~such their~~ operation have in their actual possession a proper bill of lading showing the point of origin and destination of the vehicle being delivered and describing ~~same it~~ .

(d) ~~Licenses D.~~ License plates issued ~~hereunder under this section~~ may be used by any person described in § ~~46.1-516~~ (b) (5) ~~financial institutions specifically excluded from the definition of "motor vehicle dealer" in provision 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 , or otherwise in connection with such repossession or foreclosure of the vehicle on which there is a security interest securing a loan to such person financial institution .~~

(e) ~~Licenses E.~~ License plates issued under this section may be issued to any business engaged in the mounting, installing, servicing, or repairing of equipment on or in a vehicle. The use of ~~licenses license plates~~ issued under this ~~subsection~~ *section* shall be limited to the pick-up and delivery of a vehicle ; and in no event shall the ~~licenses~~ *not* be used on vehicles ~~employed for general transportation. No other license plate, permit, warrant, exemption card, or classification plate from any other agency of this Commonwealth shall be required.~~

NOTE: The change of "may" to "shall" near the beginning of this section is to comport with the general usage in this article.

§ 46.2-734 ~~46.1-53.1~~ . Reconstructed and specially constructed vehicles; registration and licensing; inspection requirements; storage of unlicensed vehicles ; etc .- A. For the purposes of

this section :

1. "Hobbyist 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.

2. "Reconstructed vehicle" means a motor vehicle as defined in § 46.1-1 (23).

3. "Specially constructed vehicle" means a motor vehicle as defined in § 46.1-1 (20).

B. Any person who is the owner of a reconstructed vehicle assembled from a vehicle manufactured twenty years or more prior to the time of making application applying for registration or transfer of title of the vehicle or any person who is the owner of a specially constructed vehicle, may upon application register the same it as a reconstructed or specially constructed vehicle upon payment of the registration fee as set out in § 46.1-140 46.2-694 or § 46.1-154 46.2-697 and be furnished upon request, reserved hobbyist series license plates issued by the Commissioner as reserved license plates are issued under § 46.1-105.2 .

C. Such These vehicles shall be registered and titled according to the their chassis number of such vehicle numbers or , if no chassis number exists, then by the their motor serial number numbers . Such The vehicles shall meet inspection requirements applicable to the model year shown on the registration certificate.

D. A hobbyist may store unlicensed, operable or inoperable, vehicles and parts ears on his property provided the vehicles and parts ears 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 means of a fence, rapidly growing trees, shrubbery , or other appropriate means ; provided, however, that such . The hobbyist shall , however, not be exempt from local zoning ordinances governing the storage of such these vehicles.

NOTE: Definitions of "reconstructed vehicle" and "specially constructed vehicle" have been eliminated because these terms are already defined in the general definitions section.

§ 46.2-735 46.1-105.3 . Special license plates for members of volunteer rescue squads ; fees . - A. The Commissioner of the Department of Motor Vehicles upon , on application , shall supply members of volunteer rescue squads metal special license plates bearing the letters "R S" and four digit numbers. No other state license plates shall be required on such a motor vehicle.

B. Only one application shall be required from each volunteer rescue squad. Such The application shall contain the names and residence addresses of all such members who request such license plates. The Commissioner shall charge the prescribed cost of state license plates ; for each set of license plates issued under the provisions of this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-736 46.1-105.4 . Special license plates for professional or volunteer fire fighters ; fees . - A. The Commissioner of the Department of Motor Vehicles upon , on application , shall supply professional fire fighters, members of volunteer fire departments , and volunteer members of any fire department metal license plates bearing the letters "F D" followed by four or five digit numbers. No other state license plates shall be required on such a motor vehicle.

B. An application shall be required from each professional fire fighter or volunteer fire fighter. Such The application shall be approved by the chief or head of the fire department and shall contain the name and residence address of the member or professional fire fighter who requests such the plates. 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 the provisions of this section. No additional fee shall be charged to members of volunteer fire departments or volunteer members of any fire department. License plates issued under the provisions of this section shall be restricted to passenger cars, pickup and panel trucks only.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-737 46.1-105.6 . Special license plates for sheriffs.- A. The Commissioner of the Department of Motor Vehicles, upon , on application , shall supply to sheriffs metal license plates bearing the emblem designating the office of sheriff and such whatever digit or digits as the Commissioner may determine. No other state license plates shall be required on such a motor

vehicle.

B. The Commissioner shall charge a fee of ten dollars in addition to the prescribed cost of state license plates, for each set of plates issued under the provisions of this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-738 46.1-105 . Special license plates for amateur radio operator operators .— A. The Commissioner of the Department of Motor Vehicles upon , on request , shall supply any amateur radio operator licensed by the federal government or an agency thereof, and having radio transmitting and receiving equipment permanently installed in his motor vehicle, metal license plates bearing his official call letters assigned by the federal government or an agency thereof. No other state license plates shall be required on such motor vehicle .

B. 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.

C. All fees collected for the issuance of special or reserved license plates under the provisions of this section and § 46.1-105.2 et seq. 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 of Motor Vehicles.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-739 46.1-140.1 . Exemption of vehicles owned and used by Special license plates for certain disabled veterans; special license plates for such vehicles fees .—No annual registration fee prescribed in § 46.1-140 shall be required for any one motor vehicle owned and used personally by any veteran who has either lost , or lost the use of , one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Veterans Administration. Any such vehicle These vehicles shall display special permanent red, white , and blue license plates of a type approved by the Commissioner . The Commissioner shall prescribe application forms for such exemptions, and the application shall be accompanied by a statement that such the veteran has been so designated or classified by the Veterans Administration as to meet the requirements of this section, and that such his disability is service-connected. For the purposes of this section, a person shall be considered blind if he has a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, 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 twenty degrees in the better eye.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-740 46.1-105.17 . Special license plates for survivors of Battle of Chosin Reservoir.— A. Upon On receipt of an application on a form prescribed by the Commissioner and receipt of written evidence that the applicant is a survivor of the Battle of Chosin Reservoir, the Commissioner shall issue appropriately designed special license plates to such the applicant. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1.

B. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-741 46.1-105.16 . Special license plates for survivors of attack on Pearl Harbor.— A. Upon On receipt of an application on a form prescribed by the Commissioner and receipt of 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 such the applicant appropriately designed special license plates identifying the vehicle as registered to a Pearl Harbor survivor. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1.

B. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section.

NOTE: The language in this section has been simplified, but no significant changes have

been made.

§ 46.2-742 ~~46.1-105.15~~ . Special license plates for persons awarded Purple Heart.— ~~A. Upon~~ ~~On~~ receipt of an application on a form prescribed by the Commissioner and receipt of written evidence that the applicant has been awarded the Purple Heart, the Commissioner shall issue to such ~~the~~ applicant appropriately designed special license plates. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1.

~~B. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section.~~

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-743 ~~46.1-105.11~~ . Special license plates for veterans; fees .— ~~A. Upon~~ ~~On~~ receipt of an application on a form prescribed by the Commissioner and receipt of 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 such ~~the~~ applicant appropriately designed special license plates. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1.

~~B. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section.~~

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-744 ~~46.1-105.9~~ . Special license plates for members of Virginia National Guard ; fees .— ~~A. Upon~~ ~~On~~ receipt of an application on a form prescribed by the Commissioner and receipt of written confirmation that the applicant is a member of the Virginia National Guard, the Commissioner shall issue to the applicant special metal license plates of a design approved by the Commissioner. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. No other state license plates shall be required on any such vehicle .

~~B. The fee for Virginia National Guard license plates shall be one-half the fee prescribed in § 46.1-149 46.2-694 , unless such th e plates bear reserved numbers or letters as provided for in § 46.1-105.2 46.2-726 . In this latter case, the fee for the issuance of such license plates shall be as provided in § 46.1-105.2 46.2-726 .~~

~~C. In accordance with the provisions of § 46.1-65, no county, city or town may impose on any vehicle licensed under this section any license fee or tax greater than the amount of license fee imposed under this section.~~

NOTE: The final paragraph is redundant. Its provisions are contained in subsection A of § 46.2-752.

§ 46.2-745 ~~46.1-105.8~~ . Special license plates for persons awarded the Medal of Honor; penalty fees .— ~~A. Upon~~ ~~On~~ receipt of an application on a form prescribed by the Commissioner and receipt of written confirmation from one of the armed services that such ~~the~~ applicant has been awarded the Medal of Honor, the Commissioner shall issue metal special license plates of a design approved by the Commissioner. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. No other state license plates shall be required on any such vehicle . No fee shall be charged for the issuance of such these license plates.

~~B. Any It shall be unlawful for any person who is not a person described in subsection A of this section ; and who to willfully and falsely represents represent himself as having the qualifications to obtain the special license plates herein provided for ; shall be guilty of a traffic infraction and shall be punishable as provided in § 46.1-16.01 .~~

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-746 ~~46.1-105.7~~ . Special license plates for prisoners of war ; fees .— ~~A. Upon~~ ~~On~~ receipt of an application on a form prescribed by the Commissioner and receipt of written evidence from one of the armed forces that such person the applicant was a prisoner of war and was honorably discharged, if not currently a member of the armed forces, the Commissioner shall issue appropriately designed special license plates to persons who have been prisoners of the enemy in any war. Issuance of such plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. The designation thereon shall be in the discretion of the Commissioner. No fee shall be charged for license plates issued under the provisions of this

section.

B. ~~Any~~ *It shall be unlawful for any person who to willfully and falsely represents represent himself as having the qualifications to obtain the special plates provided for in this section shall be guilty of a traffic infraction and punishable as provided in § 46.1-16.01 .*

C. No individual shall be issued special license plates under this section for more than one vehicle.

D. ~~Upon~~ *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.*

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-747 ~~46.1-105-13~~ . *Special license plates for street rods ; fees .- Upon On receipt of an application on a form prescribed by him , the Commissioner shall issue metal special license plates of an appropriate design to owners of street rods. Issuance of such license plates shall be limited to passenger vehicles as defined in § 46.1-1. No other state license plates shall be required on any such vehicle. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section. For the purposes of this section, "street rods" shall mean modernized private passenger motor vehicles either manufactured prior to the year 1949 or designed or manufactured to resemble vehicles manufactured prior to 1949.*

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-748 ~~46.1-105-10~~ . *Special license plates for members of "REACT Teams" ; amount and disposition of fees .- Upon On receipt of an application on a form prescribed by him , the Commissioner shall issue metal special license plates of an appropriate design to members of REACT Teams. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1. No other state license plates shall be required on any such vehicle. The Commissioner shall charge ten dollars plus the prescribed cost of state license plates for each set of plates issued under the provisions of this section.*

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-749 ~~46.1-105-18~~ . *Issuance of license plates bearing seal, symbol, emblem, or logotype of certain institutions of higher education ; fees .- A. Upon On receipt of an application therefor on the prescribed form , the Commissioner may issue for any accredited college or university, in accordance with policies and procedures established by the Commissioner and in accordance with an agreement between the institution and the Department of Motor Vehicles , appropriately designed special license plates bearing the seal, symbol, emblem, or logotype of that institution of higher education. Issuance of such license plates shall be limited to passenger vehicles and pickup or panel trucks as defined in § 46.1-1.*

B. 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 twenty-five dollars.

C. Such license plates shall be designed by the Commissioner so as to bear unique letters and numbers, be clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 11.

State and Local Motor Vehicle Registration.

§ 46.2-750 ~~46.1-49~~ . *Vehicles of Commonwealth and subdivisions; penalty.-Motor vehicles, trailers , and semitrailers owned by the Commonwealth and counties, cities and towns political subdivisions thereof and used purely for state, county and municipal governmental purposes shall be required to be registered and , but no fee shall be collected for such license plates and this registration ; but all such . All license plates issued for such these purposes for which no fee is collected and paid, except such license plates as are issued to be used (i) on ears vehicles devoted solely to police police work or , (ii) by the Division of Industrial Development to the extent approved by the Governor , and (iii) those for use on the ears vehicles of the Governor and the Attorney General, shall have conspicuously inscribed, stamped , or printed thereon so as*

to be easily seen and read the words "Public Use." Any ~~No~~ other or additional license plates ~~whether paid for or not~~ shall not be used on ~~cars~~ vehicles for which public use plates have been issued , except in the case of ~~cars~~ for vehicles used solely for police work.

The chief of police of a *town*, city , or county having a police department, or the sheriff of a county having no police department, shall certify under oath and the law-enforcement agencies of the federal government shall certify to the Commissioner of Motor Vehicles the ~~cars~~ vehicles to be used solely for police work. Use of license plates issued under this section which do not bear a "Public Use" designation for purposes other than police work is prohibited and shall be punishable as a traffic infraction .

NOTE: So-called "blind license plates" continue to be restricted to "police work."

§ 46.1-50. Vehicles of consular and diplomatic officers.—A. All motor vehicles owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, who are nationals of the state by which they are appointed and are not citizens of the United States, are hereby exempted from all fees imposed by this chapter, but all such vehicles shall display license plates or identification markers approved by the Commissioner of Motor Vehicles. Every application for license plates or identification markers hereunder shall be accompanied by the certificate of the Secretary of State of the United States or his agent that the applicant is entitled thereto under the provisions of this section.

B. All motor vehicles owned and used for personal or official purposes by members of a consul's or diplomat's family and his employees who are not citizens of the United States are hereby exempted from all fees imposed by this chapter. Every application for license plates or identification numbers hereunder shall be accompanied by a certification of the Secretary of State of the United States or his agents that the applicant is entitled thereto under the provisions of this chapter.

NOTE: This section is unnecessary since these matters are being handled at the federal level.

§ 46.1-50.1. Vehicles of consular or diplomatic officers who are not nationals of the state by which they are appointed.—Upon the application of any accredited consular or diplomatic officer of a foreign government who is not a national of the state by which he is appointed and the payment of all registration fees required by this chapter, the Commissioner shall issue license plates or identification markers as provided for in § 46.1-50 for display upon motor vehicles owned or used by such applicants. Every application for license plates or identification markers hereunder shall be accompanied by evidence that the applicant has been duly accredited as consular or diplomatic officer of a foreign government.

In addition to any other fees and charges imposed by law, a fee of ten dollars shall be charged upon the issuance to any person of such special license plates or identification markers.

Neither this section or § 46.1-105.2 shall be construed to impose any fee or charge for any license authorized to be issued pursuant to § 46.1-50.

NOTE: This section is unnecessary since these matters are being handled at the federal level.

§ 46.2-751 46.1-57 . State-owned passenger type vehicles.—The Commissioner shall not issue any license plates for use upon on vehicles used primarily for passenger transportation owned by the Commonwealth or any of its departments, institutions, boards and , or agencies and used for passenger transportation unless and until written application shall have has been filed with the Governor showing the necessity for the use and unless and until the Governor shall have has directed the Commissioner to issue such the license plates.

NOTE: The language in this section has been simplified, but no significant changes have been made.

§ 46.2-752 46.1-65 . Taxes and license fees imposed by counties, cities , and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes; prohibiting display of plates licenses after expiration.— (a) A. Except as provided in § 46.1-66 46.2-755 , counties, incorporated cities , and towns may levy and assess taxes and charge license fees upon on motor vehicles, trailers , and semitrailers. However, no such none of these taxes and license fees shall be assessed or charged by any county upon on vehicles owned by residents of any town located in such the county when such town constitutes a separate school district if such the vehicles are already subject to town license fees and taxes. The amount of the license fee or tax imposed by any county, city , or town upon on any motor vehicle, trailer , or semitrailer shall not be greater than the amount of the license tax imposed by the Commonwealth on such the motor vehicle, trailer , or semitrailer. Such 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 of such counties, cities and towns may determine. The situs for the imposition of licensing fees under this section shall in all cases be the county, city, or town in which such the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. In the event If it cannot be determined where such the personal property described herein is normally garaged, stored, or parked, the situs shall be the domicile of the its owner of such personal property.

(b) B. The revenue derived from all county, city, or town taxes and license fees imposed upon on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes; as the case may be, except that in any county having a population of more than 11,400 but less than 11,000, or in any county having a population of more than 30,000 but less than 31,000, this revenue shall be paid into the school fund of such county.

(c) C. A county, incorporated city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant for such license has produced satisfactory evidence that all personal property taxes upon 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, incorporated city, or town.

(c1) Any county having the county manager plan of government or the urban county executive form of government, or any county, city, or town contiguous thereto D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and the Cities of Alexandria, Falls Church, and Fairfax 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.

(d) E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes upon on vehicles of owners resident in such the town, the owner of any vehicle subject to such the fees or taxes shall be entitled, upon such on the owner's displaying evidence that he has paid the amount of such 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 such the town. Nothing herein contained in this section shall be construed as depriving deprive any town now imposing such these licenses and taxes from increasing the same them or as depriving any town not now imposing the same them from hereafter doing so, but subject to the limitations provided in the foregoing subsection D of this section. The governing body of any county and the governing body of any town in said that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license tag plate or decal in addition to the state tag plate shall be required.

(d1) F. Notwithstanding the provisions of subsection (d) above E of this section, 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) A of this section. 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 said county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license tag plate or decal in addition to the state tag license plate shall be required.

(e) G. Any county, city, or town levying taxes and charging license fees under this section may by ordinance provide that it shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer to fail to obtain and display any such required local license or to display upon such a motor vehicle, trailer, or semitrailer any license of such the county, city, or town after its expiration date. Any such The ordinance may provide that a violation of such ordinance it shall constitute a misdemeanor and be punishable by a fine not exceeding twenty dollars the penalty for which shall not exceed that of a Class 4 misdemeanor.

(f) H. Except as provided by subsections (d) E and (d1) F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction.

(g) I. Purchasers of new or used motor vehicles shall be allowed at least a ten-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

NOTE: Reference to county school funds in subsection B are obsolete.

§ 46.2-753 46.1-65.1. Additional license fees in certain localities.— Chapter 487 of the Acts of 1974, as amended by Chapter 258 of the Acts of 1977, authorizing the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City and Falls Church to charge additional annual license fees to those specified in § 46.1-65 upon passenger cars not used for the transportation of passengers for compensation, the funds so acquired to be allocated to the Northern Virginia Transportation Commission, is incorporated in this Code by this reference.

§ 1. Notwithstanding any other provision of law to the contrary, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are each authorized to charge additional annual license fees to those specified in § 46.1-65 of the Code of Virginia upon, in addition to those specified in § 46.2-752, on passenger cars not used for the transportation of passengers for compensation in an amount upon each such vehicle not in excess of . The additional fee shall be no more than five dollars; provided that no . The total local license fee shall be in excess of no more than twenty-five dollars on any vehicle and no such this license fee shall not be imposed on any motor vehicle exempted under § 46.1-149.1 of the Code of Virginia 46.2-739 .

Said The governing bodies are also authorized to charge additional annual license fees upon on the motor vehicles, trailers, and semitrailers as specified in § 46.1-154 of the Code of Virginia 46.2-697 in an amount of no more than five dollars for each such vehicle not in excess of five dollars and this . This authorization shall not increase the maximum chargeable by more than five dollars or affect an any existing exemption; if any .

Any funds so acquired; being the amounts charged in excess of those allowed by § 46.1-65 of the Code of Virginia 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

NOTE: The language incorporating Chapter 487 of the 1974 Acts of Assembly by reference has been eliminated, and the actual language of the chapter has been amended.

§ 46.2-754 46.1-65.2. Localities having county manager plan of government.—Any county having the county manager plan of government provided by Chapter 14 (§ 15.1-660 et seq.) of Title 15.1 may by ordinance provide that it shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to fail to obtain and display a license from the licensing authority designated by the ordinance which is to be obtained upon a showing of satisfactory evidence by the owner of each such vehicle, trailer or semitrailer that all personal property taxes upon the motor vehicle, trailer or semitrailer have been paid, and that any delinquent motor vehicle, trailer or semitrailer personal property taxes owing, have been paid, which were properly assessed or are assessable against the applicant by the county. Such ordinance may also provide that it shall be unlawful to display any such license after its expiration date and may prescribe the physical form of the license as a license plate or windshield decal or such other form as the governing body of the county determines. Such license requirement shall be imposed in such manner, on such basis and for such period and subject to proration for fractional periods of years, as the governing body of such county shall determine. The situs for the imposition of the license requirement under this section shall be the county, or city, in which such motor vehicle, trailer or semitrailer is normally garaged, stored or parked. In the event it cannot be determined where such personal property is normally garaged, stored, or parked, the situs shall be the domicile of the owner of such personal property. The ordinance may provide that no motor vehicle, trailer or semitrailer may be licensed unless all fines owed by the owner of the vehicle, trailer or semitrailer for violation of the county's ordinances governing parking of vehicles have been paid. Any such ordinance may provide that a violation of such ordinance shall constitute a misdemeanor and be subject to a fine not exceeding fifty dollars.

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 prescribed 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.

NOTE: The entire section has been rewritten for clarity.

§ 46.2-755 ~~46.1-66~~ . Limitations on imposition of motor vehicle license taxes and fees.— ~~(a)~~ A. No county, city, or town shall impose any motor vehicle license tax or license fee upon any motor vehicle, trailer, or semitrailer when:

~~(1)~~ 1. A similar tax or license fee is imposed by the county, city, or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked;

~~(2)~~ 2. The motor vehicle, trailer or semitrailer is owned by a nonresident of such county, city or town locality and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subdivision ~~(2)~~ 3 of this subsection;

~~(3)~~ 3. The motor vehicle, trailer or semitrailer is (i) owned by a nonresident and is (ii) used for transporting into and within such county, city or town the locality, for sale in person or by his employees of, wood, meats, poultry, fruits, flowers, vegetables, - milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

~~(4)~~ 4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of such county, city, or town and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

~~(5)~~ 5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

~~(6)~~ 6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without outside cities and towns on the other and not in intracity transportation.

~~(b)~~ Except as provided in § 46.1-65 no county shall impose any license fee or tax upon a motor vehicle, trailer or semitrailer which is normally garaged, stored or parked in an incorporated city or town within the county when such city or town imposes a license fee or tax upon motor vehicles, trailers or semitrailers.

~~(c)~~ B. No county, city, or town 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 of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in § 46.1-149.1 ~~46.2-739~~ .

~~(d)~~ C. No county, city, or town shall impose any license tax or license fee upon any daily rental passenger car, the rental of which is subject to the tax imposed by § 58.1-2402 A 4.

NOTE: Former subsection (b) is redundant. See § 46.2-752.

§ 46.2-756 ~~46.1-111~~ . Collection by Department of certain license fees.—The Department of Motor Vehicles is authorized may, upon the written request of the governing body of the County of Spotsylvania, the City of Alexandria, the City of Richmond, the City of Lynchburg and the Counties of Arlington, Augusta, Henrico and Prince William, the Town of Blacksburg, the County of James City, the County of New Kent, the County of York, the County of Roanoke, the City of Hampton, the City of Poquoson, or the City of Williamsburg any county, city, or town, to collect annual motor vehicle, trailer, and semitrailer license fees, or portions thereof, provided such the portions are for the identical period as the state license plate, levied by such town, county, city, or city town. The Department is authorized to may make such any contractual arrangements in connection therewith as are with these collections which do not in conflict with this chapter. The Department may make such charge as may be proper to defray the cost of handling such fees and such moneys as may be received shall be used by the Commissioner to defray the expenses of the Department incurred hereunder. The receipts from the fees collected shall be disposed of as provided in the contract between the Department and the counties, cities, and towns and cities involved. However, before a registration or certificate of title is issued

under the requirements of § ~~46.1-41~~ 46.2-600 the owner of the motor vehicle, trailer, or semitrailer shall advise the Department of Motor Vehicles of the situs, as provided in subsection A of § ~~46.1-65 (a)~~ 46.2-752, of the motor vehicle, trailer, or semitrailer. The Department of Motor Vehicles shall not collect the annual motor vehicle, trailer, or semitrailer license fee of a county, city, or town or county on motor vehicles or vehicles falling within the provisions of § ~~46.1-66~~ 46.2-755.

NOTE: At the suggestion of DMV, authority to collect local fees for specific localities has been extended to all localities.

SUBTITLE III.
OPERATION.

CHAPTER 8.
REGULATION OF TRAFFIC.

Article 1.
General and Miscellaneous.

§ ~~46.2-800~~ ~~46.1-171~~. Persons riding ~~Riding~~ bicycles or mopeds or ; riding or driving animals. -Every person riding a bicycle or , moped or an animal upon or driving an animal on a highway and every person driving any animal thereon shall be subject to the provisions of this chapter and shall have all of the rights and all of the duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-801~~ ~~46.1-168~~. Chapter applicable to drivers of all vehicles regardless of ownership.- The provisions of this chapter applicable to the drivers of vehicles upon on the highways shall apply to the drivers of all vehicles regardless of their ownership, subject to such specific exceptions as are set forth in this chapter.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-802~~ ~~46.1-203~~. Drive on right side of highways.- Except as otherwise provided by law upon On all highways of sufficient width, the driver of a vehicle shall drive the same upon 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 §§ ~~46.1-208~~, ~~46.1-210~~ and ~~46.1-212~~ Article 4 (§ ~~46.2-837 et seq.~~) of this chapter.

NOTE: The language of this section has been simplified and the vague reference to other provisions of law has been eliminated.

§ ~~46.1-200.1~~. Keep to right side of roadway; exceptions. Except as otherwise permitted or required by legally posted signs or other traffic control devices, and except where overtaking and passing on the right is permitted under § ~~46.1-210~~, upon all roadways all vehicles shall be driven in the right-hand lane then available and clear of other traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing to make a left turn. A violation of this section shall not be construed as negligence per se, or contributory negligence in any civil action.

Note: This section was added by Chapter 481 of the 1985 Acts of Assembly, but has proved unworkable.

§ ~~46.2-803~~ ~~46.1-205~~. Keep to the right in crossing intersections or railroads.- Except as otherwise provided by law, in When crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall at all times cause such vehicle to travel drive on the right half of the highway roadway unless such right side it is obstructed or impassable. Provided however, that in 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 by the State Highway and Transportation Board pursuant to its authority set out in § ~~46.1-173~~.

NOTE: The language of this section has been simplified and condensed.

§ ~~46.2-804~~ ~~46.1-206~~. Special regulations applicable on streets and highways laned for traffic.- Whenever any highway roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations :

(a) 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 hand 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 ;

(b) 2. A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such that lane until the driver has ascertained that such movement can be made with safety safely ;

(e) 3. Except as otherwise provided in subdivision (e) 5 of this section, upon on a highway which is divided into three lanes , a no vehicle shall not 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 signposted signed or marked to give notice of such allocation ; provided that official traffic control . 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;

(d) [Repealed.]

4. The Commonwealth Transportation Board, or local authorities in their respective jurisdictions, may designate right lanes for slow-moving vehicles;

(e) 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 that but it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance ; provided that where . 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 making a turning left turn into a public, private or commercial any road or entrance, provided that the vehicle may not travel in such lane for a distance greater further than 150' 150 feet ;

(f) 6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid lines, no vehicle shall be driven to the left of such lines, except that it shall be lawful to make a when turning left turn for the purpose of entering or leaving a public, private or commercial road or entrance .

Note: The added paragraph restores, in simplified language, authority to designate special "slow traffic lanes" removed by Chapter 481 of the 1985 Acts of Assembly.

§ 46.2-805 46.1-206.1 . Lane direction control signals.—When lane direction control signals are placed over the individual lanes of a street or 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-806 46.1-204 . One-way roadways and rotary traffic islands highways .— (a) The State Highway and Commonwealth Transportation Board may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs and traffic . Traffic thereon shall move only in the direction designated.

NOTE: The provision on traffic circles has been set out as a separate section. See § 46.2-807.

(b) § 46.2-807. Rotary traffic islands.- A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Note: This section is derived from the second subsection of § 46.1-204.

§ 46.2-808 46.1-171.1 . State Highway and Commonwealth Transportation Board may prohibit certain uses of interstate and other controlled access highways; penalty.— A. The State Highway and Commonwealth Transportation Board may, when necessary to promote safety, prohibit the use of interstate highways, as described in § 33.1-48 of this Code, and other controlled access highways or any part thereof by any or all of the following:

(1) 1. Pedestrians,

(2) 2. persons riding bicycles or mopeds,

- (3) 3. horse-drawn vehicles,
- (4) 4. self-propelled machinery or equipment, and
- (5) 5. animals led, ridden or driven on the hoof.

B. The termini of any section of ~~interstate highway or other~~ 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 ~~Commonwealth of Virginia ; Department of Highways and~~ 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 Class 4 misdemeanor.

NOTE: The section has been rearranged to conform to standard format.

§ 46.2-809 ~~46.1-171.2~~ . Regulation of truck traffic on secondary highways.—~~The State Highway and Commonwealth~~ Transportation Board in response to a formal request by a local governing body, after ~~said 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 secondary highway if a reasonable alternate route is provided ; ~~except in cities and any town which maintains its own streets, or any county which owns, operates and maintains its own system of roads and streets, by .~~ 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 ~~herein 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-810 ~~46.1-170~~ . Age limits for drivers of public passenger-carrying vehicles.— ~~It shall be unlawful for any No person , whether licensed or not who is , under the age of eighteen years ; to shall~~ drive a motor vehicle while in use as a public passenger-carrying vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-811 ~~46.1-200~~ . Coasting prohibited.—~~The driver of a any motor vehicle when traveling upon on a downgrade upon on any highway shall not coast with the gears of such the vehicle in neutral.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-812 ~~46.1-201~~ . Driving more than thirteen hours in twenty-four prohibited.— ~~(a) It shall be unlawful for any No person to shall~~ drive any motor vehicle on the highways of this 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 a ~~motor vehicle over the highways of in any other state , would make an aggregate of more than thirteen hours in any twenty-four-hour period of twenty-four hours; provided, however, that the .~~ 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 by the State Department of Highways and Transportation or its contractors or agents or any county, city or town .

~~(b) It shall be unlawful for the No owner of any such vehicle to shall~~ cause or permit the same it to be driven in violation of this section.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-813 ~~46.1-172.1~~ . Occupation of trailer being towed on highways.— ~~Any No person who occupies shall occupy~~ a house trailer or camping trailer while ~~such trailer it~~ is being towed upon on a public highway of in this Commonwealth ; ~~or any . No operator of a towing vehicle who shall knowingly permits permit~~ another person to ~~do such, shall be guilty of a traffic infraction punishable as provided in § 46.1-16.01, provided, however, that in~~ occupy a house

trailer or camping trailer as defined in § 46.2-100 while it is being towed.

In any civil proceeding, the violation hereof of this section shall not constitute negligence per se.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-814 ~~46.1-242~~ . Driving through safety zone prohibited.— ~~The~~ No driver of a vehicle shall ~~not~~ at any time drive through or over a safety zone.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-815 ~~46.1-228.1~~ . 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 Highways and Transportation under the authority of §§ 33.1-12 and 33.1-49, through any tunnel on the highways of any highway in the Commonwealth in violation of any lawfully posted sign shall constitute a Class 1 misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-816 ~~46.1-213~~ . Following too closely.— (a) The driver of a motor vehicle shall not follow another motor vehicle, trailer , or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic upon, and conditions of, the highway at the time.

(b) The driver of any truck, truck drawing a trailer, semitrailer combination or bus shall not follow another truck, truck drawing a trailer, semitrailer combination or bus within 200' when upon any highway outside of cities or towns.

NOTE: Former subsection (b) is unenforceable.

§ 46.2-817 ~~46.1-192.1~~ . Same; disregarding Disregarding signal by law-enforcement officer to stop by police officers ; eluding police; penalties.—Any person who, having received a visible or audible signal from any police law-enforcement officer to bring his motor vehicle to a stop, shall operate drives such motor vehicle in a willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police law-enforcement vehicle or endanger other property or person, or who shall increase increases his speed and attempt attempts to escape or elude such police law-enforcement officer, shall be guilty of a Class 1 misdemeanor. When any person is convicted under this section, then in addition to the other penalties provided herein in this section , the driver's license of such person may be suspended by the court or judge for a period not to exceed one year. However, in any case where the speed of the accused is determined to have exceeded the maximum allowed by fifteen miles per hour where the maximum speed is fifty-five miles per hour or greater, the his driver's license shall be suspended by the court or judge 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 where it , which shall be disposed dispose of it in accordance with the provisions of § 46.1-425 46.2-398 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-818 ~~46.1-250.1~~ . Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof ; penalties .— (a) It No person shall intentionally and willfully shall be unlawful for any person :

(1) to intentionally and willfully stop 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) to intentionally and willfully block 2. Block the access to and or egress from any premises of any service facility operated for the purposes (1) of (i) selling fuel for motor vehicles, (ii) of performing repair services on motor vehicles, or (iii) of furnishing food, rest , or any other convenience for the use of persons operating motor vehicles engaged in intrastate and interstate commerce upon on the highways of this Commonwealth;

(3) to intentionally and willfully damage 3. Damage any vehicle engaged in commerce upon on the highways of this Commonwealth, or threaten, assault , or otherwise harm the person of any operator of such a motor vehicle engaged in the operation of such motor vehicle being used for the transportation of property for hire upon the highways of this Commonwealth .

~~(b)~~ Any person violating ~~the provisions~~ *any provision* of this section shall be guilty of a Class 1 misdemeanor, and in addition, his driver's license may be ~~revoked~~ *suspended* by the court for a period of not in excess of *more than* one year. The court shall forward such license to the Department of Motor Vehicles as provided by law § 46.2-398 .

~~(e)~~ The provisions of this section shall not apply to any law-enforcement officer, school guard, fire fighter , or member of a rescue squad ; ~~when they are engaged in the performance of their his duties or nor~~ to any vehicle owned or controlled by the Virginia Department of Highways and Transportation while engaged in the construction, reconstruction , or maintenance of highways.

NOTE: The internal numbering of this section has been changed both to conform to standard format and also to highlight the list of prohibitions.

§ 46.2-819 ~~46.1-229.4~~ . 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 § 33.1-252, it shall be unlawful for the ~~operator~~ *driver* 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) 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 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.

NOTE: Only minimal changes have been made.

Article 2. Right-of-Way.

§ 46.2-820 ~~46.1-221~~ . Right-of-way ; ~~general rule; forfeiture by unlawful speed at uncontrolled intersections, generally~~ .—Except as *otherwise* provided in §§ ~~46.1-221.1, 46.1-223 and 46.1-247~~ *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 unless a “Yield Right-of-Way” sign is posted .

~~Where any such sign is posted, the driver of the vehicle approaching or entering such intersection on the highway, road or street on which such sign is posted shall yield the right-of-way to the driver of a vehicle approaching or entering such intersection from either direction.~~

NOTE: The provisions of the second paragraph of this section are contained in proposed § 46.2-821.

§ 46.2-821 ~~46.1-247~~ . Vehicles before entering certain highways shall stop or yield right-of-way.— ~~(a)~~ 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, ~~but if none or, in the absence of a stop line , shall stop before entering the crosswalk on the near side of the intersection, or, if none in the absence of a marked crosswalk , shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway ; and before .~~ *Before proceeding , he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.*

~~(b)~~ 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 ~~to stop~~ , shall stop at a clearly marked stop line, ~~but if none or, in the absence of a stop line , shall 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 before proceeding shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.~~

NOTE: This section combines elements of § 46.1-221 with § 46.1-247.

§ 46.2-822. *Right-of-way at traffic circles.*— At traffic circles vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle.

NOTE: See note following § 46.2-823.

§ 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 ~~hereunder~~ *under this article* .

NOTE: Former § 46.1-221 has been separated into four sections for clarity and ease of reading.

§ 46.2-824 ~~46.1-221.1~~ . Right-of-way at uncontrolled T intersection *"T" intersections* . Notwithstanding the provisions of § 46.1-221, when When vehicles arrive at approximately the same time at a an uncontrolled " T " intersection not controlled by any traffic control device , 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-825 ~~46.1-222~~ . Same; vehicle turning to left *Left turn traffic to yield right-of-way* .— The driver of a vehicle, intending to turn to the 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 which if it is so close as to constitute a hazard ; provided, however, that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop . At intersections controlled by traffic lights with separate left-turn signals , any vehicle making such a left turn when so indicated by the signal shall have the right-of-way over all other vehicles approaching the intersection.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-826 ~~46.1-223~~ . 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 ; upon entering such highway or sidewalk, shall yield the right-of-way to all vehicles approaching on such public highway or and to all pedestrians or vehicles approaching on such public sidewalk.

However, the preceding The provisions of this section shall not apply at an intersection of public and private roads controlled by a traffic signal. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic signal.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-827 ~~46.1-224~~ . Right-of-way of United States forces, troops, national guard, etc.—United States forces or troops, or any portion of the Virginia national guard or naval militia, 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 street or highway through which they may pass ; provided, that . Such passage, however, shall not interfere with the carrying of the United States mails ; and the legitimate functions of the police and the progress and operation of fire engines and fire departments shall not be interfered with fire fighters or with the passage of emergency vehicles as defined in § 46.2-920 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-828 ~~46.1-224.1~~ . Right-of-way for funeral processions under police or sheriff's escort.—
A. Funeral processions traveling under police or sheriff's escort shall have the right-of-way in any street or highway through which they may pass. Localities may, by ordinance, provide for such police escort service and provide for the imposition of reasonable fees to defray the cost of such service.

B. The sheriff in any locality not having a separate police department may provide traffic control for funeral processions when equipment and personnel are not otherwise engaged in law-enforcement activities.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-829 ~~46.1-225~~ . Approach of police law-enforcement or fire-fighting vehicles, rescue vehicles , or ambulances ; violation as failure to yield right-of-way.— (a) Upon the approach of any emergency vehicle listed as defined in subsection (a) of § 46.1-226 § 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 § 46.1-267 §§ 46.2-1022 through 46.2-1024 , the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand nearest edge or curb of the roadway , clear of any intersection of highways, and shall stop and remain in such position there, unless otherwise directed by a police or traffic law-enforcement officer , until

such ~~the emergency~~ vehicle shall ~~have~~ passed. This provision shall not operate to relieve the driver of any such vehicle to ~~which the right-of-way is to be yielded from~~ 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.

(b) Violation of this section shall constitute failure to yield the right-of-way.

NOTE: In addition to simplification of language, the requirement that traffic pull to the right curb has been eliminated because of its unintended impact on multi-lane roadways.

Article 3. Traffic Signs, Lights, and Markings.

§ 46.2-830 ~~46.1-173~~ . Uniform marking and signing of highways; drivers to obey signs; enforcement of section.— ~~A. The State Highway and Commonwealth~~ Transportation Board may classify, designate , and mark state highways and provide a uniform system of marking and signing such highways under the jurisdiction of ~~this the Commonwealth and such~~ . Such system of marking and signing shall correlate with and , so far as possible , conform to the system adopted in other states.

~~The driver~~ All drivers of a vehicle ~~vehicles~~ shall obey and comply with the requirements of road ~~lawfully erected~~ signs erected upon the authority of the State Highway and Transportation Board or subject to the provisions of §§ 33.1-39 and 33.1-47 by local authorities in cities and towns .

B. No provision of this section relating to the prohibition of disobeying road signs or violating local traffic signals, markings , and lights shall be enforced against an alleged violator if, at the time and place of the alleged violation, any such sign, signal, marking , or light is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

C. The failure of such driver to obey such signs, signals, markings or lights or to comply with the provisions of this section shall constitute a traffic infraction.

NOTE: The general penalty provided in § 46.2-113 makes the last paragraph superfluous.

§ 46.2-831 ~~46.1-174~~ . Other than official Unofficial signs prohibited; penalties.—No unauthorized person shall erect or maintain upon on any highway any warning or direction sign ~~marker~~ , signal , or light in imitation of any official sign, ~~marker~~, signal , or light erected under the provisions of this chapter and ~~no as provided by law~~. No person shall erect or maintain upon on any highway any traffic or highway sign or signal bearing thereon any commercial advertising.

Nothing in this section shall be construed to prohibit the erection or maintenance of signs ; markers or signals bearing thereon the name of an organization authorized to erect the same ~~it~~ by the State Highway and Commonwealth Transportation Board or subject to the provisions of §§ 33.1-39, 33.1-46 and 33.1-47 by the local authorities of counties, cities , and towns ~~authorized to regulate traffic by this chapter within such localities; nor 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 State Virginia Department of Highways and Transportation warning motorists that work is in progress upon on or adjacent to the highway or adjacent thereto .

Any person who violates the provisions violation of this section shall be guilty of constitute a Class 4 misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-832 ~~46.1-175~~ . Injuring signs.—Any person who shall deface, injure, knock down or remove ~~defaces, injures, knocks down, or removes~~ any sign legally posted as provided in this chapter sign shall be guilty of a Class 2 misdemeanor.

Note: § 33.1-345 also prohibits injury to signs. The offense has been reclassified as a Class 2 misdemeanor here.

§ 46.2-833 ~~46.1-184~~ . Signals by lights or other traffic control devices Traffic lights .—Signals by traffic lights or other traffic control devices shall be as follows:

(a) Red Steady red indicates that moving traffic then moving shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a lighted green arrow ; provided, however, that except where a sign is placed prohibiting turns on red, vehicular traffic facing a steady red signal may, after coming to a full stop, cautiously enter the intersection to make a right turn, or to make a left turn if such left turn is made from a highway which

allows for traffic in but one direction into another highway which allows for traffic in but one direction and after making such left turn the turning traffic will be going in that direction. Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection .

Green indicates the traffic shall then 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.

(b) ~~Amber~~ *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 ~~that~~ traffic which has already entered the intersection shall continue to move until the intersection has been entirely cleared. The amber signal is a warning that the *steady red* signal is imminent.

(c) ~~The use of a flashing~~ *Flashing red* indicates that traffic shall stop before entering an intersection and the use of a ~~flashing~~ .

Flashing amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances.

NOTE: See note following § 46.2-836.

§ 46.2-834. *Signals by law-enforcement officers and crossing guards.*— (d) ~~Officers of the law~~ *Law-enforcement officers* and uniformed school crossing guards may assume control of traffic otherwise controlled by lights or ~~other traffic control devices~~ and in such event , signals by such officers and uniformed crossing guards shall take precedence over such ~~lights or other traffic control devices~~.

(e) ~~Members of any fire department or any rescue squad when on duty may activate electric traffic control signals when such control signals are specifically authorized by the State Highway and Transportation Commissioner or appropriate local authority.~~

NOTE: Former subsection (e) has been deleted as unnecessary. See also note following proposed § 46.2-836.

§ 46.2-835. *Right turn on steady red light after stopping.*—*Notwithstanding the provisions of § 46.2-833, except where signs are placed prohibiting turns on steady red, vehicular traffic facing a steady red signal, after coming to a full stop, may cautiously enter the intersection and make a right turn.*

Such turning traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

NOTE: See note following § 46.2-836.

§ 46.2-836. *Left turn on steady red after stopping.*—*Notwithstanding the provisions of § 46.2-833, except where signs are placed prohibiting turns on steady red, vehicular traffic facing a steady red 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.*

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

NOTE: § 46.1-184 has been moved from among sections dealing with local control of traffic to this article on signals and signs. It has also been broken into several separate sections, the last two of which deal, respectively, with right and left turns on red signals. Within the first of these sections, provisions relating to each color of steady and flashing traffic lights have been grouped together. The term “traffic light” has been substituted for a number of longer and more awkward terms.

Article 4.

Passing.

§ 46.2-837 ~~46.1-207~~ . *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.*

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-838 ~~46.1-208~~ . *Passing upon when overtaking a vehicle.*—*The driver of any vehicle*

overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof 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 hereinafter otherwise provided in this article .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-839 46.1-208.1 . Passing bicycle or moped.—In approaching or passing a person ~~on~~ riding a bicycle or moped, the ~~operator~~ driver of a motor vehicle shall pass at a safe distance and at a reasonable ~~and proper~~ speed.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-840 46.1-200 . Horn signal ~~upon~~ when overtaking vehicle.—The driver of an overtaking motor vehicle when traveling outside of a business or residence district shall, when necessary to ~~insure~~ ensure safe operation, give an audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-841 46.1-210 . When overtaking vehicle may pass on right.— (a) A. The driver of a vehicle may overtake and pass ~~upon~~ to the right of another vehicle only under the following conditions :

(1) 1. When the ~~vehiele~~ overtaken vehicle is making or about to make a left turn, and the ~~its~~ driver of such vehicle has given a ~~the~~ required signal as required ;

(2) ~~Upon~~ a street or 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) ~~Upon~~ 3. On a one-way street ~~where~~ 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) B. The driver of a vehicle may overtake and pass another vehicle ~~upon~~ on the right only under conditions permitting such movement in safety. ~~In no event shall~~ 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.

Note: This restores language removed by Chapter 481 of the 1985 Acts of Assembly.

§ 46.2-842 46.1-211 . 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 on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle ; ~~provided, however, that any~~ . Any over-width, or slow-moving vehicle as defined by § 46.1-264.1 46.2-1081 shall be removed from the ~~travelled way~~ roadway at the nearest suitable location when necessary to allow traffic to pass.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-843 46.1-212 . Limitations on ~~privileges of~~ overtaking and passing.— (a) 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 ~~in safety~~ safely .

(b) No person operating a truck or ~~tractor and trailer combination~~ of vehicles shall pass or attempt to pass any truck ; or ~~tractor and trailer combination~~ of vehicles going in the same direction on an upgrade ~~hill~~ if such passing will impede the passage of following traffic.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-844 46.1-212.1 . Passing stopped school buses; penalty.— ~~An operator~~ The driver of a motor vehicle ~~who fails to stop when~~ approaching from any direction a clearly marked ~~publicly~~ or privately owned school bus which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, ~~and who fails to~~ shall stop and remain stopped until all such persons are clear of the highway or school driveway in violation of § 46.1-190 46.2-859 , shall be subject to a civil penalty

of fifty dollars and any such prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § ~~46.1-190~~ 46.2-859 shall be a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section shall be a bar to a prosecution or proceeding under § ~~46.1-190~~ 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ten 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 3 (~~§ 46.1-41 et seq.~~) 6 of Title 46.1 *this title* shall give rise to a rebuttable presumption that such registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, such violation occurred.

NOTE: The \$50 penalty has been specifically made a civil penalty.

Article 5. Turning.

§ ~~46.2-845~~ 46.1-214 . Limitation upon turning so as to proceed in opposite direction on U-turns .— ~~(a)~~ The driver of a vehicle within business districts, cities, or towns or business districts of counties shall not turn ~~such~~ his vehicle so as to proceed in the opposite direction except at an intersection of highways .

~~(b)~~ No vehicle shall be turned so as to proceed in the opposite direction ~~upon~~ on any curve, or ~~upon~~ on the approach to or near the crest of a grade, where ~~such~~ the vehicle cannot be seen by the driver of any other vehicle approaching from any direction within ~~500~~ 500 feet .

§ ~~46.2-846~~ 46.1-215 . Required position and method of turning at intersections; local regulations.— ~~The A.~~ Except where turning is prohibited, a driver of a vehicle intending to turn at an intersection or other location on any highway ~~except as prohibited by § 46.1-214 or any local ordinance enacted pursuant to § 46.1-180 shall do so as follows:~~ shall execute the turn as provided in this section.

~~(a)~~ 1. Right ~~turn~~ turns : Both the approach for a right turn and a right turn shall be made as close as practicable to the right ~~hand~~ curb or edge of the roadway.

~~(b)~~ 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 ~~in that portion of~~ from the right half of the roadway nearest and as close as possible to the roadway's center line thereof and by , passing to the right of ~~such~~ the center line where it enters the intersection and after . 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 ~~in that portion of the intersection~~ to the left of the center of the intersection.

~~(c)~~ 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 of a vehicle intending to turn left at any such intersection or crossover shall approach the intersection or crossover in the extreme left ~~hand~~ 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 ~~hand~~ lane lawfully available to traffic moving in such direction upon the roadway being entered.

~~(d)~~ B. Local authorities having the power to regulate traffic in their respective jurisdictions may cause markers ; ~~buttons~~, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at any intersection ; and when . When markers ; ~~buttons~~, or signs are so placed , no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers ; ~~buttons~~, or signs.

NOTE: Internal numbering has been revised to highlight the list. References to traffic buttons have been eliminated.

§ ~~46.2-847~~ 46.1-215.1 . Left turns by bicycles and mopeds.— A. A person riding a bicycle or moped and intending to turn left shall either follow a course described in § ~~46.1-215~~ 46.2-846 or ~~in subsection B of this section~~ make the turn as provided in this section .

B. A person riding a 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.

C. Notwithstanding the foregoing provisions of *this section*, the State Highway and Commonwealth Transportation Board and local authorities, in their respective jurisdictions, may cause official traffic control devices to be placed; and thereby at intersections to require and direct that a specific course be traveled by turning bicycles and mopeds; and when such devices are so placed, no person shall turn a bicycle or moped other than as directed and required by such devices.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 6. Signals by Drivers.

§ 46.2-848 ~~46.1-216~~. Signals required on ~~starting~~, backing, stopping, or turning.—Every driver who intends to ~~start~~, back, stop, turn, or partly turn from a direct line shall first see that such movement can be made ~~in safety~~ safely and, whenever the operation of any other vehicle may be affected by such movement, shall give such the signals as are required in §§ 46.1-217, 46.1-218 or § 46.1-220 *this article*, plainly visible to the driver of such other vehicle, of his intention to make such movement.

NOTE: The reference to a "start" signal has been eliminated.

§ 46.2-849 ~~46.1-217~~. How such signals given.—(a) ~~The signal~~ A. Signals required by § 46.1-216 ~~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 herein specified. 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 ~~from~~ and beyond the left side of the vehicle; in the manner following:

(1) 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) 2. For right turn or to pull to the right, the arm shall be extended upward;

(3) 3. For slowing down or to ~~stop~~ stopping, the arm shall be extended downward.

(b) 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~~ 100 feet, and in all other cases at least 50² fifty feet, before slowing down, stopping, turning, or partly turning or materially altering the course of the vehicle.

(c) C. A person riding a bicycle or moped shall signal his intention to stop, or turn; or ~~change direction~~. Such signals, however, need not be given continuously if both hands are needed in the control or operation of the bicycle or moped.

NOTE: Internal numbering has been changed to conform to standard format and to highlight the list.

§ 46.2-850 ~~46.1-218~~. Change of course after giving signal.—Drivers having once given a hand; electrical or mechanical device light signal ~~must~~ shall continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

NOTE: The requirement that drivers take care that others are "aware of" their signals has been eliminated as unworkable.

§ 46.2-851 ~~46.1-220~~. Signals prior to moving standing vehicles into traffic.—Drivers of vehicles standing or stopped at the curb or edge of a highway, before moving such vehicles, shall give signals of signal their intentions to move into traffic, as ~~hereinbefore~~ provided in *this article*, before turning in the direction the vehicle will proceed from the curb.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.1-219. Duty of drivers receiving signals. Drivers receiving a signal from another driver shall keep their vehicle under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

NOTE: This section is obsolete.

Article 7.
Reckless Driving and Improper Driving.

§ 46.2-852 ~~46.1-189~~ . Reckless driving; general rule.—Irrespective of the maximum speeds herein provided ~~permitted by law~~ , any person who drives a vehicle ~~upon a~~ 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 ; ~~provided that the driving of a motor vehicle at a speed twenty or more miles per hour in excess of any speed limit provision of § 46.1-103 may constitute ground for prosecution for reckless driving under this section .~~

NOTE: The last portion of this section has been eliminated because it duplicates proposed § 46.2-862.

§ 46.2-853 ~~46.1-190~~ . Same; specific instances *Driving vehicle when not under control; faulty brakes* .—A person shall be guilty of reckless driving who shall:

(a) ~~Drive~~ *drives* a vehicle when not under proper control or with inadequate or improperly adjusted brakes ~~upon on~~ any highway ~~of in~~ this Commonwealth ; .

NOTE: See note following § 46.2-864.

(b) ~~While~~ § 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, ~~overtake overtakes and pass passes~~ another vehicle proceeding in the same direction, ~~upon on~~ or approaching the crest of a grade or ~~upon 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 ~~street~~ roadway or highway ; .

NOTE: See note following § 46.2-864.

(c) ~~Drive~~ § 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 ; .

NOTE: See note following § 46.2-864.

(d) ~~Pass~~ § 46.2-856. *Passing two vehicles abreast.*—A person shall be guilty of reckless driving who passes or ~~attempt 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 ; ~~however, this subdivision . This section shall not apply , however, to a motor vehicle passing two other vehicles ; in accordance with provisions of this chapter, when one or both of such other vehicles is a bicycle or moped; nor shall this subdivision section apply to a bicycle or moped passing two other vehicles in accordance with the provisions of this chapter; .~~

NOTE: See note following § 46.2-864.

(d1) ~~Drive~~ § 46.2-857. *Driving two abreast in a single lane.*—A person shall be guilty of reckless driving who drives any motor vehicle, including any motorcycle, so as to be abreast of another vehicle in a lane designed for one vehicle, or ~~drive drives~~ any motor vehicle, including any motorcycle, so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle. However, this ~~subdivision section~~ shall not apply to any validly authorized parade, motorcade , or motorcycle escort, nor shall it apply to a motor vehicle traveling in the same lane of traffic as a bicycle or moped ; .

NOTE: See note following § 46.2-864.

(e) ~~Overtake~~ § 46.2-858. *Passing at a railroad grade crossing.*—A person shall be guilty of reckless driving who overtakes or pass passes any other vehicle proceeding in the same direction at any ~~steam, diesel or electric railway~~ 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 pursuant to the provisions of §§ 46.1-173 and 46.1-205 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 ~~police officers;~~ law-enforcement officer.

NOTE: See note following § 46.2-864.

(f) ~~Fail~~ § 46.2-859. *Passing a stopped school bus.*—A person shall be guilty of reckless driving who fails to stop, when approaching from any direction, a ~~any~~ school bus ; ~~whether publicly or privately owned,~~ which is stopped on any highway or school driveway for the purpose of taking

on or discharging children, ~~the~~ elderly, or mentally or physically handicapped persons, and to remain stopped until all ~~children, elderly, mentally or physically handicapped~~ such persons ; are clear of the highway or school driveway and the bus is put in motion. The driver of a vehicle, however, need not stop ~~upon~~ when approaching a school bus ~~when~~ if such school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when such 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 ~~upon~~ when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a ~~police~~ law-enforcement officer or other duly authorized uniformed school crossing guard to pass such school bus. This ~~subdivision~~ section shall apply to school buses which are equipped with warning devices prescribed in § 46.1-287 ~~46.2-1090~~ and are painted yellow with the words "School Bus ; Stop, State Law" in black letters at least ~~six~~ eight inches high on the front and rear thereof. If space is limited on the front, the words "School Bus" may be in letters at least four inches high. This ~~subdivision~~ shall also apply to school buses which are equipped with warning devices as prescribed in § 46.1-287 and which 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 as defined in § 46.1-1 (37) which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses ; .

NOTE: The changes in lettering for school buses are recommended by the Department of Education. The number of affected buses is very small. See also note following § 46.2-864.

~~(g)~~ *Fail § 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 §§ 46.1-216 through 46.1-220; Article 6 (§ 46.2-848 et seq.) of this chapter.

NOTE: See note following § 46.2-864.

~~(h)~~ *Exceed § 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 ; .

NOTE: See note following § 46.2-864.

~~(i)~~ *Drive § 46.2-862. Exceeding speed limit.*—A person shall be guilty of reckless driving who drives a motor vehicle ~~upon~~ on the highways ~~of~~ in this Commonwealth at a speed of twenty or more miles per hour in excess of the applicable maximum speed limits ~~prescribed~~ in subdivisions ~~(1)~~ (a), (b), (c) and (e) of § 46.1-193 , or in excess of eighty miles per hour regardless of the posted speed limit ; .

NOTE: See note following § 46.2-864.

~~(j)~~ *Fail § 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 ~~upon~~ on such highway within ~~500~~ 500 feet of such point of entrance, unless (i) a "Yield Right-of-Way" sign is posted ; or (ii) where such sign is posted, ~~fail~~ fails , upon entering such highway, to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction ; ~~or~~ .

NOTE: See note following § 46.2-864.

~~(k)~~ *Drive § 46.2-864. Reckless driving on parking lots, etc.*—A person shall be guilty of reckless driving who ~~or~~ operate operates any automobile ~~or~~ other motor vehicle ~~upon~~ 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, ~~or~~ school, ~~or~~ of any recreational facilities facility, or ~~of~~ any business property open to the public ; ; or

~~or~~ 2. On the premises of any industrial establishment providing parking space for customers, patrons or employees ; ; or

~~upon~~ 3. On any highway under construction or not yet open to the public ; ~~recklessly~~ or at a speed or in a manner so as to endanger the life, limb or property of any person .

NOTE: Former § 46.1-190 has been broken up into §§ 46.2-853 through 46.2-864.

§ 46.2-865. ~~46.1-191~~ . Same; racing Racing ; penalty.—Any person who shall engage engages in a race between two or more motor vehicles on the highways ~~of~~ in this Commonwealth or ~~upon~~ on any driveway or premises of a church, school, recreational facility , or business property open to the public in this Commonwealth shall be guilty of reckless driving, unless authorized by the owner of the property or his agent. When any person shall be is convicted of reckless driving under this section, ~~then~~ in addition to any other penalties provided by law ; the driver's license of such person shall be suspended by the court ~~or~~ judge for a period of not less than six

months nor more than two years. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.1-425 46.2-398 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-866 46.1-101.1 . Same; same; *Racing*; aiders or abettors.—Any person, although not engaged in a race as defined in § 46.1-101 46.2-865 , who aids or abets any such race, shall be guilty of a *Class 1* misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-867 46.1-101.2 . Same; same; *Racing*; seizure of motor vehicle.— (a) If the owner of a motor vehicle is convicted of racing such vehicle in a prearranged, organized , and planned speed competition in violation of § 46.1-101 46.2-865 , or is present in such the vehicle which is being operated by another in violation of § 46.1-101 46.2-865 , and knowingly consents thereto to the racing , then such the vehicle shall be seized and disposed of as directed in §§ 46.1-351.1 and 46.1-351.2 in the manner provided in § 4-56 for seizure and forfeiture of conveyances or vehicles used in the illegal transportation of alcoholic beverages. Such section shall apply *mutatis mutandis* .

(b) When any officer of the law discovers that the owner is operating a motor vehicle willfully in prearranged, organized and planned speed competition with another motor vehicle on a street or highway, or is present in such motor vehicle at the time of the offense and knowingly consents thereto, he shall seize the motor vehicle and deliver the same to the sheriff of the county or city in which such offense is committed, or the same shall be placed under the sheriff's constructive possession if delivery of actual possession is impractical, and the vehicle shall be held by the sheriff pending the trial of the person or persons arrested for operating such motor vehicle in violation of § 46.1-101.

The sheriff shall restore the seized motor vehicle to the owner upon execution by the owner of a good and valid bond, with sufficient sureties, in the amount double the value of the property, which bond shall be approved by the sheriff and shall be conditioned on the return of the motor vehicle to the custody of the sheriff on the day of trial of the person or persons accused. Upon the acquittal of the person charged with operating such motor vehicle willfully in prearranged, organized and planned speed competition with another motor vehicle, or, in the case of the owner, of acquittal upon the charge of being present in such motor vehicle at the time of the offense and knowingly consenting thereto, the sheriff shall return the motor vehicle to the owner thereof.

(c) The penalties imposed by this section are in addition to any other penalty imposed by law for such violation and not in substitution thereof .

§ 46.1-351.1. Seizure of vehicle upon arrest of person believed to have violated § 46.1-101; report to Commonwealth's attorney; notification to Commissioner; certificate of Commissioner concerning seized vehicle; exception.—Where any officer charged with the enforcement of the motor vehicle laws of this Commonwealth reasonably believes that he has arrested any person who will be subject to the penalties prescribed by § 46.1-101, he shall seize and take possession, either at the time of arrest or within thirty days after such arrest, of the motor vehicle owned and operated by such person at the time of arrest, and deliver the same to the sheriff of the county or the chief law-enforcement officer of the city in which such arrest was made, taking his receipt therefor in duplicate. The officer making such seizures shall also forthwith report in writing, of such arrest and seizure to the attorney for the Commonwealth for the county or city in which such arrest or seizure was made. In the case of any seizure made subsequent to the arrest, the officer may seize and take possession of the vehicle anywhere in the Commonwealth pursuant to this section, and return and deliver the vehicle and report as required by this section to such county or city.

The attorney for the Commonwealth shall forthwith notify the Commissioner of the Department of Motor Vehicles of such seizure and the motor number of the vehicle so seized, and the Commissioner shall promptly certify to such attorney for the Commonwealth the name and address of the person in whose name such vehicle is registered, together with the name and address of any person holding a lien thereon. The Commissioner shall also forthwith notify such registered owner and lienor, in writing, of the reported seizure and the county and city wherein such seizure was made.

The certificate of the Commissioner, concerning such registration and lien shall be received in evidence in any proceeding, either civil or criminal, under any provision of this section or

that of § 46.1-351.2, in which such facts may be material to the issue involved.

This section shall not apply to any person operating a farm vehicle upon the highways when it is necessary to move such vehicle 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 shall not exceed twenty miles.

§ 46.1-351.2. Proceedings concerning vehicles seized under § 46.1-351.1. (a) Within sixty days after receiving notice of seizure under § 46.1-351.1 the attorney for the Commonwealth shall file in the name of the Commonwealth, an information against the seized property, in the clerk's office of the circuit court of the county, or of the city, wherein the arrest or seizure was made. Should the attorney for the Commonwealth, for any reason, fail to file such information within such time, the same may, at any time within twelve months thereafter, be filed by the Attorney General, and the proceedings thereon shall be the same as if it had been filed by the attorney for the Commonwealth.

Such information shall allege the seizure, and set forth in general terms the grounds of forfeiture of the seized property, and shall pray that the same be condemned and sold and the proceeds disposed of according to law, and that all persons concerned or interested be cited to appear and show cause why such property should not be condemned and sold to enforce the forfeiture.

The owners of and all persons in any manner then indebted or liable for the purchase price of the property, and any person having a lien thereon, if they be known to the attorney who files the information, shall be made parties defendant thereto, and shall be served with the notice hereinafter provided for, in the manner provided by law for serving a notice, at least ten days before the day therein specified for the hearing on the information, if they be residents of this Commonwealth; and if they be unknown or nonresidents, or cannot with reasonable diligence be found in this Commonwealth, they shall be deemed sufficiently served by publication of the notice once a week for two successive weeks in some newspaper published in such county or city; or if none be published therein, then in some newspaper having general circulation therein, and a notice shall be sent by registered mail of such seizure to the last known address of the owner of such conveyance or vehicle.

(a1) In lieu of filing an information, as provided in subsection (a), the attorney for the Commonwealth may, upon payment of costs incident to the custody of the seized property, return the seized property to an owner or lienor, without requiring that such owner or lienor file bond as provided in subsection (b), if he believes that such owner was the actual bona fide owner of the conveyance or vehicle at the time of the seizure, that he was ignorant of such illegal use thereof, and that such illegal use was without his connivance or consent, express or implied, or if he believes that such lienor was ignorant of the fact that such conveyance or vehicle was being used for illegal purposes, when it was so seized, that such illegal use was without such lienor's connivance or consent, express or implied, that he held a bona fide lien on such property and had perfected the same in the manner prescribed by law, prior to such seizure and that the lien is equal to or more than the value of the conveyance or vehicle.

In the event the conveyance or vehicle has been sold to a bona fide purchaser subsequent to the arrest but prior to seizure in order to avoid the provisions of § 46.1-351.1 and this section, the Commonwealth shall have a right of action against such seller for the proceeds of the sale.

(b) If the owner or lienor of the seized property shall desire to obtain possession thereof before the hearing on the information filed against the same, such property shall be appraised by the clerk of the court where such information is filed.

The sheriff of the county or the chief law-enforcement officer of the city in which the trial court is located shall promptly inspect and appraise the property, under oath, at its fair cash value, and forthwith make return thereof in writing, to the clerk's office of the court in which the proceedings are pending, upon the return of which the owner or lienor may give a bond payable to the Commonwealth, in a penalty of the amount equal to the appraised value of the conveyance or vehicle plus the court costs which may accrue, 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 information, and with a further condition to the effect that, if upon the hearing on information, the judgment of the court be that such property, or any part thereof, or such interest and equity as the owner or lienor may have therein, be forfeited, judgment may thereupon be entered against the obligors on such bond for the penalty thereof, without further or other proceedings against them thereon, to be discharged by the payment of the appraised value of the property so seized and forfeited and costs, upon which judgment, execution may issue, on which the clerk shall endorse, "no security to be taken." Upon giving of the bond, the

property shall be delivered to the owner or lienor.

(c) Any person claiming to be the owner of such seized property, or to hold a lien thereon, may appear at any time before final judgment of the trial court, and be made a party defendant to the information so filed, which appearance shall be by answer, under oath, in which shall be clearly set forth the nature of such defendant's claim, whether as owner or as lienor, and if as owner, the right or title by which he claims to be such owner, and if lienor, the amount and character of his lien, and the evidence thereof; and in either case, such defendant shall set forth fully any reason or cause which he may have to show against the forfeiture of the property.

(c1) The hearing on the information shall in no case be held prior to final judgment in the trial for the violation of § 46.1-101. If the person operating the seized conveyance or vehicle is acquitted or the charges are for any reason dismissed, such acquittal or dismissal shall entirely relieve the property from forfeiture.

(d) In the event there is no judgment of acquittal or dismissal of the charges, if any person claiming to be the owner of the seized conveyance or vehicle or to hold a lien thereon shall deny that the conveyance or vehicle was being operated under conditions that the operator was violating the provisions of § 46.1-101; and shall demand a trial by jury of the issue thus made, the court shall, under proper instructions, submit the same to a jury of five, to be selected and empanelled as prescribed by law, and if such jury shall find on the issue in favor of such claimant, or if the court, trying such issue without a jury, shall so find, the judgment of the court shall be to entirely relieve the property from forfeiture, and no costs shall be taxed against such claimant.

(e) If, on the other hand, the jury, or the court trying the issue without a jury, shall find against the claimant, or if it be admitted by the claimant that the conveyance or vehicle at the time of the seizure was being operated under conditions that the operator was violating the provisions of § 46.1-101; nevertheless, if it shall appear to the satisfaction of the court that such claimant, if he claims to be the owner, was the actual bona fide owner of the conveyance or vehicle at the time of the seizure, that he was ignorant of such illegal use thereof, and that such illegal use was without his connivance or consent, express or implied, and that such innocent owner has perfected his title to the conveyance or vehicle, if it be a motor vehicle, if application for the title is made ten days prior to its seizure or within ten days from the time it was acquired, the court shall relieve the conveyance or vehicle from forfeiture and restore it to its innocent owner, and the costs of the proceedings shall be paid by the Commonwealth as now provided by law.

Where it is shown to the satisfaction of the court that the conveyance or vehicle for the forfeiture of which proceedings have been instituted was stolen from the person in possession, relief shall be granted the owner or lienor, either or both, and the costs of the proceedings shall be paid by the Commonwealth as now provided by law.

(f) If any such claimant be a lienor, and if it shall appear to the satisfaction of the court that the owner of the conveyance or vehicle has perfected his title to the conveyance or vehicle if it be a motor vehicle, prior to its seizure, or within ten days from the time it was acquired, and that such lienor was ignorant of the fact that such conveyance or vehicle was being used for illegal purposes, when it was so seized, that such illegal use was without such lienor's connivance or consent, express or implied, and that he held a bona fide lien on such property and had perfected the same in the manner prescribed by law, prior to such seizure (if such conveyance or vehicle be an automobile the memorandum of lien on the certificate of title issued by the Commissioner of the Department of Motor Vehicles on the automobile shall make any other recordation of the same unnecessary), the court shall, by an order entered of record establish the lien, upon satisfactory proof of the amount thereof; and if in the same proceeding, it shall be determined that the owner of the seized property was himself in possession of the same, at the time it was seized, and that such illegal use was with his knowledge or consent, the forfeiture hereinbefore in this section declared, shall become final as to any and all interest and equity which such owner, or any other person so illegally using the same, may have in such seized property, which forfeiture shall be entered of record. In the last mentioned event, if the lien established is equal to or more than the value of the conveyance or vehicle, such conveyance or vehicle shall be delivered to the lienor, and the costs of the proceedings shall be paid by the Commonwealth as now provided by law; if the lien is less than the value of the conveyance or vehicle, the lienor may have the conveyance or vehicle delivered to him upon the payment of the difference. Should the lienor not demand delivery as aforesaid, an order shall be made for the sale of the property by the sheriff of the county, or the chief law-enforcement officer of the city, as the case may be, in the manner prescribed by law, out of the proceeds of which sale shall be paid, first, the lien, and second, the costs; and the residue,

if any, shall be paid into the Literary Fund.

(g) If, however, no valid lien is established against the seized property, and upon the trial of the information, it shall be determined that the owner thereof was himself using the same, at the time of the seizure, or that such illegal use was with his knowledge or consent, the property shall be completely forfeited to the Commonwealth, and an order shall be made for the sale of such property by the sheriff of the county or the chief law-enforcement officer of the city, as the case may be, in the manner prescribed by law. Out of the proceeds of such sale shall be paid the costs, and the residue shall be paid into the Literary Fund.

(h) In all cases, the actual expense incident to the custody of the seized property, and the expense incident to the sale thereof, including commissions, shall be taxed as costs.

NOTE: The seizure provisions of §§ 46.1-191.2, 46.1-351.1, and 46.1-351.2 have been replaced by reference to seizure in the manner provided for in Title 4.

§ 46.2-868 ~~46.1-192~~ . Same; *Reckless driving*; penalties.— Every person convicted of reckless driving under §§ ~~46.1-189, 46.1-190 or § 46.1-191~~ the provisions of this article shall for the first violation be punished as provided by § 18.2-12. For each second or subsequent conviction for the offense of reckless driving under §§ ~~46.1-189, 46.1-190 or § 46.1-191~~ committed within 12 months before or after the date of another act of reckless driving for which he has been convicted, such person shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in jail for not less than 10 days nor more than 12 months, or by both such fine and imprisonment be guilty of a Class 1 misdemeanor .

NOTE: A Class 1 misdemeanor best fits the specific penalties.

§ 46.2-869 ~~46.1-192.2~~ . *Improper driving ; penalty* .—Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with a violation thereof *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 and impose a fine not to exceed \$500 . *Improper driving shall be punishable as a Class 3 misdemeanor* .

NOTE: A Class 3 misdemeanor best fits the specific penalties.

Article 8. Speed.

§ 46.2-870 ~~46.1-193~~ . *Maximum and minimum speed limits* *Maximum speed limits generally* .
— The maximum and minimum speed limits on highways of this Commonwealth shall be as hereinafter prescribed.

(1) *Maximum limits*.

(a) *Fifty-five* *Except as otherwise provided in this article, the maximum speed limit shall be fifty-five miles per hour on the Interstate System of Highways interstate highways or other limited access highways with divided roadways ; ,*

(b) *Fifty-five miles per hour on nonlimited access highways having four or more lanes , and on all state primary highways.*

(c) *Fifty-five* *The maximum speed limit on all other highways shall be fifty-five miles per hour on highways not included in (a) or (b) if the vehicle is a passenger motor vehicle, passenger bus, United States post-office bus, pickup or panel truck , or a motorcycle ; and , but forty-five miles per hour on such highways if the vehicle is a truck, road tractor, 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, until July 1, 1993, the maximum speed limits on those rural interstate highways where both (i) permitted by federal laws and (ii) indicated by lawfully placed signs shall be sixty-five miles per hour for passenger motor vehicles, motorcycles, and pickup and panel trucks, but fifty-five miles per hour for buses, trucks, road tractors, tractor trucks, combinations of vehicles designed to transport property, house trailers, or motor vehicles being used to tow vehicles designed for self-propulsion.

NOTE: The last paragraph of this section derives from subsection D of § 46.1-401, enacted by the 1988 Session of the General Assembly. That act (effective July 1, 1988), provides for the increased speed limits on rural interstate highways to be effective for five years. See also note following § 46.2-878.

(d) *Thirty-five* § 46.2-871. *Maximum speed limit for school buses.—The maximum speed limit shall be thirty-five miles per hour or the minimum speed allowable, whichever is greater, on*

any highway other than an interstate highway, if the vehicle is being used as a school bus carrying children, and forty-five miles per hour on interstate highways ; ~~provided, however, that for any~~ . However, for any such vehicle which neither takes on nor discharges children between its point of origin and point of destination, the *maximum* speed limit shall be forty-five miles per hour.

NOTE: The Department of Education is studying the provisions of this section as they apply to school buses.

~~(e) Forty-five § 46.2-872. Maximum speed limits for vehicles operating under special permits. -The maximum speed limit shall be forty-five miles per hour on any highway if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway and Commonwealth Transportation Board in accordance with §§ 46.1-330 and 46.1-343 46.2-1112, 46.2-1113, or 46.2-1139 . The State Highway and Commonwealth Transportation Board may, however, prescribe a speed limit of less than forty-five miles per hour on any permit issued in accordance with §§ 46.1-330 and 46.1-343 46.2-1112, 46.2-1113, or 46.2-1139 .~~

NOTE: See note following § 46.2-878.

~~(f) Twenty-five § 46.2-873. Maximum speed limits at school crossings. 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." Such word or words shall indicate that school children are present in the vicinity. Any signs erected under this section shall be placed not more than 600' 600 feet from the limits of the school property or crossing in the vicinity of the school ; which is used by children going to and from the school; provided that . However, "school crossing" signs may be placed in any location if the Department of Highways and 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 said 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 State Department of Highways and Transportation. It shall be the duty of the The principal or chief administrative officer of each school or some responsible person designated by the a school board designee , preferably not a classroom teacher, to shall place such portable signs in the highway at a point not more than 600' 600 feet from the limits of the school property and remove such signs when their presence is no longer required by this subsection 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. Such portable signs, tilt-over signs, or blinking signals shall be in a position, or be turned on, for thirty minutes preceding regular school hours and , 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. Provided, however, that the 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 subsection section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and provided further that no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted upon on the portable signs, tilt-over signs, or fixed blinking signs required by this subsection section .~~

NOTE: See note following § 46.2-878.

~~(g) Twenty-five § 46.2-874. Maximum speed limit in city and town business and residence districts.-The maximum speed shall be twenty-five miles per hour on highways in a business or residential district districts , except upon on interstate or other limited access highways with divided roadways.~~

NOTE: See note following § 46.2-878.

~~(h) Thirty-five § 46.2-875. Maximum speed limit on other highways in cities and towns.-The maximum speed limit shall be thirty-five miles per hour on highways in any city or town, except upon on interstate or other limited access highways with divided roadways and except in business or residence districts.~~

NOTE: See note following § 46.2-878.

~~(i) Notwithstanding the provisions of subdivisions (a), (b) and (c) of this subdivision, the § 46.2-876. Maximum speed limit for passenger vehicles towing certain trailers.-The maximum speed limits 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.~~

NOTE: See note following § 46.2-878.

(2) Minimum speed limits.

(a) § 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.

(b) Whenever the State Highway and Commonwealth Transportation Commissioner 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.

NOTE: See note following § 46.2-878.

(3) § 46.2-878. Authority to change speed limits.- Notwithstanding the foregoing other provisions of this article, the State Highway and Commonwealth Transportation Commissioner or other authority having jurisdiction over highways may decrease the speed limits set forth in subdivisions (1) (a) through (1) (e) of this section § 46.2-870 and may increase or decrease the speed limits set forth in subdivisions (1) (f) through (1) (h) of this section §§ 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 subdivisions (1) (a) through (1) (e) of this section § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in subdivisions (1) (f) through (1) (h) of this section §§ 46.2-873 through 46.2-875 on any highway under its 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 and traffic investigation and when indicated upon the highway by signs; provided, the increased or decreased speed limits over highways under the control of the State Highway and Commonwealth Transportation Commissioner shall be effective only when prescribed in writing by the Highway and Transportation Commissioner and kept on file in the Central Office of the Department of Highways and Transportation.

Any person violating this section shall be guilty of a traffic infraction and upon conviction shall be punished as provided in § 46.1-16.01.

NOTE: Former § 46.1-193 has been broken up into §§ 46.2-870 through 46.2-878.

§ 46.2-879 46.1-194 . Prohibiting 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 § 46.1-180 46.2-1300 decreasing the speed limit established in § 46.1-193 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-880 46.1-195 . Tables of speed and stopping distances.- (a) 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:

SPEED IN		AVERAGE STOPPING DISTANCES			TOTAL STOPPING DISTANCES	
Miles Per Hour	Feet Per Second	Automobile Brakes (In Feet)	Truck Brakes (Brakes on All Wheels) (In Feet)	Average Driver Reaction Time (3/4 Second) (In Feet)	Automobiles (In Feet)	Trucks (In Feet)
10	14.67	5	7	11	16	18
15	22.0	12	17	16	28	33
20	29.34	21	30	22	43	52
25	36.62	32	47	27	59	74
30	44.0	47	67	33	80	100
35	51.3	63	92	38	101	130
40	58.7	82	120	44	126	164
45	66.0	104	152	50	154	202
50	73.3	128	187	55	183	242
55	80.7	155	227	61	216	288

Law-enforcement officials *officers* shall not have the authority to utilize ~~radio microwaves or radar~~, electrical , or microcomputer devices as defined herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

Nothing herein shall affect the powers of cities *Cities* or towns to adopt and may use such ~~radio microwaves radar~~ or other electrical devices to measure speed : Nothing herein shall be construed to permit the law-enforcement officials of counties, cities or towns to utilize *but not* microcomputer devices as defined herein to measure speed .

The Division of Purchases and Supply, pursuant to § 2.1-446 of this Code, shall determine the proper equipment or electrical devices and training necessary in the operation of such equipment and devices used to measure 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*, and training necessary in the use of such equipment and devices, *meets meet* or *exceeds exceed* the standards established by the Division. This provision shall apply only to equipment and devices purchased on or after July 1, 1986.

The Department of State Police shall acquire no more than two microcomputer devices as defined herein. State Police personnel utilizing *radar* or microcomputer devices as provided for in this section shall, upon request of any affected motorist, permit such motorist to observe the reading on the *radar set* or device.

NOTE: The term "radar" has been substituted for various circumlocutions hitherto used to mean "radar." The concluding sentence has been changed to permit affected motorists to see readings on radar sets.

§ 46.2-883 ~~46.1-198.2~~ . Signs indicating legal rate of speed and measurement of speed by ~~electrical devices radar~~ .—Signs to indicate the legal rate of speed and that the speed of motor vehicles may be measured by ~~radio microwaves 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 *State Highway and Commonwealth Transportation Commissioner*, in his discretion, may select. There shall be a prima facie presumption that such signs were in place at the time of the commission of the offense of exceeding the legal rate of speed, and a certificate by the *State Highway and Commonwealth Transportation Commissioner* 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 ~~radio microwaves radar~~ or other electrical devices may be posted on different signs and need not be posted on the same sign.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.1-190. Exceptions to speed limitations; when exemptions applicable; prosecution for recklessness; civil liability.— (a) The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety

under the direction of the police in the chase or apprehension of violators of the law, or of persons charged with or suspected of any such violations, or

in response to emergency calls, or

in testing the accuracy of speedometers on police vehicles, or

in testing the accuracy of the radio microwave or other electrical devices specified in § 46.1-198, nor

to fire department vehicles when traveling in response to an emergency call nor

to ambulances and rescue vehicles when traveling in emergencies ; nor

to regional detention center vehicles.

(b) These exemptions, hereinbefore granted to such a moving vehicle, shall apply only when the operator of such vehicle displays a flashing, blinking or alternating emergency light or lights as provided in § 46.1-267 and sounds a siren, bell, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and, only when there is in force and effect for such vehicle either (i) standard automobile liability insurance covering injury or death to any 1 person in the sum of at least \$100,000 in any 1 accident, and subject to the limit for 1 person, to a limit of \$300,000 because of bodily injury to or death of 2 or more

persons in any 1 accident, and to a limit of \$10,000 because of injury to or destruction of property of others in any 1 accident or (ii) a certificate of self-insurance issued pursuant to § 46.1-306. 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 be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

NOTE: Exemption of emergency vehicles from speed limits has been combined with other exemptions for emergency vehicles in § 46.2-920.

*Article 9.
Railroad Crossings.*

§ 46.2-884 46.1-243 . Railroad warning signals must be obeyed.— It shall be unlawful for any No person driving a vehicle to shall disobey a clearly visible or audible crossing signal at a highway and railway grade crossing which signal gives warning of the immediate approach of a railway train at a railroad grade crossing .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-885 46.1-244 . When vehicles to stop at railroad grade crossings.— (a) A. Except in incorporated 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 such the vehicle shall stop within fifty feet but not less than fifteen 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) 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train ; ;

(2) 2. A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train ; ;

(3) 3. A railroad train approaching such crossing gives the signals required by § 56-414 hereof ; ;

(4) 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) 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.

NOTE: Internal numbering has been changed to conform to standard format and to highlight the list.

§ 46.2-886 46.1-245 . When drivers of certain vehicles to stop, look , and listen at railway railroad crossings ; and eress ; crossing tracks without shifting gears.— (a) Except in incorporated cities or towns, the driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child 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 or tracks of a railroad , shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so , the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such 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, 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.

(b) No Notwithstanding the foregoing provisions of this section, no stop need be made at any such crossing where a police law-enforcement officer or a traffic-control signal directs traffic to proceed.

NOTE: Provisions relating to the manner in which school buses cross tracks have been stated in a separate paragraph.

§ 46.2-887 46.1-246 . Moving crawler-type tractors, steam shovels, derricks, rollers, etc., over railroad grade crossings.— (a) Except in ~~incorporated~~ cities or towns, no person shall ~~operate or~~ 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, ~~upon~~ on or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any ~~such~~ intended crossing shall be given to a station agent of ~~such~~ the railroad and a reasonable time *shall* be given to ~~such~~ the railroad to provide proper protection at ~~such~~ the crossing.

(c) Before making any such crossing , the person ~~operating or~~ moving any such vehicle or equipment shall first stop ~~the same~~ it not less than fifteen feet nor more than fifty feet from the nearest rail of ~~such~~ 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.

(d) No such crossing shall be made when warning is given by automatic signal ~~or~~ , crossing gates ~~or~~ , a flagman , or otherwise of the immediate approach of a ~~railroad~~ train ~~or~~ ear . If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 10. Stopping on Highways.

§ 46.2-888 46.1-248 . Stopping on highways; general rule.— (a) No person shall stop a vehicle ~~shall be stopped~~ in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency , as the result of an accident , or a mechanical breakdown ; ~~in which case~~ . 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 ~~operating, and~~ *in working order*. A report of the vehicle's location shall be made to the nearest police officer as soon as practicable and the vehicle shall be ~~removed~~ *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 police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

NOTE: See note following § 46.2-891.

(b) § 46.2-889. Location of parked vehicles. — No vehicle shall be stopped except close to and parallel to the right ~~hand~~ edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left ~~hand~~ curb or edge of the roadway on one-way streets or may be parked at an angle where permitted by the State Highway and Commonwealth Transportation Board or local authorities with respect to streets and highways under their jurisdiction.

NOTE: See note following § 46.2-891.

(c) § 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 the necessary procedures of police 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 ~~such~~ a fire, accident , or area of emergency may be removed by order of a police law-enforcement officer or, in the absence of a police law-enforcement officer, by order of the uniformed fire or rescue officer in charge, at the risk and expense ; ~~not to exceed twenty-five dollars~~, of the owner if such vehicle creates a traffic hazard or interferes with the necessary procedures of police 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 police law-enforcement officers , fire fighters , and rescue workers dealing with such emergencies.

NOTE: See note following § 46.2-891.

§ 46.2-891. Exemption for highway construction and maintenance vehicles. — The provisions of this section ~~article~~ shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia ; Department of Highways and Transportation ; or units of local government including

counties, cities and or towns, while actually engaged in the construction, reconstruction , or maintenance of highways.

NOTE: Former § 46.1-248 has been broken up into §§ 46.2-888 through 46.2-891.

§ 46.2-892 46.1-240 . Same; rural Rural mail carriers loading and unloading mail stopping on highways .- (a) The provisions of the first paragraph of § 46.1-248 § 46.2-888 shall not apply to any rural mail carrier stopping on the highway while loading or unloading mail at a mailbox, provided there be 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 :

**CAUTION
FREQUENT STOPS
U.S. MAIL**

(a) Nor shall the first paragraph of *Additionally, the provisions of § 46.1-248 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 upon the roof .* Between the lights on the assembly shall be mounted a sign with the words "U.S. Mail ; . " *which* The sign shall be yellow with black letters at least four inches in height, and *which light the lights* shall be of the type approved by the Superintendent of State Police. The lettered sign shall be folded down out of vision prior to the first stop on the route and following the last stop on the route.

(b) ~~Provided further that nothing~~ *Nothing* in this section shall be construed so as to relieve any such mail carrier from civil liability for such stopping on any highway ; if he is negligent in so doing, and if ~~said~~ *the* negligence proximately contributes to any personal injury or property damage resulting therefrom.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-893 46.1-250 . Same; *Stopping on highways to discharge cargo or passengers; school buses.*—No truck or bus ; ~~or part thereof~~ , 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

*Article 11.
Accidents.*

§ 46.2-894 46.1-176 . Duty of driver to stop, etc., in event of accident *involving injury or death or damage to attended property ; duty of occupant; reports additional to other accident reports required by title .-* (a) 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 and report *his name, address, driver's license number, and vehicle registration number* forthwith to the State Police or local ~~police authority and, in addition 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 ; ~~his name, address, driver's license number and the registration number of his vehicle~~ . The driver shall also render reasonable assistance to any person injured in such accident, including ~~the carrying of~~ *taking* such injured person to a physician, surgeon , or hospital ~~for medical treatment~~ if it is apparent that ~~such~~ *medical* treatment is necessary or is requested by the injured person.

Where, as a ~~result~~ *because* of injuries sustained in the accident, the driver is prevented from complying with the ~~above foregoing~~ *provisions of this section* , the driver shall, as soon as reasonably possible, make the required report to the State Police or local police ~~authority~~ 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 the ~~vehicle~~ *registration number of his vehicle* .

NOTE: See note following § 46.2-899.

(b) § 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 subsection (a) of this section § 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 police authority of such city or town law-enforcement agency . The report shall include his name, address , and such other information within his knowledge as the driver must is required to report pursuant to subsection (a) of this section 46.2-894 .

NOTE: See note following § 46.2-899.

(e) § 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 must is required to report pursuant to subsection (a) of this section § 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 in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four hours to the State Police or, if the accident occurs in a city or town, to the local police authority of such city or town law-enforcement agency . Such note and written report shall contain the information which the driver must is required to report pursuant to subsection (a) of this section § 46.2-894 and such written report shall state in addition the date, time , and place of the accident and the driver's estimate of the property damage.

Where, as a result of injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to the State Police or local police authority law-enforcement agency and make a reasonable effort to find the owner or custodian of the unattended vehicle or property and report to such person or persons such information as is required to be reported pursuant to subsection (a) of this section § 46.2-894 .

NOTE: See note following § 46.2-899.

(d) § 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 subsection (e) of this section § 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 police authority of such city or town law-enforcement agency . The report shall include his name, address , and such other facts within his knowledge as are required by subsection (e) of this section § 46.2-896 to be reported by the driver.

NOTE: See note following § 46.2-899.

(e) § 46.2-898. *Reports are in addition to others.*- The reports required by this section §§ 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.

(f) § 46.2-899. *Article applies to accidents on private or public property.*- The provisions of this section article shall apply irrespective of whether such accident occurs on the public streets or highways or on private property.

(g) As used in this section, the term "local police authority" shall mean the chief of police or one of his police officers if the accident occurs in a city, town, or a county having a separate police department, or the sheriff or one of his deputies if the accident occurs in a county not having a separate police department. The term "State Police" shall mean the Superintendent, or any officer or office of the Department of State Police.

NOTE: Former § 46.1-176 has been broken up into §§ 46.2-894 through 46.2-899.

§ 46.2-900 46.1-177 . Penalty for violation of § 46.1-176 §§ 46.2-894 through 46.2-897 .-Any person convicted of violating the provisions of § 46.1-176 §§ 46.2-894 through 46.2-897 shall, if such accident result results in injury to ; or the death of, any person, be - punished: (1) by confinement in the penitentiary for not less than 1 year nor more than 5 years, (2) by confinement in jail for not less than 30 days nor more than 1 year, (3) by a fine of not less than \$50 nor more than \$5,000, or (4) by both such confinement in the penitentiary or in jail and such fine be guilty of a Class 6 felony . If such accident result results only in damage to property, the person so convicted shall be deemed guilty of a Class 1 misdemeanor; provided, however, if the vehicle or other property struck is unattended and such damage be less than \$;

250 , such person shall be punished only by a fine not exceeding \$50 guilty of a Class 4 misdemeanor .

NOTE: The \$50 limit on damage has been raised to \$250.

§ 46.2-901 ~~46.1-177.1~~ . ~~Revocation~~ Suspension of driver's license for violation of § 46.1-176 failure to report certain accidents. —Any person convicted of violating the provisions of § 46.1-176 §§ 46.2-894 through 46.2-897 may be punished, in addition to the penalties provided in § 46.1-177 46.2-900 , if such accident resulted only in damage to property and such damage exceeded \$ 250 500 , by ~~revocation~~ suspension of his license or privilege to operate a motor vehicle on the highways of this Commonwealth for a period not to exceed 6 six months by the court or judge. 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 § § 46.1-176 46.2-894 through 46.2-897 as provided in Chapter 6 (§ 46.1-388 et seq.) Article 10 of Chapter 3 (§ 46.2-364 et seq.) of this title. Any license revoked under the provisions hereof shall be surrendered to the court to be disposed of in accordance with the provisions of § 46.1-425 46.2-398 .

NOTE: The property damage limit has been raised to \$500.

§ 46.2-902 ~~46.1-251~~ . 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 police law-enforcement officer.

NOTE: No change has been made.

Article 12. Bicycles.

§ 46.2-903 ~~46.1-229~~ . Riding or driving vehicles other than bicycles on sidewalks.— If any No person shall ride or drive any vehicle other than a bicycle on the sidewalks of any city, town or county , city, or town of this Commonwealth ; except Arlington and Henrico Counties, he shall be guilty of a traffic infraction and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars .

NOTE: The reason for exempting Henrico and Arlington Counties is obscure and that exemption has been eliminated.

§ 46.2-904 ~~46.1-229.01~~ . Operation of bicycles on sidewalks and crosswalks .— A. The governing body of any county, city , or town may by ordinance prohibit the riding of 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 conspicuously posted in general areas where bicycle riding is prohibited.

B. In locations where the riding of bicycles on sidewalks or crosswalks is not prohibited:

(1) A person riding a bicycle upon and along on a sidewalk, or across a roadway upon and along on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such any pedestrian ; .

(2) A No person shall not ride a bicycle upon and along on a sidewalk, or across a roadway upon and along on a crosswalk, where such use of bicycles is prohibited by official traffic control devices ; .

(3) A person riding a bicycle upon and along on a sidewalk, or across a roadway upon and along on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances ; and .

(4) The foregoing provisions notwithstanding, local authorities may prohibit the riding of bicycles on designated sidewalks or crosswalks.

NOTE: Subdivision (4) duplicates provisions of subdivision A.

§ 46.2-905 ~~46.1-229.1~~ . Riding bicycles and mopeds on roadways and bicycle paths.— (a) Any person operating a bicycle or moped upon on a roadway shall ride as close as practicable to the right hand curb or edge of the roadway, except under any of the following circumstances:

(1) 1. When overtaking and passing another vehicle proceeding in the same direction;

(2) 2. When preparing for a left turn at an intersection or into a private road or driveway;
and

(3) 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 ~~hand~~ curb or edge.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle or moped and another vehicle to pass safely side by side within the lane.

(b) Persons riding bicycles ~~upon~~ on a highway shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles.

(e) The governing body of any locality may by ordinance provide that wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

NOTE: Internal numbering has been revised to conform to standard format and to highlight the list.

§ 46.2-906 ~~46.1-229.2~~ . Carrying articles on bicycles and mopeds.—No person operating a bicycle or moped ~~upon~~ on a highway shall carry any package, bundle, or article which prevents the driver - from keeping at least one hand ~~upon~~ on the handlebars.

§ 46.2-907 ~~46.1-229.2:1~~ . Overtaking and passing vehicles.— A. A person riding a bicycle 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.

B. A person riding a bicycle or moped may overtake and pass another vehicle only under conditions which permit the movement to be made with safety.

C. A person riding a bicycle 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.

D. Except as otherwise provided in this section, a person riding a bicycle or moped shall comply with all rules applicable to the driver of a *motor* vehicle when overtaking and passing.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-908 ~~46.1-66.1~~ . Registration of bicycle serial numbers.— ~~All persons owning bicycles~~ Any person who owns a bicycle may register ~~the~~ its serial number of any such ~~bicycle~~ bicycle with the ~~police or sheriff's department~~ local law-enforcement agency of the political subdivision in which said person resides.

NOTE: This section has been included with other sections dealing with bicycles, rather than with sections dealing with registration.

Article 13. Motorcycles and mopeds.

§ 46.2-909 ~~46.1-172~~ . Riding ~~upon~~ or operating on motorcycles, generally.—A person operating a motorcycle, as defined in subdivision (14) of § 46.1-1 § 46.2-100 excluding ~~four-wheeled and~~ three-wheeled vehicles, shall ride only upon the permanent ~~and regular~~ seat attached to the motorcycle, and such operator shall not carry any other person. No other person shall ride on a motorcycle unless ~~such~~ the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent ~~and regular~~ seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If ~~such~~ the motorcycle is designed to carry more than one person, it shall also be equipped with a footrest; for the use of such passenger.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-910. *Motorcyclist to wear helmets, etc.*- A person operating a motorcycle shall wear a face shield, safety glasses or goggles, or have his motorcycle equipped with safety glass or a windshield at all times while operating ~~said~~ the vehicle, and operators and any passengers thereon; if any, shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have a non-removable ~~roof~~ roofs, windshield windshields and an enclosed body bodies shall not be required to wear protective helmets. The Superintendent of State Police shall ~~within one year~~ from the enactment of this bill establish standards for the windshields, face shields, glasses or goggles, and protective helmets required herein. Failure to wear a face shield, safety glasses or goggles, or protective helmets shall not constitute negligence per se in any civil proceeding.

No motorcycle operator shall use any face shield, safety glasses or goggles, or have his

motorcycle equipped with safety glass or a windshield unless of a type approved by the Superintendent.

NOTE: Requirements of using helmets, etc., have been broken out of former § 46.1-172 for clarity.

§ 46.2-911. *Penalty for violation of certain provisions relating to use of motorcycles.*— Any person who knowingly violates this section § 46.2-909 or § 46.2-910 shall be guilty of a Class 3 misdemeanor.

NOTE: This section has been separated from former § 46.1-172.

§ 46.2-912 ~~46.1-172.01~~ . *Operating motorcycle without headlight, horn or rearview mirror.*— ~~(a) Notwithstanding any provision of law to the contrary, it shall be lawful for any duly licensed person to operate a motorcycle designed exclusively for use in trail riding, or sporting events known as endurance runs, during the actual running of such events when the same have been sanctioned by the American Motorcycle Association, on portions of the public highways between sunrise and sunset 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) Persons B. No person operating such shall operate motorcycles without such equipment on the public highways of this Commonwealth other than at the times and under the circumstances hereinabove set forth shall be guilty of a traffic infraction punishable as provided in § 46.1-16.01 .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-913 ~~46.1-172.02~~ . *Vendors of certain motorcycles to furnish statements of registration and licensing requirements.*—Every retailer of motorcycles having a *rating* of seven horsepower or less ~~rating~~ , shall provide written statements to every vendee regarding registration and licensing of such vehicles and the requirement of a motor vehicle driver's license.

~~Persons violating the provisions of this section shall be guilty of a traffic infraction punishable as provided in § 46.1-16.01.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-914. *Limitations on operation of mopeds.*—*No moped shall be driven on any highway or public vehicular area (i) faster than thirty miles per hour or (ii) by any person under the age of sixteen.*

NOTE: This section contains the limits on moped operations presently contained in the definition of "moped" in § 46.1-1.

§ 46.2-915 ~~46.1-172.03~~ . *Stickers required on mopeds.*—Any dealer who sells at retail 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 horsepower 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 or who sells a motorcycle with such a sticker or decal attached thereto indicating that its motor is rated at no more than two brake horsepower producing only ordinary speeds up to a maximum of thirty miles per hour shall be guilty of a Class 1 misdemeanor.

§ 46.2-916 ~~46.1-229.3~~ . *Ordinances providing for the disposition of unregistered or unlicensed motorcycles.*—*The governing body bodies of the counties of Prince William, Campbell, Henrico, Arlington, Roanoke, Loudoun and Fairfax and the city of Virginia Beach, counties, cities, and towns may by ordinance provide by appropriate ordinance for the lawful seizure and impounding disposition of unlicensed or unregistered motorcycles by an ordinance substantially conforming to*

the following: operated either on the highways or on private property without the consent of the private property owner.

It shall be unlawful for any person to operate any motorcycle, as defined in § 46.1-1 of the Code of Virginia of 1950, as amended, which does not comply with registration and licensing requirements of the Code of Virginia, on the public highways of this State, or upon the driveways or premises of a church, school, recreational facility or business property open to the public, unless authorized by the owner of the property or his agent.

The owner of any privately owned property desiring enforcement upon his property of any ordinance enacted pursuant to this section shall notify the chief law enforcement officer in writing of his desire and the owner shall post notices on his property adequate to inform the public that operation of such vehicles upon that property is unlawful whereupon it shall be unlawful to operate any such motorcycle on such privately owned property.

Where any officer charged with the enforcement of the motor vehicle laws of this State arrests any person and charges him with violating the preceding paragraph of this ordinance, he may seize the motorcycle and deliver the same to the chief police officer of the county, city or town in which the offense is committed and the vehicle shall be held by the chief law-enforcement officer until the charge is disposed of by the court having jurisdiction; provided seizure shall not be made of any motorcycle operated on private property unless the owner of such property complies with the requirements of the immediately preceding paragraph of this section. In disposing of the charge, the court shall order the vehicle returned to its owner.

When any person has been convicted of a second or subsequent violation of this ordinance, the judge may order such vehicle held by the highest law-enforcement officer for a period not to exceed ninety days.

The penalties imposed by this ordinance are in addition to any other penalty imposed by § 46.1-16 of the Code of Virginia of 1950, as amended, for such violation and not in substitution thereof.

NOTE: This section is not set out in the present Code. It has been simplified and made applicable to all localities.

Article 14. School Buses.

§ 46.2-917 ~~46.1-169.1~~ . 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 fifteen persons to be operated on the highways of this Commonwealth if it be *is* yellow in color, unless such motor vehicle *it* is used in transporting students who attend public, private , or parochial schools ; or for the purposes specified in § 46.1-287.1 and meets the requirements for motor vehicles used in the transportation of pupils in the public schools .

This section shall not apply to motor vehicles which transport passengers as well as school children for hire in the Cities of Bristol and Charlottesville.

Violators *Any violation* of this section shall be guilty of *constitute* a Class 1 misdemeanor.

NOTE: This change has been made to preserve the unique yellow color of school buses. Neither Charlottesville nor Bristol any longer operates yellow public transit buses.

§ 46.2-918 ~~46.1-169.2~~ . 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 parochial schools or in connection with such schools, operating on any ~~streets or highways~~ *highway* in this Commonwealth which ~~have~~ *has* two or more roadways separated by a physical barrier or barriers or an unpaved area shall be routed so that no pupil shall be picked up or discharged at any point which will require any pupil to cross such ~~streets or highways~~ *highway* as hereinabove described, in order for such pupil to reach such bus or to return to his residence. Any person *violating violation* of this section shall be guilty of *constitute* a Class 1 misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-919 ~~46.1-169~~ . 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 ~~to or from school~~, provided, however, such school bus may be operated by a person between the ages of sixteen and

eighteen years, with the approval of the school board served by such bus .

NOTE: This change is recommended by the Department of Education to comport with a federal requirement that school bus drivers be at least eighteen years old.

*Article 15.
Emergency Vehicles.*

§ 46.2-920 46.1-226 . Law-enforcement, regional detention center, fire-fighting, rescue vehicles and ambulances *Emergency vehicles* exempt from regulations in certain emergencies *situations* ; exceptions and additional requirements.— (a) The operator of (i) any law-enforcement vehicle operated by or under the direction of a federal, state or local law-enforcement officer in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, or in response to an emergency call, (ii) 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, (iii) any vehicle used for the purpose of fighting fire, including publicly owned state forest warden vehicles not to exceed 200 in number, when traveling in response to a fire alarm or emergency call, or (iv) any ambulance or rescue or life-saving vehicle designed or utilized for the principal purposes of supplying resuscitation or emergency relief where human life is endangered *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;*

(1) 2. Proceed past any steady or flashing red signal, traffic light, stop sign , or device indicating moving traffic shall stop if the speed and movement of the vehicle is sufficiently reduced and controlled so that to enable it can to pass a signal, traffic light , or device with due regard to the safety of persons and property ; ;

(2) 3. Park or stand stop notwithstanding the other provisions of this chapter ; ;

(3) 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 ; ;

(4) 5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection ; ;

(5) 6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, other stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding subsection (b) hereof 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) These *B. The exemptions* , hereinbefore granted to such a moving vehicle *emergency vehicles by subsection A of this section* ; shall apply only when the operator of such vehicle displays a flashing, blinking , or alternating emergency light or lights as provided in § 46.1-267 §§ 46.2-1022 through 46.2-1024 and sounds a siren, exhaust whistle , or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and, only when there is in force and effect for such vehicle either (i) standard automobile 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 1 person in any 1 accident and, subject to the limit for 1 person, to a limit of \$300,000 because of bodily injury to or death of 2 or more persons in any 1 accident, and to a limit of \$10,000 because of injury to or destruction of property of others in any 1 accident having at least the minimum coverage provided in § 46.2-472 or (ii) a certificate of self-insurance issued pursuant to § 46.1-295 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 be construed to 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, (ii) in response to an emergency call, (iii) in testing the accuracy of speedometers of such vehicles, or (iv) in testing the accuracy of speed measuring devices specified in § 46.2-882;

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 ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered.

NOTE: Speed limit exemptions previously contained in § 46.1-199 have been included here with other exemptions for emergency vehicles. The limitation of state forest warden vehicles to 200 has been eliminated.

§ 46.2-921 ~~46.1-227~~ . Following or parking near fire apparatus or rescue squad 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 rescue squad vehicle traveling in response to a fire alarm or emergency call at any distance closer than ~~500~~ 500 feet to such apparatus or rescue squad vehicle or to park such vehicle within ~~500~~ 500 feet of where fire apparatus has stopped in answer to a fire alarm.

NOTE: No change has been made.

§ 46.2-922 ~~46.1-228~~ . 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.

NOTE: Only the section number has been changed.

Article 16. Pedestrians.

§ 46.2-923 ~~46.1-230~~ . How and where pedestrians to cross *highways* .— (a) When crossing highways ~~or streets~~, 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 any intersections ~~of highways or streets~~ 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.

(b) The governing body of an ~~incorporated~~ 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 ~~peace or police law-enforcement~~ officer.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-924 ~~46.1-231~~ . Right-of-way of pedestrians.— (a) The driver of any vehicle ~~upon~~ on a highway ~~or street~~ shall yield the right-of-way to a any pedestrian crossing such highway ~~or street~~ within :

1. At any clearly marked crosswalk, whether at mid-block or at the end of any block, or ;

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 ;

~~or at~~ 3. At any intersection when the driver is approaching on a highway or street where the legal maximum speed does not exceed thirty-five miles per hour .

~~except~~ Notwithstanding the foregoing provisions of this section, at intersections or crosswalks where the movement of traffic is being regulated by ~~traffic law-enforcement~~ officers or traffic ~~direction~~ control devices where, the driver shall yield according to the direction of the ~~traffic law-enforcement~~ officer or device.

(b) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

(c) The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or come to a complete stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

(d) Pedestrians crossing highways or streets at intersections shall at all times have the right-of-way over vehicles making turns into the highways or streets being crossed by the pedestrians.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-925 ~~46.1-231.1~~ . Pedestrian control signals.—Whenever special pedestrian control signals exhibiting the words “Walk” or “Don’t Walk” are in place such signals shall indicate as follows:

(a) 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.

(b) 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-926 ~~46.1-232~~ . Pedestrians stepping into street highway where they cannot be seen.—~~Pedestrians~~ *No pedestrian* shall ~~not~~ step into ~~that portion of~~ a highway or street open to moving vehicular traffic at any point between intersections where ~~their~~ *his* presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side ; ~~except~~ . *The foregoing prohibition shall not apply to a pedestrian stepping into a highway to board a passenger bus or to enter a safety zone, in which event they he shall cross the highway or street only at right angles.*

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-927 ~~46.1-233~~ . Boarding or alighting from buses.—When actually boarding or alighting from ~~passenger~~ buses, pedestrians shall have the right-of-way over vehicles, but shall not, in order to board or alight from ~~passenger~~ buses, step into the highway or street sooner ~~or~~ remain there longer than is absolutely necessary.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-928 ~~46.1-234~~ . Pedestrians not to use roadway except when necessary; keeping to left ; ~~soliciting rides~~ .—Pedestrians shall not use the roadways or streets, ~~other than the sidewalk thereof~~, for travel, except when necessary to do so because of the absence of sidewalks ; ~~which are reasonably suitable and passable for their use ; in which case, if~~ . *If they walk upon 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.*

NOTE: See note following § 46.2-929.

§ 46.2-929. *Pedestrians soliciting rides.*- Pedestrians shall not stand or stop in any roadway or street for the purpose of soliciting rides.

NOTE: Former § 46.1-234 has been broken up into §§ 46.2-928 and 46.2-929.

§ 46.2-930 ~~46.1-234.1~~ . Loitering on bridges.—Pedestrians shall not loiter on any bridge on which the State Highway and Commonwealth Transportation Commissioner has posted signs prohibiting such action. Any person violating the provisions of this section shall be guilty of a traffic infraction ~~and, upon conviction, be punished according to the provisions of § 46.1-16.01~~ .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-931 ~~46.1-234.2~~ . Certain counties may prohibit distribution of handbills, etc., solicitation of contributions and sale of merchandise on highways.— ~~A. Counties having withdrawn their highways from the secondary system of state highways under the provisions of Chapter 415, Acts of Assembly of 1932, and which have not elected to return their highways to such system~~ *Arlington and Henrico Counties* are hereby authorized to adopt ordinances prohibiting the :

1. *The* distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to the drivers of motor vehicles or passengers therein on secondary highways located within such counties ; ;

B. Such counties are hereby further authorized to adopt ordinances prohibiting the

2. *The* solicitation of contributions of any nature from the drivers of motor vehicles or passengers therein on secondary highways located within such counties ; ;

C. Such counties are hereby further authorized to adopt ordinances prohibiting the

3. The sale of merchandise or the attempted sale of merchandise to the drivers of motor vehicles or passengers therein on secondary highways located within such counties.

D. Ordinances adopted pursuant to this section may provide that any person violating the provisions of such ordinances shall be guilty of a traffic infraction.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-932 ~~46.1-235~~ . Playing on ~~streets or~~ highways; roller skates, skateboards, toys , or other devices on wheels or runners; persons riding bicycles, mopeds, etc., not to attach to vehicles.—~~(a)~~ No person shall play on a highway ~~or street~~ , other than upon 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 State Highway and Commonwealth Transportation Commissioner exclusively for vehicular travel. No person shall use ~~on a highway or street where play is prohibited~~ roller skates, skateboards, toys, or other devices on wheels or runners, except bicycles, mopeds, and motorcycles , ~~on highways where play is prohibited~~ . The governing bodies of counties, cities, and towns may designate areas on highways ~~or streets under their control~~ where play is ~~prohibited or permitted and may restrict impose reasonable restrictions on~~ play to the use of roller skates, toys, or other devices on wheels or runners and, if such ~~on such highways~~. If the highways ~~or streets~~ have only two traffic lanes, such persons using such devices, except bicycles, mopeds, and motorcycles, shall keep as near as reasonably possible to the extreme left side or edge of the left ~~hand~~ traffic lane so that they will be facing oncoming traffic at all times.

~~(b)~~ No person riding upon any bicycle, moped, roller skates, toys , or other devices on wheels or runners, shall attach the same or himself to any vehicle upon a roadway.

NOTE: Skateboards have been added to the list of toys prohibited on highways.

§ 46.2-933 ~~46.1-237~~ . When vehicles to stop for pedestrian guided by dog or carrying white, red-tipped white , or metallic cane.— Whenever a pedestrian is crossing or attempting to cross a ~~public street or~~ highway ; within the corporate limits of any city or town ; is guided by a dog guide or carrying in a raised or extended position a cane or walking stick clearly visible above the body which is metallic or white in color or white tipped with red, 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 ~~traffic police~~ officer.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-934 ~~46.1-240~~ . ~~Construction of § 46.1-237; failure~~ Failure to use cane or guide dog not contributory negligence.—Nothing contained in § ~~46.1-237~~ ~~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 ~~streets or~~ highways ; ~~nor~~ . 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 upon the ~~streets, highways or~~ sidewalks of this Commonwealth, be held to constitute nor be evidence of contributory negligence.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-935 ~~46.1-241~~ . Regulation by ordinance in ~~counties, cities, incorporated and towns and~~ counties .—The governing bodies of ~~counties, cities, incorporated and towns and~~ counties may enact ordinances requiring pedestrians to obey signs and signals erected on highways ~~or streets~~ therein for the direction and control of ~~travel and~~ traffic and , to obey the orders of ~~police~~ law-enforcement officers engaged in directing ~~travel and~~ traffic on such highways ~~or streets~~ , and may provide penalties ~~for violating such ordinances by fines not exceeding five dollars for each offense not exceeding those of a traffic infraction~~ .

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 17.

Legal Procedures and Requirements.

§ 46.2-936 ~~46.1-178~~ . Arrest for misdemeanor; release on summons and promise to appear; right to demand hearing immediately or within 24 ~~twenty-four~~ hours; issuance of warrant on request of officer for violations of §§ ~~46.1-350~~ ~~46.2-301~~ and ~~46.1-351~~ ~~46.2-302~~ ; refusal to promise to appear; violations.—~~(a)~~ 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 § ~~46.1-179~~

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~~ . Such time to ~~shall~~ be at least five days after such arrest unless the person arrested ~~shall demand~~ demands an earlier hearing ; ~~and such~~ . 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, ~~and~~ before a court having jurisdiction under this title within the ~~city, town or county~~ , city, or town wherein such offense was committed. Upon the giving of by such person of his written promise to appear at such time and place , the officer shall forthwith release him from custody.

~~(a1) [Repealed.]~~

~~(a2)~~ Notwithstanding ~~subsection (a)~~ 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 §§ ~~46.1-350~~ 46.2-301 and ~~46.1-351~~ 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 magistrate shall proceed in accordance with the provisions of § 19.2-123.

~~(b)~~ 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 § ~~46.1-170~~ 46.2-940 .

~~(c)~~ 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 § ~~46.1-178.1~~ 46.2-938 .

~~(d)~~ 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 police officer for other misconduct in office.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-937~~ ~~46.1-178.01~~ . 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-938~~ ~~46.1-178.1~~ . Issuance of warrant upon failure to comply with summons; penalties; suspension of licenses for failure to appear.— ~~(a)~~ Upon the failure of any person to comply with the terms of a summons or notice as provided in § ~~46.1-178~~ 46.2-936 , such person shall be guilty of a Class 1 misdemeanor and the court may direct the arresting officer or the clerk of the court to obtain order a warrant for his arrest or for the violation of his written promise to appear given in accordance with § ~~46.1-178~~ and serve, or cause to be served, or attempt, or cause to be attempted, to serve such warrant on the person. 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 .

~~(b)~~ 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 (a) hereof,~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-939~~ ~~46.1-178.2~~ . Authority of police law-enforcement officers to issue subpoenas.— ~~A. Any police officer~~ Local law-enforcement officers and state police officers , in the course of his their duties in the investigation of an 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.

Police officers of the Department of State Police ~~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.

~~B.~~ Any person failing to appear in response to a subpoena issued as provided in ~~subsection A~~ hereof *this section* shall be punished as is provided by law.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-940 ~~46.1-179~~ . When arresting officer shall take person before issuing authority.—If any person is: ~~(1)~~ (i) believed by the arresting officer to have committed a felony; ~~(2)~~ (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.1-178 ~~46.2-936~~ ; or ~~refusing~~ (iii) refuses to give a written promise to appear under the provisions of § 46.1-178 ~~46.2-936~~ or § 46.1-179.2 ~~46.2-945~~ ; the arresting officer shall promptly take such person him forthwith before a magistrate or other issuing authority having jurisdiction ; ~~who shall to~~ determine whether ~~or not~~ probable cause exists that such person is likely to disregard a summons ; ~~and~~ . The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-941 ~~46.1-179.01~~ . Conditions precedent to issuance of summons for violation of parking ordinance; notice.—Before any summons shall issue *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 type at least one-half inch in height.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-942 ~~46.1-193.1~~ . 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 this 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. ~~Such~~ The report shall be considered by the court or jury in both determining guilt or innocence and in fixing punishment.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-943 ~~46.1-347.1~~ . ~~Definitions~~ Court or jury may consider defendant's prior traffic record before sentencing .— ~~(a)~~ The term “traffic offense” when used in this ~~chapter~~ *section* shall mean any moving traffic violation described or enumerated in subdivisions ~~(a)~~ and ~~(b)~~ 1 and 2 of § 46.1-412 § 46.2-382 , whether such violation was committed within or ~~without~~ outside this Commonwealth according to the records of the Department of Motor Vehicles.

~~(b)~~ The term “prior traffic record” when used in this ~~chapter~~ *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 ~~subsection (a)~~ *the foregoing provisions* of this section.

§ 46.1-347.2. ~~Court or jury may consider defendant's prior traffic record before imposing sentence.~~ 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.

NOTE: Former §§ 46.1-347.1 and 46.1-347.2 have been combined.

Article 18.
Arrest of Nonresidents.

§ 46.2-944 ~~46.1-179.1~~ . Definitions.—As used in this article:

~~(a)~~ “Jurisdiction” means a state, territory or possession of the United States, the District of

Columbia, or the Commonwealth of Puerto Rico.

~~(a1)~~ "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

~~(a2)~~ "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

~~(a3)~~ "Party jurisdiction" means any jurisdiction which by its laws or by written agreement with this Commonwealth extends to residents of Virginia substantially the rights and privileges provided by this article.

~~(b)~~ "Court" means a court of law or traffic tribunal.

~~(c)~~ "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

~~(c1)~~ "Terms of the citation" means those options expressly stated upon the citation.

~~(c2)~~ "Compliance" means the motorist must appear for a hearing and/or pay court fines and costs.

~~(d)~~ "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

~~(e)~~ "Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

~~(f)~~ "Personal recognizance" means a signed agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

~~(g)~~ "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

~~(h)~~ "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

NOTE: See note following § 46.2-946.

§ 46.2-945 ~~46.1-179.2~~ . Issuance of citation to motorist; party jurisdiction; police officer to report noncompliance with citation.— ~~(a)~~ ~~(1)~~ A. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who is a resident of or holds a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in subsection ~~(b)~~ C of this section, require such motorist to post collateral or bond to secure appearance for trial, but shall accept such motorist's written promise that he will comply with the terms of such citation; provided, however, the motorist shall have the right upon his request to post collateral or bond in a manner provided by law and, in such case, the provisions of this article shall not apply.

~~(2)~~ B. In the absence of the motorist's written promise, the officer shall proceed according to the provisions of § ~~46.1-179~~ 46.2-940 .

~~(b)~~ C. No motorist shall be entitled to receive a citation under the terms of subdivision ~~(a)~~ ~~(1)~~ subsection A of this section nor shall any police officer issue such citation under the same in the event the offense for which the citation is issued shall be one of the following: ~~(1)~~ (i) an offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this Commonwealth; or ~~(2)~~ (ii) an offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist's license.

~~(c)~~ D. Upon the failure of any motorist to comply with the terms of a traffic citation, the police officer or the appropriate official shall report this fact to the Department of Motor Vehicles. Such report shall clearly identify the motorist; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle. Such report shall be signed by the police officer or appropriate official.

NOTE: See note following § 46.2-946.

§ 46.2-946 ~~46.1-179.3~~ . Department to transmit officer's report to party jurisdiction; suspension

of resident's license for noncompliance with citation issued by party jurisdiction.— ~~(a)~~ Upon receipt of the report as described in § ~~46.1-179.2~~ 46.2-945 , the Department of Motor Vehicles shall transmit a certified copy of such report to the official in charge of the issuance of driver's licenses in the home jurisdiction in which the motorist resides or by which he is licensed.

~~(b)~~ Upon receipt from the issuing jurisdiction of a certification of noncompliance with a citation by a motorist holding a driver's license issued by this Commonwealth, the Commissioner of the Department of Motor Vehicles forthwith shall suspend such motorist's driver's license. The order of suspension shall indicate the reason for the order, and shall notify the motorist that his license shall remain suspended until he has furnished evidence satisfactory to the Commissioner that he has fully complied with the terms of the citation which was the basis for the suspension order.

~~(c)~~ The licensing authority of the issuing jurisdiction may suspend the privilege of a motorist for whom a report has been transmitted.

~~(d)~~ It shall be the duty of the Commissioner of Motor Vehicles to ascertain and remain informed as to which jurisdictions are party jurisdictions hereunder and, accordingly, to maintain a current listing of such jurisdictions, which listing he shall from time to time cause to be disseminated among the appropriate departments, divisions, bureaus and agencies of this Commonwealth, the principal executive officers of the several counties, cities and towns of this Commonwealth and the licensing authorities in all other jurisdictions which are, have been, or claim to be a party jurisdiction pursuant hereto.

~~(e)~~ Consistent with the terms of the applicable Nonresident Violator Compact, the home jurisdiction shall take no action regarding any report transmitted by the issuing jurisdiction, which is transmitted more than six months after the date on which the traffic citation was issued.

~~(f)~~ Consistent with the terms of the applicable Nonresident Violator Compact, the home jurisdiction shall take no action regarding any report on any violation where the date of issuance of the citation predates the entry into the compact for the two party jurisdictions affected.

NOTE: Because this article is part of an interstate compact, absolutely minimal changes have been made in its provisions.

CHAPTER 10.
MOTOR VEHICLE AND EQUIPMENT SAFETY.
ARTICLE 1.
Vehicle and Equipment Safety, Generally.

§ ~~46.2-1000~~ 46.1-58 . ~~When registration to be suspended~~ Department to suspend registration of vehicles lacking certain equipment ; officer to take possession of registration card, license plates and decals upon 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 shall determine determines is not equipped with proper (i) brakes, proper (ii) lights, proper (iii) horn or warning device, or proper electrical or mechanical signalling device (iv) turn signals, or (v) safety glass when required by law, or proper (vi) mirror, proper (vii) muffler, proper (viii) windshield wiper, or proper (ix) steering gear adequate to insure 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 police 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 fifteen days unless the owner of said 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 said the owner.

NOTE: Internal numbering has been added to clarify the list.

§ ~~46.2-1001~~ 46.1-270.01 . Removal of unsafe vehicles; penalty.— A- Any motor vehicle, trailer, or semitrailer examined by a law-enforcement officer certified to perform vehicle inspection procedures safety inspections and found to be operating with defective brakes, tires, wheels, steering mechanism, or such 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 such 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.

B. ~~Any~~ No person operating shall operate a motor vehicle, trailer, or semitrailer which has been removed from service as provided in ~~subsection A~~ the foregoing provisions of this section ; if such operation is prior to correction and proper authorization by a law-enforcement officer certified to perform vehicle safety inspection procedures ; shall be guilty of a traffic infraction and shall, upon conviction thereof, be punished in accordance with § 46.1-16.01 inspections .

C. For the purpose of this section, the term "law-enforcement officer certified to perform vehicle inspection procedures safety inspections" shall include (i) State Police officers, and (ii) those law-enforcement officers of any county or city having a population of more than 300,000 or any county contiguous thereto which had adopted the county executive form of government *Fairfax County or Prince William County* who have satisfactorily completed a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, in federal motor carrier safety regulations, safety inspection procedures , and out-of-service criteria. 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1002 ~~46.1-308~~ . Illegal possession or sale of certain unapproved equipment ~~or speedometer not 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 equipment ~~upon~~ on a motor vehicle operated on a highway any (i) lighting device, warning device, signal device, safety glass , or other equipment ~~or~~ for which approval is herein 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 ~~or~~ (ii) any speedometer which is not in good working order .

Note: The speedometer provisions of this section have been moved to § 46.2-1080.

§ 46.2-1003 ~~46.1-308.1~~ . Illegal use of defective or unsafe equipment.—It shall be unlawful for any person to use or have as equipment ~~upon~~ on a motor vehicle operated on a highway any device or equipment mentioned in § 46.1-308 of the Code 46.2-1002 which is defective or in unsafe condition.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1004 ~~46.1-309~~ . Trademark or name and instructions required.—Each device ; glass or other equipment mentioned in § 46.1-308 46.2-1002 and offered for sale in this the Commonwealth shall bear ~~thereon~~ 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 of any bulbs ; if any, to be used therewith and any particular methods of mounting or adjustments necessary to meet the requirements of this title ; and any rule ~~or~~ regulation of the Superintendent.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 2. Testing, Evaluation, and Approval of Equipment.

§ 46.2-1005 ~~46.1-311~~ . Procedure for approval of equipment.—The Superintendent may establish a procedure for the approval of equipment required to be so 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 hereinafter 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 ~~or~~ , the American

National Standards Institute, Incorporated , or the regulations of the federal Department of Transportation.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.1-275. Specifications for and tests of lighting devices.— The Superintendent shall determine whether any lighting device of a type sold for use or used upon any motor vehicle, trailer or semitrailer will comply with the requirements of this title and the specifications adopted by him for laboratory tests. The Superintendent may adopt current specifications of the Society of Automotive Engineers or the regulations of the federal Department of Transportation for such laboratory tests. He shall publish lists of approved devices by name and type.

NOTE: The general requirement that equipment be approved by the Superintendent (see §§ 46.2-1002 and 46.2-1005) make this section superfluous.

§ 46.2-1006 46.1-312 . Approval of brake and headlight ~~head light~~ testing methods and equipment.—The Superintendent shall approve methods of brake testing and ~~headlight 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 ~~title~~ chapter .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1007 46.1-313 . Retesting of devices and revocation of approval certificates.—The Superintendent, when having reason to believe that an approved lighting device ; ~~warning device;~~ signal device, safety glass or other 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 ~~title~~ chapter , may, after notice to the manufacturer thereof, suspend or revoke the certificate of approval issued therefor, until or unless ~~such the~~ device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this ~~title~~ chapter . ~~In the event no~~ If the certificate of approval for such device or equipment has been ~~issued waived~~ by the Superintendent by reason of a waiver as provided in § 46.1-311 of the Code 46.2-1005 , the notice to the manufacturer as ~~herein~~ provided in this section shall have the effect of making further sales of such device or equipment unlawful in this 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 § 46.1-311 of the Code 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 ~~such the~~ approved device , and if ~~such the~~ device upon ~~such~~ retest fails to meet the requirements of this title , the Superintendent may permanently revoke the certificate of approval of ~~such 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1008 46.1-314 . Fees for approval certificates.— (a) Any person who shall ~~apply~~ applies to the Superintendent for a certificate of approval required by this ~~chapter~~ article shall pay a fee not to exceed the following amounts fees ~~herein~~ prescribed. :

(1) ~~The fee for~~ 1. For approval and recordation of head lamps lights , 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 shall be a sum not more than , \$150.

(2) ~~The fee for~~ 2. For approval and recordation of rear lamps tail lights , spot lamps lights or any other lighting devices shall be a sum not more than , seventy-five dollars.

(3) ~~The fee for~~ 3. For approval and recordation of brake-testing and light-testing machines shall be a sum not more than , \$100 for each type approved.

(4) ~~The fee for~~ 4. For approval and recordation of safety lap belts and shoulder straps or harnesses or any combination lap belt and shoulder strap or harness shall be a sum not more than , fifty dollars.

(5) ~~The fee for~~ 5. For approval and recordation of safety glasses, face shields , or goggles for motorcycle operators shall be a sum not more than , fifty dollars.

(b) 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 ; and shall be in addition to the regular appropriation made by law .

NOTE: Internal numbering has been conformed to standard format.

§ 46.2-1009 ~~46.1-314.1~~ . ~~Certain Exemptions for certain electrically powered vehicles powered by electricity exempt from article ; standards and permits for such vehicles.~~—The provisions of this article §§ 46.2-1002 through 46.2-1008 shall not apply to vehicles which are powered solely by electricity, which are capable of moving speeds not in excess of no more than fifteen miles per hour ; are designed to transport persons and property only short distances, while such vehicles are in use in urban or suburban areas; provided, that the . The Superintendent may establish standards for safety equipment to be used upon 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. Persons operating such vehicles without such permit shall be guilty of a misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 3. Lights and Turn Signals.

§ 46.2-1010 ~~46.1-250~~ . Equipment required. Every vehicle operated driven or moved upon on a highway within this Commonwealth shall at all times be equipped with such lamps lights as are in this article respectively required in this chapter for different classes of vehicles ; which lamps . The lights shall at all times be capable of being lighted, except as herein otherwise provided ; but this . This section shall not apply , however, to any vehicle for transporting well-drilling machinery licensed under § ~~46.1-156~~ 46.2-700 when operated only between the hours of sunrise and sunset.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1011 ~~46.1-260~~ . Head lamps lights on motor vehicles.—Every motor vehicle other than a motorcycle, road roller, road machinery , or tractor used on a highway shall be equipped with at least two head lamps lights as approved by the Superintendent, at the front of and on opposite sides of the motor vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1012 ~~46.1-261~~ . Head lamps lights on motorcycles; auxiliary front lamps head lights .—Every motorcycle shall be equipped with at least ~~1~~ one and not more than ~~2~~ two head lamps lights 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 to render discernible a person or object at a distance of ~~200~~ but 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles. In addition , each motorcycle may be equipped with not more than two auxiliary front lamps head lights of a type approved by the Superintendent.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1013 ~~46.1-262~~ . Rear lamps Tail lights .—Every motor vehicle, trailer , or semitrailer which is being drawn at the end of ~~1~~ one or more other vehicles, or motorcycles shall carry at the rear a lamp red light capable of exhibiting a red light plainly visible in clear weather from a distance of ~~500~~ 500 feet to the rear of such vehicle and such . Such rear lamps tail lights shall be constructed and so mounted in its their relation to the rear license plate as to illuminate by a white light such the license plate with a white light so that the same may be read from a distance of ~~50~~ 50 feet to the rear of such vehicle ; or . Alternatively, a separate white light shall be so mounted as to illuminate and make visible such the rear license plate from a distance of ~~50~~ 50 feet to the rear of such vehicle ; such rear . Any such tail light or special white light to shall be of a type that has been approved by the Superintendent.

In any instance where the rear lamp 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1014 46.1-262.1 . ~~Stop lamps Brake lights~~ .-Every motor vehicle, trailer , or semitrailer, except an antique vehicle not originally equipped with a ~~stop lamp brake light~~ , registered in ~~this the~~ Commonwealth and operated on the highways in ~~this the~~ Commonwealth shall be equipped with at least ~~1 stop lamp one brake light~~ of a type approved by the Superintendent ~~which~~ . ~~Such brake lights shall automatically exhibit~~ exhibit a red or amber light plainly visible in clear weather from a distance of ~~500² 500 feet~~ to the rear of such vehicle when the ~~foot~~ brake pedal is actuated applied .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1015 46.1-263 . ~~Lamps Lights~~ on bicycles and mopeds.-Every bicycle and moped when in use between sunset and sunrise shall be equipped with a ~~lamp white light~~ on the front which shall ~~emit a white light~~ be visible in clear weather from a distance of at least ~~500² 500 feet~~ to the front and with a red reflector on the rear . ~~Such reflector shall be of a type approved by the Superintendent which and shall be visible from all distances in clear weather from 50² fifty feet to 300² 300 feet~~ to the rear when directly in front of lawful upper high beams of head lamps lights on a motor vehicle. A ~~lamp red light emitting a red light~~ visible in clear weather from a distance of ~~500² for 500 feet~~ to the rear may be used in lieu of or in addition to the red reflector. ~~Such lights and reflector shall be of types approved by the Superintendent.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1016 46.1-264 . ~~Lamps Lights~~ on other vehicles; ~~reflex~~ reflectors.- (a) All vehicles or other mobile equipment not ~~heretofore otherwise~~ in this article required to be equipped with specified lamps lights shall carry ~~1 at least one or more lamps or lanterns white lights capable of projecting a white light~~ to the front and a red light to the rear visible in clear weather from a distance of not less than ~~500² 500 feet~~ to the front and rear of such vehicles.

(b) In lieu of or in addition to the ~~lamps or lanterns lights~~, a ~~reflex~~ reflector of a type, size , and color approved by the Superintendent may be permanently affixed to the rear and front of such vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1017 46.1-265 . Dimension or marker lights ; , generally.- (a) All motor vehicles, trailers , or semitrailers exceeding ~~7² seven feet~~ in width or the widest portion of which extends ~~4² four inches~~ beyond the front fender extremes shall be equipped with ~~lamps amber lights~~ mounted at the extreme right - and left ~~hand~~ front top corners of such vehicle ; each of which lamps . ~~Each such light shall be capable of projecting an amber light visible in clear weather for a distance of at least 500² 500 feet to the front of such vehicle ; and shall . Such vehicles shall also be equipped with lamps red lights~~ mounted at the extreme right - and left ~~hand~~ rear top corners of such vehicle ; each of which . ~~Each such lights shall be capable of projecting a red light visible in clear weather for a distance of at least 500² 500 feet to the rear of such vehicle ; provided, however, that any . Any tractor truck , however, need not be equipped with rear red dimension or marker lamps lights . If the front or the rear of such vehicle shall not be is not the widest portion of such 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 lamps lights herein required shall be of a type that has been approved by the Superintendent.~~

(b) In addition to the ~~lamps lights~~ required herein in this section , each such vehicle shall be equipped with amber reflectors located on the ~~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 twenty-four inches and not more than sixty inches from the ground ; ~~provided that in . the case~~ For of a vehicle which is less than twenty-four inches in height tall, however, such reflectors shall be securely fastened thereto at the highest point the structure of a vehicle will permit. The reflectors required herein shall be of a type that have been approved by the Superintendent.

(c) If any vehicle is so constructed as to make compliance with the requirements of this section impractical, the ~~lamps lights~~ and reflectors required herein shall be placed on the vehicle in accordance with the Superintendent's regulations ; ~~however, the requirement of reflectors shall not apply to school buses unless used during the time that lights are required under §46.1-268 of the Code of Virginia, as amended .~~

(d) If any vehicle required by this section to be equipped with ~~dimensions 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 lamps lights of a type approved by the Superintendent , with the lamp light centers spaced not less than six inches or more than twelve inches apart, the rear dimension or marker lamps lights may be mounted at any height but must indicate as nearly as practicable the extreme width of the vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1018 46.1-265.1 . Same; Marker lights on vehicles or loads exceeding thirty-five feet.—Whenever any motor vehicle or combination of vehicles whose actual length, including the its load thereon , shall exceed exceed thirty-five feet and is not subject to the provisions of § 46.1-265 46.2-1017 , such vehicles shall, when operated during the hours of darkness between sunset and sunrise , be equipped with reflectors of a type approved by the Superintendent. Such reflectors shall be mounted on the widest part of the towed vehicle or the its load thereon so as to be visible from the front and sides of the vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1019 46.1-266 . Spotlights and ditch lights .—Any motor vehicle or motorcycle may be equipped with not to exceed 2 one or two spotlights or 2 ditch lights 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' 100 feet ahead of the vehicle and . Any such lights shall be of a type that has been approved by the Superintendent. No such spotlights shall be used in conjunction with or as a substitute for required headlights head lights , except in case of emergency.

NOTE: How a ditch light differs from a spot light is obscure.

§ 46.2-1020 46.1-267 . Other permissible and required lights ; police and fire-fighting vehicles, emergency vehicles, etc.; exceptions; penalty .—Any motor vehicle may be equipped with no more than one or two fog lamps lights , one passing lamp, one driving lamp, two side lamps lights of not more than six candlepower, an interior light or lights of not more than fifteen candlepower each , and signal lamps lights .

Commercial motor vehicles as defined in § 52-8.4, buses operated as public carriers and taxicabs, as defined in § 56-273, may be equipped with (i) vacant or destination signs and (ii) one steady-burning, white lamp for the nighttime illumination of exterior advertising, emitting a diffused light of such an intensity as not to project a glaring or dazzling light.

Only fire apparatus, forest warden vehicles, ambulances, rescue and life-saving vehicles, those vehicles listed in subdivision (a) or subdivision (a1) of this section and school buses may be equipped with flashing, blinking or alternating red or red and white emergency lights of a type approved by the Superintendent. Only law-enforcement vehicles may be equipped with flashing, blinking or alternating blue or blue and red combination emergency lights of types approved by the Superintendent. Vehicles permitted by this section to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights may be equipped with the means to flash their headlamps when their emergency warning lights are activated if (i) the headlamps are wired to allow either the upper beam or lower beam to flash, but not both, and (ii) the headlamp system includes a sensor which prevents flashing of headlamps when headlamps are required to be lighted under § 46.1-268.

Vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways, vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways for use only when performing such duties and hi-rail vehicles may be equipped with flashing, blinking or alternating amber warning lights of a type approved by the Superintendent, but such lights on hi-rail vehicles shall be activated only when such vehicles are operated on railroad rails; however, vehicles used by individuals for emergency snow removal purposes shall be allowed to use such amber warning lights during such snow removal operation. Vehicles used for servicing automatic teller machines may be equipped with amber warning lights provided such lights are not activated while the vehicles are in motion.

Refuse collection vehicles may be equipped with flashing, blinking, or alternating amber warning lights of a type approved by the Superintendent. Such lights shall be activated only when engaged in solid waste collection operations.

High intensity amber flashing lights, visible for at least 500 feet, as prescribed by the Superintendent, shall also be required for use on any vehicle which is engaged in either

escorting, or towing overdimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.1-343. Such lights shall be mounted on the top of the escort and tow vehicles and on the upper rear end of the overdimensional vehicle or load for maximum visibility, front and rear. However, a vehicle operating by authority of a permit issued pursuant to § 46.1-343 shall be deemed to be in compliance with the requirements of this section if it is accompanied by escort vehicles. The provisions of this paragraph shall apply to vehicles or loads which are either more than twelve feet wide or more than seventy-five feet long.

(a) A member of any fire department, volunteer fire company or volunteer rescue squad may equip one vehicle owned by the member with no more than two flashing or steady-burning red or red and white lights of a type approved by the Superintendent, for use by members only in answering emergency calls.

(a1) The Newport News Shipbuilding and Drydock Company and Bassett-Walker, Inc., and Tultex Corporation may equip vehicles used by security personnel with flashing, blinking or alternating red or red and white emergency lights of a type approved by the Superintendent.

(a2) Dealers or businesses engaged in the sale of fire, rescue, or police vehicles or ambulances may, for demonstration purposes, equip such vehicles with colored warning lights.

(a3) The provision of this section limiting interior lights to no more than fifteen candlepower shall not apply to alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights.

(a4) Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor.

(b) [Repealed.]

(b1) Unless such lighting device is both covered and not illuminated unlit, no motor vehicle which is equipped with any lighting device other than lamps lights required or permitted in this article, or required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in this Commonwealth. Nothing in this subdivision section shall be construed to permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

NOTE: Provisions of this section on various special lights for special classes of vehicles have been broken out into separate sections. See §§ 46.2-1021 through 46.2-1027.

§ 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 § 56-273, 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 diffused light of such intensity as not to project a glaring or dazzling light, for the nighttime illumination of exterior advertising.

NOTE: This section is based on § 46.1-267.

§ 46.2-1022. *Flashing blue or red and blue warning lights.*—Law-enforcement vehicles may be equipped with flashing, blinking, or alternating blue or blue and red combination warning lights of types approved by the Superintendent.

NOTE: This section is based on 46.1-267.

§ 46.2-1023. *Flashing red or red and white warning lights.*—Fire apparatus, forest warden vehicles, ambulances, rescue and life-saving vehicles, and vehicles used by security personnel of the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Inc., and Tultex Corporation may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent.

NOTE: The term "school buses" has been removed from the vehicles covered by this section, since their warning lights are provided for elsewhere. This section derives from § 46.2-267.

§ 46.2-1024. *Flashing or steady-burning red or red and white warning lights.*—Any member of a fire department, volunteer fire company, or volunteer rescue squad may equip one vehicle owned by him with no more than two flashing or steady-burning red or red and white combination warning lights of types approved by the Superintendent. Warning lights permitted by this section shall be lit only when answering emergency calls.

NOTE: This section is based on 46.1-267.

§ 46.2-1025. *Flashing amber 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;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways;
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; and
7. Hi-rail vehicles.

B. Such lights on hi-rail vehicles shall be activated only when the vehicles are operated on railroad rails. Such lights on other vehicles shall be lit only when performing the functions which qualify them to be equipped with such lights.

NOTE: This section is based on 46.1-267.

§ 46.2-1026. *Flashing high-intensity amber warning lights.*—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 section if accompanied by escort vehicles.

The provisions of this section shall apply only to vehicles or loads which are either (i) more than twelve feet wide or (ii) more than seventy-five feet long.

NOTE: This section is based on 46.1-267.

§ 46.2-1027. *Warning lights on certain demonstrator vehicles.*—Dealers or businesses engaged in the sale of fire, rescue, or law-enforcement vehicles or ambulances may, for demonstration purposes, equip such vehicles with colored warning lights.

NOTE: This section is based on 46.1-267.

§ 46.2-1028 ~~46.1-267.1~~. *Auxiliary lamps lights on fire-fighting and other emergency vehicles.*—Any fire fighting vehicle used exclusively for fire fighting, any ambulance, or rescue or life-saving vehicle used for the principal purpose of emergency relief, or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps lights which shall be used exclusively for lighting emergency scenes. Such lamps lights shall be of a type permitted approved by the Superintendent, and shall not be used in a manner which will tend to may blind or interfere with the vision of the operators drivers of approaching vehicles. In no event shall such lamps lights be lighted while the vehicle is in motion.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1029 ~~46.1-267.2~~. *Auxiliary lamps lights on police law-enforcement vehicles.* Notwithstanding any other provision of this article, any government-owned police law-enforcement vehicle may be equipped with clear auxiliary lamps lights of a type approved by the Superintendent. Such lamps lights may be used to light emergency scenes and other areas for the purpose of detecting offenders, making apprehensions of apprehending violators of law, and in performing other reasonably necessary law-enforcement functions of police duty as are reasonably necessary. Such lamps lights may be used when the vehicle on which they are mounted is standing or proceeding at a speed not to exceed of no more than fifteen miles per hour. Such lamps lights shall not be used in a manner which will tend to may blind or interfere with the vision of the operators of approaching vehicles.

Any police law-enforcement officer may also use spotlights, as authorized in § 46.1-266

46.2-1019 , for the purpose and in the manner described herein.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1030 ~~46.1-268~~ . When lights to be lighted; number of lights to be lighted at any time; use of warning lights.— ~~(a)~~ Every vehicle ~~upon~~ *on* a highway ~~within~~ *in* the Commonwealth shall display lighted head ~~lamps~~ *lights* and illuminating devices as required by this article from sunset to sunrise and at any other time when, ~~due to~~ *because of* insufficient light or unfavorable atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 500 feet.

~~(b)~~ Not more than four ~~lamps~~ *lights* used to provide general illumination ahead of the vehicle, including at least two head ~~lamps~~ *lights* and any other combination of fog ~~lamps~~ *lights* ; ~~passing lamp light, driving lamp or other auxiliary lamp lights~~ approved by the Superintendent shall be lighted at any time. However, this limitation shall not preclude the display of ~~such~~ warning lights as ~~may be authorized in § 46.1-267 §§ 46.2-1020 through 46.2-1027~~ , ~~nor such or other lights as may be authorized by the Superintendent for purposes of identification, other than warning lights .~~

~~(c)~~ Vehicles equipped with warning lights authorized in § 46.1-267 §§ 46.2-1020 through 46.2-1027 shall display such lights at all times when ~~engaged in responding to~~ emergency calls, and if ~~engaged in~~ towing disabled vehicles , or ~~in~~ constructing, repairing , and maintaining public highways or utilities on or along public highways ; ~~such lights shall be displayed during the periods prescribed in subsection (a) .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1031 ~~46.1-269~~ . Requirements as to single-beam head ~~lamps~~ *lights* .—Approved single-beam head ~~lamps~~ *lights* shall be aimed in accordance with ~~requirements adopted~~ *regulations promulgated* by the Superintendent so as not to project a glaring or dazzling light to persons approaching such head ~~lamps~~ *lights* and shall be of sufficient intensity to reveal persons and objects at a distance of at least ~~200~~ *200 feet* .

§ 46.2-1032 ~~46.1-270~~ . Requirements as to multiple-beam head ~~lamps~~ *lights* .—Approved multiple-beam head ~~lamps~~ *lights* shall be aimed in accordance with ~~requirements adopted~~ *regulations promulgated* by the Superintendent , based on recommendations of the Society of Automotive Engineers. ~~An uppermost distribution of light~~ *The high beam of any such lights* shall be ~~provided of~~ sufficient intensity to reveal persons and objects at least ~~350~~ *350 feet* ahead and at . At least ~~1~~ *lower*, ~~one nonglaring distribution of light~~ *low beam* shall be provided : ~~All road lighting beams~~ and shall be of such intensity as to reveal persons and objects at least ~~100~~ *100 feet* ahead.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1033 ~~46.1-271~~ . Indicator ~~lamp~~ *light* required.—Every new motor vehicle ~~hereafter sold~~ when operated on a highway shall be equipped with ~~an~~ *a* working indicator ~~lamp~~ *light* in good condition which shall indicate ~~that indicates~~ *to the operator driver* when the ~~uppermost distribution of light~~ *high beam of the head lights* is being used.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1034 ~~46.1-272~~ . When dimming head lights ; ~~etc.~~, required.—Whenever a vehicle is being ~~operated upon~~ *driven on* a highway or a portion thereof which is sufficiently lighted to reveal any person or object upon such ~~way~~ *highway* at a distance of ~~350~~ *350 feet* ahead, the operator of such vehicle shall use ~~1~~ *of the lowermost distributions of light* ~~low beam of his vehicle's head lights~~ or shall dim the head ~~lamps~~ *head lights* if the vehicle has single-beam ~~lamps~~ *lights* . Whenever a vehicle approaches an oncoming vehicle within ~~500~~ *500 feet*, it shall be the duty of the ~~operator driver~~ *operator driver* of such vehicle ~~to shall use 1 of the lowermost distributions of light~~ *low beam of his vehicle's headlights* so aimed that glaring rays are not projected into the eyes of the oncoming driver or ~~to dim the headlights~~ , if the vehicle has single-beam ~~lamps~~ *lights* . Whenever the ~~operator driver~~ *operator driver* of any motor vehicle approaches from the rear or follows within ~~200~~ *200 feet* of another vehicle proceeding in the same direction, ~~such operator~~ *the driver* shall use the ~~lowermost distributions of light~~ *low beam of his vehicle's head lights* or shall dim the head ~~lamps~~ *lights* if the vehicle has single-beam ~~lamps~~ *lights* .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1035 ~~46.1-273~~ . Dimming ~~or lowering~~ head lights on parked vehicles.—Whenever a

vehicle is parked so that the beam from the *its* head lights of such parked vehicle will glare into the eyes of the driver of a vehicle approaching upon ~~on~~ a highway, it shall be the duty of the operator of the parked vehicle to *shall* dim or use the low beam of such lights so that glaring rays are not projected into the eyes of such an approaching driver.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1036 ~~46.1-274~~ . Acetylene lamps *lights* on antique motor vehicles.— (a) Antique motor vehicles as defined in § ~~46.1-1~~ 46.2-100 may be equipped with 2 acetylene head lamps of approximately equal candlepower when equipped with clear plain glass fronts, bright, six-inch spherical mirrors and standard acetylene five-eighths' foot burners, not more and not less, which project a driving light sufficient to render clearly discernible a person upon the roadway within a distance of 200' but must not project a glaring or dazzling light into the eyes of approaching drivers.

(b) Vehicles equipped with acetylene lights as hereinbefore provided shall also be equipped with a rear lamp of acetylene type, which, when lighted, shall project a red light visible for a distance of 300' to the rear of the vehicle and shall be so constructed as to illuminate by a white light the rear license plate of such vehicle so as to be readable for a distance of 50' from the rear of such vehicle *lights, tail lights, and lights to illuminate their rear license plates as provided in regulations promulgated by the Superintendent* .

NOTE: Regulation of the number, brightness, etc., of lamps on antique vehicles has been left to regulations of State Police.

§ 46.2-1037 ~~46.1-276~~ . Lights on parked vehicles.— Whenever a *Any* vehicle is parked or stopped upon ~~on~~ a highway, whether attended or unattended, during the period from a half hour after *between* sunset to a half hour before *and* sunrise there shall be displayed upon such vehicle ~~1~~ *display at least one or more lamps light* projecting a white or amber light visible in clear weather from a distance of 500' *500 feet* to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500' *500 feet* to the rear ; ~~except that local authorities may provide by ordinance that no~~ . *No lights , however, need be displayed upon any such vehicle when legally parked in accordance with a local ordinance* .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1038 ~~46.1-298~~ . When signal device *turn signals* required; ~~exception as to motoreyeles and certain vehicles used for agricultural or horticultural purposes exceptions~~ .— (a) 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 § ~~46.1-217~~ 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 a ~~mechanical or electrical signal device~~ *turn signals* which ~~meets meet~~ the requirements of this title and is of a type that has been approved by the Superintendent ; ~~provided, that a~~ . A tractor truck , *however, need not be equipped with mechanical or electrical signal devices electrical turn signals* on the rear if it is equipped with double faced signal lamps *lights* mounted on the front fenders or on the sides near the front of the vehicle clearly visible to the rear.

(b) B. It shall be unlawful for any person to ~~operate drive~~ on any highway a motor vehicle registered in this Commonwealth and manufactured or assembled after January 1, 1955, unless such vehicle ~~be is~~ equipped with such a ~~mechanical or electrical signal device~~ *turn signals* on both front and rear.

(c) C. Any such ~~mechanical or electrical signal device~~ *turn signal* may be used in lieu of the hand and arm signal required by § ~~46.1-217~~ 46.2-849 .

(d) ~~The first two paragraphs~~ 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 ~~which are~~ *and* exempted from annual registration under § ~~46.1-45~~ Article 6 (§ 46.2-662 *et seq.*) of Chapter 6 of this title .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1039 ~~46.1-299~~ . Requirements of such devices *turn signals* ; ~~rules and regulations~~.— (a) Every device ~~intended and~~ *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' *100 feet* to the rear and 100' *100 feet* to the front of the vehicle ; ~~and provided that no~~ . *No front turn signal , however, shall be required on vehicles manufactured or assembled before January 1, 1943.*

(b) The Superintendent may adopt and enforce rules and promulgate regulations not inconsistent with this section and the preceding section (§ 46.1-298 46.2-1038) governing the construction, location, and operation of signal devices *turn signals* and the color of lights which may be used in any such signal device ; provided that nothing . Nothing contained herein , however, shall prohibit the requiring of an electrical or mechanical signal device *turn signals* on any vehicle the whose driver of which is prevented by any reason from giving the hand and arm signal required in § 46.1-217 46.2-849 .

NOTE: Subsection (c) have been broken out as a separate section.

(e) § 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 use 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 or when traveling at a speed of thirty miles per hour or less, but in no other event shall all four signals be flashed simultaneously while the vehicle is in motion traveling faster than thirty miles per hour .

School buses shall flash all four turn signals when approaching and stopping at railroad grade crossings.

(d) Motor vehicles may be equipped with a braking warning system or device which will cause the vehicle's lights to flash when the vehicle is in motion but committed to an emergency or panic stop.

NOTE: Subsection (d) is obsolete.

Article 4. Tires.

§ 46.2-1041 46.1-295 . *Restrictions as to solid rubber tires.*-Every solid tire, other than a pneumatic tire, made of rubber tire on a 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 vehicle equipped with solid rubber such tires shall be operated over on any highway in this the Commonwealth unless a permit therefor is first be secured from the State Highway and Commonwealth Transportation Board.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1042 46.1-295.2 . *Regrooved Sale, etc., of regrooved or recut tires prohibited.* - (a) No person shall sell ; or offer or expose for sale, or have in his possession with intent to sell any motor vehicle tire which has been recut or regrooved; provided, however, that the sale of regrooved or recut commercial vehicle tires which are designed and constructed in such manner that regrooving or recutting is an acceptable and safe practice shall not be a violation of this section unless that tire meets standards established by the Superintendent of State Police .

(b) No person shall knowingly operate on any highway in this Commonwealth a Virginia registered motor vehicle on any highway in this Commonwealth, with knowledge that such motor vehicle is equipped with any which has been regrooved or recut ; provided, however, that the use of commercial motor vehicles and trailers or semitrailers which are equipped with regrooved or recut tires in accordance with the provisions of (a) hereof shall not be a violation of this section tire unless that tire meets standards established by the Superintendent of State Police .

(e) The provisions of (a) and (b) hereof shall not apply to regrooving or recutting done in a tire recapping process.

(d) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor and punished as provided by law .

NOTE: Vague references to "acceptable" practices have been eliminated, and the Superintendent has been authorized to establish appropriate standards.

§ 46.2-1043 46.1-295.3 . *Depth of treads on tires Tire tread depth.* - (a) A. No person shall operate a motor vehicle, trailer, or semitrailer on any highway in this the Commonwealth if such motor vehicle, trailer or semitrailer it is equipped with one or more tires which either (1)

when 1. When measured in any two adjacent 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, is are found to have tread depth of less than two thirty-seconds of an inch at such locations ; ; or

~~(2)~~ when 2. When equipped with tread wear indicators, is 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)~~ B. No motor vehicle, trailer , or semitrailer shall be issued an a safety inspection approval sticker under the provisions of Article 10 (~~§ 46.1-315 et seq.~~) of this chapter if equipped with any tire the whose use of which is prohibited under the provisions of subsection ~~(a)~~ of this section.

~~(c)~~ C. This section shall not apply to tires mounted on dual wheels installed on motor vehicles having 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 ; which . 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 a distance of one-way distances not exceeding forty miles ; measured one way, on the same day between their place of abode residence and their place of work, shopping areas, or schools.

~~(d)~~ Notwithstanding the D. The foregoing exemptions provided in subsection ~~(c)~~ of this section, the provisions of subsections ~~(a)~~ and ~~(b)~~ of this section shall not apply to buses owned or operated by any public school district, private school , or contract operator of school buses.

~~(e)~~ E. The provisions of this section shall not apply to any vehicle not required to be registered or licensed.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1044 ~~46.1-296~~ . 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 or , spike , or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire ; except that it . 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 upon on any vehicle ; whose gross weight does not exceed 10,000 pounds ; tires with studs which project not no more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed and which if the studs cover not no more than ~~3%~~ three percent of the traction surface of the tire.

The use of such studded tires shall be permissible only from October fifteen 15 to April fifteen 15 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1045 ~~46.1-296.1~~ . Sale of tires having cleats, etc., prohibited; studded tires excepted.—No person shall sell to any resident of this the Commonwealth a tire which shall have on its periphery any block, stud, flange, cleat or , spike , or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire ; except that farm . Farm machinery having protuberances which will not injure the highway and tire chains of reasonable proportions may , however, be sold ; provided, however, that it . It shall also be permissible to sell studded tires whose use is permitted under the provisions of § 46.1-296 this article . Violators Violation of this section shall be guilty of constitute a Class 1 misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1046 ~~46.1-297~~ . Traction engines and tractors.—The State Highway and Commonwealth Transportation Board and local authorities in their respective jurisdictions may , in their discretion , issue special permits authorizing the operation upon on a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 5.
Exhaust System.

§ 46.2-1047 46.1-302 . Muffler cutout, etc., illegal.—It shall be unlawful to sell or offer for sale ~~(a) a~~ any (i) muffler without interior baffle plates or other effective muffling device or ~~(b) any~~ (ii) “ gutted muffler, “ “ muffler cutout , “ or “ straight exhaust. “ It shall be unlawful for any person to operate on the highways of this State in the Commonwealth a motor vehicle equipped with a “ gutted muffler, “ “ muffler cutout , “ or “ straight exhaust. “

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1048 46.1-301.1 . Pollution control systems or devices.— ~~(a) No motor vehicle registered in this Commonwealth and manufactured for the model year 1973 or for subsequent model years shall be operated on the highways of this in the Commonwealth unless it is equipped with an air pollution control system or , device, or combination of such systems or devices ; such as a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or other air pollution control system or device which has been installed in accordance with federal laws and regulations.~~

~~(b) It shall be unlawful for any person to operate a motor vehicle, as herein described, on the highways of in this Commonwealth with the its pollution control system or device removed or otherwise rendered inoperable.~~

~~(c) It shall be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, as herein defined described in this section , on the highways of this Commonwealth 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.~~

~~(d) No motor vehicle, as herein described in this section , shall be issued an a safety inspection approval sticker under the provisions of Article 10 (§ 46.1-315 et seq.) of this chapter unless it is equipped as provided under the foregoing provisions of subsections (a) and (c) of this section ; or if it is violative of subsection (b) hereof violates this section .~~

~~(e) The provisions of the foregoing paragraphs 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 in any manner or to any degree the antipollution capabilities of the vehicle power system.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1049 46.1-301 . Exhaust system in good working order.— ~~(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon on a highway unless such motor vehicle it is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for use upon on the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise ; annoying smoke and escape of excessive gas, steam or oil . An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows 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.~~

~~(b) The term “exhaust system,” as used in this section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block.~~

~~(c) Chambered pipes shall are not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in subsection (a) .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1050 46.1-302.3 . 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1051 46.1-302.4 . Certain local governments may impose restrictions on operations of

certain mopeds, " mini-bikes, " " trail-bikes, " and " go-carts. " -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 upon on a highway or upon on public or private property within 500 feet of any residential district, any motorcycle, moped, motorized bicycle, motorcycle-like device commonly known as a " trail-bike " or " mini-bike, " 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.

Note: This section, enacted as Chapter 211 of the Acts of Assembly of 1983, is not set out in the present Code.

Article 6. Windshields and Windows.

§ 46.2-1052 ~~46.1-201~~ . Signs, decals, and stickers on windshields, etc.—A. Except as otherwise provided in this section or § ~~46.1-201.01~~ article or permitted by federal law ; rule or regulation , it shall be unlawful for any person to operate any motor vehicle upon on a highway with any sign, poster, colored or tinted film or , sunshading material , or other colored or nontransparent material upon on the windshield, front or rear side windows, or rear windows of such motor vehicle other than a . This provision, however, shall not apply to any certificate or other paper required to be placed by law or which may be 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 ; at . At the option of the motor vehicle's owner, such stickers shall be affixed either at the upper edge of the center of the windshield or at some other place which may be designated by the Superintendent.

B. Notwithstanding Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of subsection A 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 operator driver of such vehicle a view of the highway for a distance of not less than at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To operate 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 eighteen inches in diameter in the case of a circular lens or not exceeding eleven inches by fourteen inches in the case of a rectangular lens, which enables the operator driver of the motor vehicle to view below the line of sight as viewed through the rear window provided such vehicle is equipped with a mirror on each side of such vehicle so located as to reflect to the operator a view of the highway for a distance of not less than 200 feet to the rear of such vehicle ;

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

3. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sunshading material of a type approved by the Superintendent of State Police; or

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

C. Nothing in this section shall be construed as prohibiting prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than twenty square inches in area if such sticker is totally contained within the lower five inches of the glass of such the rear window, nor shall the provisions of subsection B of this section be applied apply to a motor vehicle to which but one such sticker is so affixed.

D. As used in this section article : "front side windows" means those windows located adjacent to and forward of the driver's seat; "rear side windows" means those windows located to the rear of the driver's seat; "rear window" or "rear windows" means those windows which are located to the rear of the passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

E. Notwithstanding the foregoing provisions of this section, sunshading 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1053 ~~46.1-291.01~~ . Equipping certain motor vehicles with sun-shading or tinting films or applications.—Notwithstanding the provisions of § ~~46.1-291~~ 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 sources may be equipped, on its windshield and any or all of its windows, with sun-shading or tinting films or applications which are of a type approved by the Superintendent of State Police and which have the effect of ~~reducing~~ reduce the transmission of light into the vehicle. 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 certificate issued by the Superintendent of State Police authorizing such operation. The Superintendent shall issue such certificate only upon receipt of a notarized statement from a licensed physician (i) identifying with reasonable specificity the person seeking the certificate and (ii) stating that, in the physician'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 certificate. Certificates issued by the Superintendent under this section shall be valid for one year and shall permit the approval of any such vehicle upon its safety inspection as required by Article 10-(§ 46.1-315 et seq-) of this chapter if such vehicle otherwise qualifies for inspection approval. In the discretion of the Superintendent, one or more certificates may be issued to an individual or a family.

NOTE: This section is not fully consistent with proposed § 46.2-1052, which permits almost any covering of a rear and rear side windows as long as the vehicle has an outside-mounted view mirror on each side.

§ 46.2-1054 ~~46.1-291.1~~ . Suspension of objects or alteration of vehicle so as to obstruct view of driver.—It shall be unlawful for any person to operate drive a motor vehicle upon on a highway in this 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 such 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 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 (i) 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 operator driver a view of the highway for a distance of not less than at least 200 feet to the rear of such vehicle or (ii) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1055 ~~46.1-292~~ . 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 operator driver . The device shall be so constructed as to be controlled or operated by the operator driver of the vehicle ; provided that every . 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 to transport school children or others 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1056 ~~46.1-293~~ . When safety glass required.—(a) It shall be unlawful for any person to operate drive on any highway a motor vehicle registered in this 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 be is equipped with safety glass wherever glass is used in doors, windows, and windshields ; and sideshields .

(b) It shall be unlawful to operate drive on any highway any motor vehicle registered in this the Commonwealth, manufactured or assembled after January 1, 1936, unless such the vehicle be 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 and sideshields .

(e) The term "safety glass" as used in this section shall be construed to 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 be is equipped as herein provided with such the approved type of glass.

(d) No glazing material other than safety glass shall be used in any motor vehicle registered in this 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 so used bears a trade name or identifying mark, and has been submitted to and approved by the Superintendent for such use prior to being used in any such motor vehicle, trailer or semitrailer .

(e) If any person shall operate drives any vehicle in violation of the provisions of this section; he shall be punished as provided in § 46.1-16.01; if such person shall operate such vehicle while under a certificate issued by the State Corporation Commission, in addition to the penalty provided in § 46.1-16.01 46.2-113, the certificate of such person may, in the discretion of the State Corporation Commission, be suspended until the provisions of this section are is satisfactorily complied with.

(f) 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, and provided (ii) the glass is cut from a piece of approved safety glass, and provided (iii) the edge of the glass can be observed.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1057 46.1-293.1 . Windshields.—It shall be unlawful for any person to operate upon drive on a highway in this the Commonwealth any motor vehicle or reconstructed motor vehicle, other than a motorcycle, registered in this the Commonwealth, which was manufactured, assembled or reconstructed after July 1, 1970, unless such the motor vehicle is equipped with a windshield.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1058 46.1-294 . 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; provided, that safety . Safety glazing materials other than glass approved by the Superintendent as provided in § 46.1-293 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 7. Horns, Sirens, and Whistles.

§ 46.2-1059 46.1-283 . Horns.—Every motor vehicle operated upon driven on a highway shall be equipped with a working horn in good working order, capable of emitting sound audible under normal conditions over a distance of not less than for at least 200' 200 feet .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1060 46.1-284 . Illegal sirens, whistles, etc.; unlawful use of warning devices; exceptions. — (a) It shall be unlawful for any vehicle to be equipped with or for any person to use upon 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 or for any person to use any warning device while upon a highway or any way open to public travel that is not of a type that has been approved by the Superintendent or . 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; except that the . 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.

(b) Notwithstanding the provisions of this chapter article, a siren, bell, or supplemental horn may be used on a vehicle as a noisemaker for an alarm system provided if the device is

installed so as to prohibit actuation of the system by the driver while the vehicle is in motion.

NOTE: The language of this section has been simplified, but no significant changes have been made.

~~§ 46.2-1061 46.1-285 . Sirens or exhaust whistles upon on emergency vehicles.—Every police law-enforcement vehicle, every vehicle authorized to be equipped with emergency warning lights pursuant to subdivision (a1) of § 46.1-267, and every vehicle used for the purpose of fighting fire and every ambulance or rescue vehicle used for emergency calls §§ 46.2-1022 through 46.2-1024 shall be equipped with a siren, exhaust whistle , or air horn designed to give automatically intermittent signals . Such devices shall be of a type types not prohibited by the Superintendent. Publicly owned vehicles used by a state forest warden, not to exceed 200 in number in the Commonwealth, may also be so equipped.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

~~§ 46.2-1062 46.1-286 . Approval of warning devices.—The Superintendent is hereby authorized to adopt and enforce rules and may promulgate regulations and uniform specifications relating to the construction, mounting, use , and number of warning devices for which there shall be an approval fee as prescribed in § 46.1-314 46.2-1008 .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 8. Steering and Suspension Systems.

~~§ 46.2-1063 46.1-282.1 . Alteration of suspension system ; bumper height limits .— A. No person shall operate upon drive on a public highway any motor vehicle registered in this the Commonwealth 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. 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 the 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 operation 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.~~

~~B. No person shall operate upon drive on a public highway any motor vehicle registered in this Commonwealth 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" 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" and no more than 30 " inches . The front bumper height of trucks whose gross vehicle weight ratings are 7,501 pounds to 10,000 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 . The provisions of this This subsection shall not apply to trucks with a gross vehicle weight rating ratings in excess of 10,000 pounds. For the purpose of this section, the term "truck" shall include pickup and panel trucks and "gross vehicle weight ratings" shall mean manufacturer's gross vehicle weight ratings established for that vehicle.~~

~~C. In the absence of bumpers, and in cases where bumper heights have been lowered or modified, height measurements under subsection A or B the foregoing provisions of this section shall be made to the bottom of the frame rail.~~

~~D. This section shall not apply to specially designed or modified motor vehicles when operated driven off the public highways in races and similar events. Such motor vehicles may be lawfully towed on the highways of this the Commonwealth.~~

~~E. Any person who violates any provision of this section shall be guilty of a traffic infraction and shall, upon conviction thereof, be punished in accordance with § 46.1-16.01.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1064 ~~46.1-282.2~~ . 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 ~~operated upon~~ *driven on* any highway in ~~this~~ *the* Commonwealth.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1065 ~~46.1-282~~ . Steering gear; installation, sale, etc., of repair kit or ~~preventative~~ *preventive* maintenance kit for use on part of steering gear prohibited. ~~A.~~ Every motor vehicle ~~being operated upon~~ *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 ~~adopt and 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 ~~upon~~ *on* any highway conforms to the requirements of the Department of State Police.

~~B.~~ 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 preventative* ~~preventative~~ maintenance kit installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.

~~C.~~ No Virginia-registered motor vehicle shall be *issued an approval inspection sticker under the provisions of Article 10 (§ 46.1-215 et seq.) of Chapter 4 of this title if it has a repair kit or preventative* ~~preventative~~ maintenance kit installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.

~~D.~~ It shall be unlawful for any person to sell or offer for sale any repair kit or ~~preventative~~ *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.

~~E.~~ 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 ~~S.A.E.~~ *Society of Automotive Engineers* standards of excellence, in order to correct deficiencies in the steering gear.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 9. Brakes.

§ 46.2-1066 ~~46.1-277~~ . Brakes.— ~~(a)~~ Every motor vehicle when ~~operated upon~~ *driven on* a highway shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle ; ~~and~~ . ~~The such~~ brakes shall be maintained in good working order and shall conform to ~~regulations provided in §§ 46.1-277 through 46.1-280~~ *the provisions of this article* .

~~(b)~~ Every bicycle and moped when operated ~~upon~~ *on* a highway shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1067 ~~46.1-278~~ . 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 twenty miles per hour within the following distances:

~~(a)~~ 1. Passenger motor vehicles , except buses and antique vehicles as defined in § 46.1-1 ~~(15a)~~ , twenty-five feet.

~~(b)~~ 2. Buses, trucks, and tractor trucks, forty feet.

~~(c)~~ 3. Motor vehicles registered or qualified to be registered as antique vehicles under § 46.1-1 ~~(15a)~~ , when equipped with two-wheel brakes, forty-five feet; four-wheel brakes, twenty-five

feet.

(d) 4. All combinations of vehicles, fifty feet.

(e) 5. Motorcycles, thirty feet.

NOTE: Internal numbering has been revised to conform to standard format and to highlight the list.

§ 46.2-1068 46.1-278.1 . Holding devices *Emergency or parking brakes* .—Every motor vehicle and combination of vehicles, except motorcycles, shall be equipped with ~~holding devices~~ *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.

NOTE: The term “holding device” has been replaced by “emergency or parking brake.”

§ 46.2-1069 46.1-279.1 . Brakes on motorcycles.— (a) Every motorcycle manufactured after July 1, 1974, and ~~operated upon~~ *driven on* a highway in ~~this~~ *the* Commonwealth shall be equipped with either a split-service brake system or two independently actuated ~~service~~ brake systems which shall act on the front as well as the rear wheel or wheels.

(b) It shall be unlawful for any person to ~~operate a motoreyele drive~~ on a highway in ~~this~~ *the* Commonwealth ~~a motorcycle~~ which was originally equipped with a ~~service~~ brake system on both the front or rear wheel or wheels if the ~~service~~ brake system has been altered by removing or disconnecting any of the brake-system components from any of the wheels.

NOTE: The term “service brake” is not defined. The word “service” has been deleted to conform with nomenclature used in the rest of the article.

§ 46.2-1070 46.1-280 . Brakes on trailers.— (a) Every semitrailer ~~or~~ , 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 ~~an annual~~ a registration certificate ~~for license plates under § 46.1-45~~ 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 § 46.1-278 46.2-1067 and shall be of a type approved by the Superintendent. ~~Provided, however, that farm~~ Farm trailers used exclusively for hauling raw agricultural produce from farm to farm or farm to packing shed ~~and/~~ or processing plant within the normal growing area of ~~said~~ *the* packing shed or processing plant and trailers or semitrailers drawn by a properly licensed motor vehicle ~~which are but exempt under the provisions of § 46.1-45 (b) from registration~~ , shall be exempt from the requirements of this section.

(b) “Gross weight” for the purpose of this section includes *weight of the vehicle and* the load upon such semitrailer, trailer , or separate vehicle.

(c) This section shall not apply to any vehicle being towed for repairs, repossession, ~~or~~ in a ~~bona fide~~ *an* emergency, or being moved by a wrecker when two wheels of the towed vehicle are off the ground.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1071 46.1-281 . Requirements for parking. No person having control ~~or~~ *in charge* of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the ~~hand~~ *emergency or parking* brake thereon, stopping the motor , and turning the front wheels into the curb or side of the ~~highway~~ *roadway* .

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 10. Miscellaneous Equipment.

§ 46.2-1072 46.1-84 . Operation of vehicle without serial or identification number; requirements for stamping, cutting , or embossing numbers; ~~rules and regulations~~ .— (a) It shall be unlawful to sell ; or to ~~operate upon~~ *drive on* any highway in ~~this~~ *the* Commonwealth ; any motor vehicle which does not have stamped ~~upon~~ *on* or cut into ~~the~~ *its* motor ~~thereof~~ *the* ~~its~~ motor number or which does not bear a permanent serial or other identification number assigned ~~thereto~~ by the manufacturer or by the Commissioner, or any trailer or semitrailer which does not bear a permanent serial or other identification number assigned ~~thereto~~ by ~~the~~ *its* manufacturer ~~thereof~~ or by the Commissioner. ~~Such~~ *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. ~~Such~~ The number shall be die stamped, cut , or embossed into or attached to a permanent part of the vehicle which is easily accessible for ~~checking or verification ; with the exception that~~ . However, nonresident owners who are permitted to operate motor vehicles, trailers , or semitrailers without registration, under the registration provision relating to nonresidents contained in §§ ~~46.1-131~~ 46.2-655 through ~~46.1-139~~ 46.2-661 shall not be required to comply with the provisions of this section before operating a motor vehicle, trailer , or semitrailer ~~upon~~ on the highways of ~~this~~ in the Commonwealth.

~~(b)~~ The Commissioner shall have authority ~~to~~ may adopt reasonable rules and regulations to carry out the provisions of this section.

~~(c)~~ The fee for the issuance of an identification number by the Department shall be five dollars.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1073 ~~46.1-4~~ . Engine or serial number ; etc., illegible, removed , or obliterated.—The owner of a motor vehicle, trailer , or semitrailer ~~upon~~ on which the engine or serial number or other identification number has become illegible or has been removed or obliterated shall immediately ~~make application~~ apply to the Department for a new engine or serial number or other 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 ~~referred to in the application~~ may assign a new engine or serial number or other identification number ~~thereto~~ and shall require that such number, together with the name of ~~this~~ the Commonwealth or a symbol indicating ~~this~~ the Commonwealth and the date of such assignment, be stamped ~~upon~~ on the engine or, in the event such number is a serial number or other identification number, then upon such portion of the motor vehicle, trailer , or semitrailer as shall be designated by the Department. Whenever a new engine or serial number or other identification number has been assigned to and stamped ~~upon~~ on a motor vehicle, trailer , or semitrailer as provided in this section, the Department shall insert ~~such~~ the number ~~upon~~ on the registration card and certificate of title issued ~~for such~~ the motor vehicle, trailer , or semitrailer.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1074 ~~46.1-82~~ . Removing ; or altering ; etc., serial or identification numbers without consent of Department.—Any person who shall , individually or in association with one or more others ~~remove, change, alter , removes, changes, alters, or conceal~~ conceals any motor number, serial , or other identification number, without the consent of the Department, shall be guilty of a Class 6 felony and ~~upon conviction thereof shall be punished as provided in § 46.1-17~~ .

NOTE: No classified felony fits this penalty (1-5 years imprisonment, a \$500 - \$1,000 fine, either or both).

§ 46.2-1075 ~~46.1-83~~ . Possession of vehicles with serial numbers removed ; or altered ; etc .— Any person who shall knowingly have in his or her possession a motor vehicle, trailer , or semitrailer, the motor number, serial number , or identification number of which has been removed, changed , or altered without the consent of the Department shall be guilty of a Class 6 felony and ~~upon conviction thereof shall be punished as provided in § 46.1-17~~ .

NOTE: No classified felony fits this penalty (1-5 years imprisonment, a \$500 - \$1,000 fine, either or both).

§ 46.2-1076 ~~46.1-158.1~~ . Name and address of owner to appear on certain vehicles. The owner of every motor vehicle, except in the case of private carriers, registered under § 46.1-154 except those falling within the gross weight group of 10,000 pounds and less as shown in § 46.1-154 shall cause to be painted, or otherwise plainly and legibly shown, on each side of such vehicle, in letters not less than 3" in height, the name and address of the owner of such vehicle. Lettering on certain vehicles used to transport property.—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 name and address of the owner of 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 fifty 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 wedding, ambulance, or funeral services; or

3. Which is rented without chauffeur and operated under a valid lease which gives the lessee exclusive control of the vehicle.

C. Notwithstanding the exemptions contained in subsection B of this section, the requirements of subsection A of this section shall also apply to all motor vehicles leased to common or contract carriers of persons or property which are required to operate under certificates or permits issued by the State Corporation Commission or the Interstate Commerce Commission.

D. Subsection A of this section 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.

E. 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.

NOTE: This section incorporates also the provisions of subdivisions (f) through (h) of former § 46.1-64.

§ 46.2-1077 ~~46.1-202~~ . ~~Automobiles~~ Motor vehicles not to be equipped with television within view of operator of vehicle driver .—No motor vehicle operated registered in the Commonwealth of Virginia shall be equipped with, nor shall there be used therein, a television receiver forward of the driver's seat or the screen of which would otherwise be visible to the driver while operating driving the vehicle. This section shall apply to all motor vehicles which are registered or should be registered in Virginia. The operator of a motor vehicle which is not registered in Virginia and is not required to be registered in Virginia shall not operate a television receiver which violates the provisions of this section while driving through or within in the Commonwealth. Any person violating this section shall be guilty of a misdemeanor.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1078 ~~46.1-202.1~~ . Unlawful to operate automobile motor vehicle, moped, or bicycle while using earphones.—(a) It shall be unlawful for any person to operate a motor vehicle , moped, or bicycle on the highways of this in the Commonwealth while using earphones on or in both ears. Any person violating this section shall be guilty of a traffic infraction punishable as provided in § 46.1-16.01.

(b) For the purpose of this section, "earphones" shall mean any device worn on or in both ears which converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include any prosthetic device which aids the hard of hearing, nor does it include the driver of any police emergency vehicle ; any fire vehicle used exclusively for fire fighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief as defined in § 46.2-920 .

NOTE: The revised version applies unambiguously to mopeds and bicycles as well as to "motor vehicles."

§ 46.2-1079 ~~46.1-198.1~~ . Prohibiting use of devices on motor vehicles to detect presence of radar upon highways or operation of motor vehicles so equipped or sale of such devices Radar detectors .—A. It shall be unlawful for any person to operate a motor vehicle upon on the highways of this the Commonwealth when such vehicle is equipped with any device or mechanism to detect the emission of radio microwaves in the electromagnetic spectrum, which microwaves are radar employed by police law-enforcement personnel to measure the speed of motor vehicles upon on the highways of this the Commonwealth for law-enforcement purposes ; it . It shall be unlawful to use any such device or mechanism upon on any such motor vehicle upon on the highways ; it . It shall be unlawful to sell any such device or mechanism in this the Commonwealth. Provided, however, that the 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. Any person violating any provision of this section shall be guilty of a traffic infraction pursuant to §§ 16.1-60.40.1 and 19.2-254.1 and shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$100.

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 shall , when no longer needed, shall be returned to the person charged with a violation under 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 upon

on court order after six months have elapsed from the final date for filing an appeal.

Except as provided under *in* subsection B of this section, the presence of any such prohibited device or mechanism in or ~~upon~~ on a motor vehicle ~~upon~~ on the highways of ~~this~~ the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device in question was in an operative condition or being operated.

B. No person shall 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 ~~which~~ are used by the ~~police~~ of any such government ~~nor~~ to 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.

NOTE: The language of this section has been simplified, but no significant changes have been made except that the penalty has been removed, thus returning to the standard traffic infraction penalty.

§ 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.

NOTE: This section is derived from a portion of § 46.1-308.

§ 46.2-1081 ~~46.1-264.1~~. *Slow-moving vehicle emblems.*— (a) A. Every farm tractor and every , self-propelled unit of farm equipment or implement of husbandry, and any other vehicle designed for operation at speeds not in excess of twenty-five miles per hour or normally operated at speeds not in excess of twenty-five miles per hour, shall display a triangular slow-moving vehicle emblem on the rear of the vehicle when traveling on a public highway ~~during~~ at any time of the day or night.

(b) 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) 1. If the towed unit or any load thereon ~~obscure~~ 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) 2. If the slow-moving vehicle emblem on the towing vehicle ~~be~~ is not obscured by the towed unit or any load thereon, then either or both such vehicles may be equipped with such emblem.

(c) C. The Department of State Police shall adopt standards and specifications for the slow-moving vehicle emblem and the position of mounting of the emblem to correlate with and , so far as possible , conform with those adopted by the American Society of Agricultural Engineers.

(d) D. The use of the slow-moving vehicle emblem shall be restricted to the uses specified in subsections (a) and (b) of the section *this title* and its use on any other type of vehicle or on stationary objects is prohibited .

(e) Any person who violates the provisions of this section shall be guilty of a traffic infraction punishable as provided in § 46.1-16.01.

NOTE: The change of reference in former subsection (d) from section to title is intended, inter alia, to accommodate the use of slow moving vehicle emblems required on certain golf carts by present § 46.1-45.2.

§ 46.2-1082 ~~46.1-289~~. *Mirrors.*— (a) No person shall ~~operate~~ drive a motor vehicle ~~upon~~ on a highway of ~~this~~ in the Commonwealth ~~which~~ if the vehicle is not equipped with a mirror so located as to reflect ~~which~~ reflects to the operator driver a view of the highway for a distance of not less than ~~200~~ 200 feet to the rear of such vehicle.

(b) No motor vehicle registered in this Commonwealth , designed and licensed primarily for passenger vehicular transportation on the public highways and manufactured ~~for the year 1960~~ or for subsequent years after 1968 shall be ~~operated~~ driven on the highways of ~~this~~ in the

Commonwealth unless equipped with at least one outside and at least one inside rear view mirror meeting the requirements of subsection (a) hereof *this section* .

(e) Notwithstanding the *other* provisions of subsection (b) 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 a distance of ~~not less than at least 200~~ 200 feet .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1083 ~~46.1-200~~ . Rear fenders, flaps , or guards required for certain motor vehicles.—
(a) No person shall operate ~~upon~~ on a highway any motor vehicle or combination of vehicles having a licensed gross weight in excess of 40,000 pounds ~~which unless the motor vehicle or combination of vehicles is not equipped with rear fenders, flaps , or guards which shall be of such sufficient size as will~~ 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.

(b) "Gross weight" for the purpose of this section includes the load upon such motor vehicle or combination of vehicles.

NOTE: A definition of gross weight is included in § 46.2-100.

§ 46.2-1084 ~~46.1-302.1~~ . Vehicle to have securely affixed seat for operator driver ; location of such seat. It shall be unlawful for any person to operate *drive* any motor vehicle ~~upon~~ on a highway ~~of in~~ in this Commonwealth ; unless such motor vehicle it is equipped with a securely affixed seat for the operator, ~~which driver. The seat is shall be~~ so located as to permit the operator to have adequate *driver to adequately* control of the steering and braking mechanisms and other instruments necessary for the safe operation of the motor vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1085 ~~46.1-302.2~~ . Handlebars of motorcycles.—It shall be unlawful for any person to register or to operate *drive* any motorcycle ~~upon~~ on a highway ~~of this in the~~ Commonwealth *if the motorcycle is* equipped with handlebars ; or other type of steering mechanisms ; that are more than fifteen inches above the level of the *motorcycle's* seat of such ~~motoreyele~~ .

NOTE: This section could be relocated to Article 13 of Chapter 5 which deals with motorcycles.

§ 46.2-1086 ~~46.1-305~~ . Devices for emission of smoke screens, gas ; etc. *projectors or flame throwers* ; prohibited.— (a) It shall be a Class 6 felony to install or to aid or abet in installing, in any manner, in ; on or upon on any motor vehicle except a motor vehicle used for the application of insecticides or other chemicals for the control of weeds or pests 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 for one to have in his possession *knowingly possess or drive on the highways* any motor vehicle known by him to be so equipped or to drive or operate, on the highways of this Commonwealth, any motor vehicle known by him to be so equipped.

(b) Any person found guilty of violating the provisions of this section shall be confined in the penitentiary not less than 1 year nor more than 5 years; or he may be fined not less than \$50 nor more than \$500 and confined in jail not less than 30 days nor more than 12 months. The judgment of conviction under this section shall of itself operate to deprive the person convicted of the right or privilege to drive or operate any motor vehicle in this Commonwealth for a period of six months from the date of such judgment. *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.

NOTE: The specific penalty provided translates to a Class 6 felony, even though the offense had not previously been a felony.

§ 46.2-1087 ~~46.1-306~~ . Same; forfeiture *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 § ~~46.1-305~~ 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, subject to the rights of an innocent owner and lien holders. ~~But no~~ No such forfeiture, however, shall take place unless the owner or operator thereof have knowledge of the fact *knows* that such vehicle is so equipped as described in § 46.1-305.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1088~~ 46.1-307. Mechanical vapor compression refrigeration cooling Air conditioning units.—No motor vehicle shall be operated on any highway shall be equipped with any mechanical vapor compression refrigeration cooling air conditioning unit; used for the cooling of passengers or drivers, unless such device is of a type approved as to safety by the Superintendent; and the Superintendent is hereby authorized to adopt and enforce rules and promulgate regulations and uniform setting specifications relating to the design, construction, installation, maintenance, and use of such mechanical vapor compression refrigeration cooling air conditioning units. No refrigerant used in such unit shall be explosive, flammable, or toxic.

NOTE: The term “air conditioning” has been substituted for earlier circumlocutions.

Article 11.

Paint, Lettering, and Special Equipment for School Buses.

§ ~~46.2-1089~~ 46.1-286.1. Paint and lettering on school bus.— All motor vehicles, except commercial buses, station wagons, automobiles or trucks, transporting pupils to and from public, private or parochial schools School buses shall be painted yellow with the words “School Bus; Stop, State Law” on the front and rear in letters at least six inches high, except that the words “School Bus” on the front may be in letters at least four inches high if space is limited, or with only the words “School Bus” on front and rear in letters at least eight inches high; and . All school buses shall be equipped with warning devices prescribed in § ~~46.1-287~~ 46.2-1090. Only school buses; as defined in § ~~46.1-1 (37)~~ 46.2-100; may be painted yellow, identified by words above 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.

NOTE: The changes in this section are based on suggestions of the Department of Education.

§ 46.2-1090 ~~46.1-287~~. Warning devices on school buses; use thereof; penalties.— (a) 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 stopped, is about to stop, and when it is taking on or discharging children, the elderly, or mentally or physically handicapped persons. Such warning device shall be used and in operation for a distance of not less than at least ~~100~~ 100 feet before any proposed stop of such bus if the lawful speed limit is less than ~~35~~ thirty-five miles per hour, and for a distance of at least ~~200~~ 200 feet before any proposed stop of such bus if the lawful speed limit is ~~35~~ thirty-five miles per hour or more.

(a1) 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 § ~~46.1-100 (f)~~ 46.2-844 and 46.2-859.

(b) 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.1-287.1~~. Vehicles hired to transport children to or from school, camp, etc. Any private individual, corporation or civic, charitable or eleemosynary organization, for the purpose of transporting children to or from school, camp or any other place during any part of the year, may contract to hire motor vehicles identified as regular school buses, having a seating capacity of more than fifteen persons; which are painted yellow, and if such motor vehicles are used for such purpose they shall be equipped and operated in the same manner as are regular school buses pursuant to the provisions of Chapter 4 (§ 46.1-168 et seq.) of this title relating thereto.

NOTE: Repeal of this section will preserve the unique color of school buses.

Article 12.

Safety Belts.

§ 46.2-1091 46.1-287.2 . Safety belts to be worn by certain bus drivers. ~~(a) It shall be unlawful for any Any person to operate driving a bus equipped with a safety lap belt assembly and shall wear the safety lap belt while the bus is being used for the purpose of transporting school children unless the operator thereof is actually wearing the safety lap belt assembly as defined in § 46.1-310 during such operation .~~

~~(b) Any person who is found guilty of violating Violation of this section shall be punished by a fine not to exceed \$500 constitute a Class 3 misdemeanor .~~

NOTE: The penalty has been converted to a Class 3 misdemeanor.

§ 46.2-1092 46.1-300.1 . Safety lap belts or a combination of lap belts and shoulder straps or harnesses to be installed in certain motor vehicles.— ~~(a) No passenger car registered in this Commonwealth and manufactured for the year 1963 or for subsequent years shall be operated on the highways of this in the Commonwealth unless the front seats thereof be are equipped with adult safety lap belts or a combination of lap belts and shoulder straps or harnesses of a type or types approved by the Superintendent.~~

~~(b) Failure to use such the safety lap belts or a combination of lap belts and shoulder straps or harnesses after installation shall not be deemed to be negligence nor . Nor shall evidence of such nonuse of such devices be considered in mitigation of damages of whatever nature.~~

~~(c) No motor vehicle registered in this the Commonwealth and manufactured after January 1, 1968, shall be issued an a safety inspection approval sticker under the provisions of Article 10 (§ 46.1-315 et seq.) of this chapter if any lap belt, combination of lap belt and shoulder strap or 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.~~

~~(d) The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Rules and Regulations a section which identifies each classification of motor vehicle required to be equipped with any of the devices described in subsection (e) the foregoing provisions of this section.~~

~~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.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1093 46.1-310 . Requirements for safety lap belts, shoulder straps or harnesses and combinations thereof.— ~~(a) Any safety lap belt or shoulder straps or harness or any combination of lap belt and shoulder strap or 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.~~

~~(b) The Superintendent shall establish specifications or requirements for approved type safety lap belts and shoulder straps or harnesses or any combination of lap belt and shoulder strap or harness, attachments , and installation, in accordance with the provisions of this section ; and such . Such specifications or requirements may be the same as those specifications or requirements for safety lap belts or shoulder straps or harnesses or any combination of lap belt and shoulder strap or 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 straps or harnesses or combination of lap belts and shoulder straps or harnesses.~~

~~(c) No person shall sell ; or offer or keep for sale any safety lap belt, shoulder straps or harness, or any combination of lap belt and shoulder strap or harness or attachments thereto for use in a vehicle, unless of a type which has been approved by the Superintendent.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1094 46.1-300.2 . Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.—A. Each person at least sixteen 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 ~~such~~ *the* motor vehicle is in motion on any public highway ; ~~except that a~~ . A child under the age of four years , *however*, shall be protected as required by the provisions of ~~Article 9-1 (§ 46.1-314.2 et seq.) of Chapter 4 of Title 46.1 this chapter .~~

B. Each driver of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system who is transporting a child at least four years of age, but less than sixteen years of age, in the front seat of such motor vehicle shall cause such child to wear the appropriate safety belt system.

C. 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 ~~operating~~ *driving* a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

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

5. Drivers of taxicabs ; ;

~~5.~~ 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

~~6.~~ 7. Any person ~~operating~~ *driving* a motor vehicle and performing the duties of a utility meter reader; or

~~7. Police or sheriff's department~~ 8. *Law-enforcement agency* personnel ~~operating~~ *driving* motor vehicles to enforce laws governing motor vehicle parking.

D. 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 ~~the Virginia Driver Improvement Act Article 19 of Chapter 3 (§ 46.1-514.1 46.2-489 et seq.) of this title~~ and no court costs shall be assessed for violations of this section.

E. 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.

F. ~~Prior to January 1, 1988, the Department of Motor Vehicles and the Superintendent of State Police shall conduct an educational program designed to encourage compliance with this section.~~

G. ~~F.~~ A violation of this section may be charged on the uniform traffic summons form.

H. ~~G.~~ 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 relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 13.
Child Restraints.

§ 46.2-1095 ~~46.1-314.2~~ . Child restraint devices required.— A. Any parent or legal guardian who drives any motor vehicle registered in Virginia and manufactured subsequent to January 1, 1968, shall ensure that his or her child or ward under the age of four being transported 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, except that a child under four years of age, but over forty pounds in weight, may be secured in a seat by the standard automobile seat belt.

B. Any person other than the parent or legal guardian of the child being transported who drives any Virginia-registered motor vehicle registered in Virginia and manufactured subsequent to after January 1, 1968, shall ensure that any child under the age of four being regularly transported (i) of which he is the parent or legal guardian or (ii) which he regularly 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 ; except that a . A child under four years of age, but over forty pounds in weight may be secured in a seat by the standard automobile seat belt.

NOTE: The provisions of this section, which apply to parents, guardians, or persons who regularly transport children, have been compressed. However, there still remains the problem of what is meant by "regularly transports."

§ 46.2-1096 ~~46.1-314.3~~ . Exceptions for certain children.—Whenever any physician licensed to practice medicine in this 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, physical unfitness, or other medical reason, the child shall be exempt from the provisions of this article. Any parent or legal guardian person transporting his or her a child or ward 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.

NOTE: This section originally applied only to parents or guardians or drivers. The scope has been expanded to comport with § 46.2-1095.

§ 46.2-1097 ~~46.1-314.4~~ . Provisions for indigents; special fund created.— A. Upon the application of any person to the Department of Motor Vehicles and a finding by the Department that the applicant needs a child restraint device and but is unable to acquire one because of financial inability, the Department shall issue a certificate declaring such finding. The Department of Motor Vehicles shall then lend or furnish the applicant a device.

B. Child restraint devices referred to in this section shall be purchased by the Department of Motor Vehicles from a special fund which is hereby created and shall be known as the Child Restraint Device Special Fund. It shall consist of all civil penalties that are collected pursuant to § 46.1-314.5 46.2-1098 and other funds that may be appropriated or allocated for the purpose.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1098 ~~46.1-314.5~~ . Penalties; violations not negligence per se.— A. Any person, including those subject to jurisdiction of a juvenile and domestic relations district court, found guilty of violating the provisions of this article shall be subject to a civil penalty in the amount of twenty-five dollars for a violation of § 46.1-314.2 46.2-1095 , or, if applicable, a civil penalty in the amount of ten dollars for failure to carry a statement as required by § 46.1-314.3 46.2-1096 . The court may waive or suspend the imposition of the penalty for a violation of § 46.1-314.2 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 § 46.1-314.4 B 46.2-1097 .

B. Violations of the provisions 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.

NOTE: These penalties have not changed since the section was enacted in 1982.

§ 46.2-1099 ~~46.1-314.6~~ . Further exemptions.— The provisions of this This article shall not apply to:

1. The transporting of any child in a vehicle having an interior design which makes the use of such device impractical or situations where the number of persons occupying the vehicle at

the time makes the use of such device impractical; and

2. The transporting of children by public transportation, bus, school bus, or farm vehicle.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1100 ~~46.1-314.7~~ . Use of standard seat belts permitted.—The use of a seat belt of the type which is standard equipment in new automobiles sold in ~~this~~ the Commonwealth shall not violate this article if (i) the affected child is at least ~~between~~ three but less than ~~and~~ four years of age ~~old~~ and (ii) the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 14. Maximum Vehicle Size, Generally.

§ 46.2-1101 ~~46.1-327~~ . Limitations applicable throughout Commonwealth; alteration by local authorities.—The maximum size and weight of vehicles ~~herein~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1102 ~~46.1-332~~ . Size limitations inapplicable to farm machinery and fire-fighting equipment.—The ~~vehicle size limitations upon size of vehicles prescribed contained in §§ 46.1-328 through 46.1-330 and §§ 46.1-333 and 46.1-334~~ *Articles 14 through 17* (§ 46.2-1101 *et seq.*) of this chapter shall not apply to farm machinery when such farm machinery is temporarily propelled, hauled, transported , or moved ~~upon~~ on the highway by a farm machinery distributor or dealer or fertilizer distributor or by a farmer in the ordinary course of business ; ~~nor~~ . *Nor shall those limitations apply* to fire-fighting equipment of any county, city, town , or fire-fighting company or association ; ~~provided that any~~ . *Any farm tractor in excess of one hundred eight wider than 108 inches in width , however, which is so propelled, hauled, transported , or moved upon on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police ; which . The light shall be plainly visible from the rear of such the tractor.*

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1103 ~~46.1-344~~ . Greater size, weight , and load limits permitted by interstate commerce regulations.— ~~In the event If a valid federal regulation of interstate commerce ; recognized by the State Highway and Transportation Board,~~ permits the use in interstate commerce over the highways of Virginia or any of them, of a greater size, weight , or load limit than ~~may be prescribed as provided in this title, then the Board may shall~~ prescribe a similar size, weight , and load limit for vehicles in intrastate commerce operated over the same highways.

NOTE: The section has been rewritten to state its apparent intent more clearly.

§ 46.2-1104 ~~46.1-345~~ . Reduction of limits by ~~Highway and Commonwealth~~ Transportation Commissioner and local authorities ; ~~penalties~~ .—The ~~State Highway and Commonwealth~~ Transportation Commissioner, acting through district or resident engineers, 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 ~~State Highway System,~~ interstate , ~~primary, or secondary~~ system of highways or ~~secondary~~ system of state 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 ~~herein~~ provided in *this section* is to be effective for a period exceeding more than ninety days, the ~~State Highway and Commonwealth~~ Transportation Commissioner shall prescribe such reduction in writing which shall be kept on file at the central office of the Department of ~~Highways and Transportation ; provided, the reduction of any limit as herein provided is under the jurisdiction of the State Highway and Transportation Commissioner~~ . In instances where the limits, including speed limits, are to be temporarily reduced, the resident engineer for the Department of ~~Highways and Transportation~~ in the county wherein such ~~road~~ highway is ~~situate~~ located shall immediately notify the Chief Engineer for the Department of ~~Highways and Transportation~~ at the central office in ~~Richmond~~ of such reduction ; ~~who~~ . *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 roads whereon 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 Highways and Transportation. Anyone aggrieved by such reduction of limits may appeal directly to the State Highway and Commonwealth Transportation Commissioner for redress, and if the State Highway and Transportation Commissioner he affirms the action of reducing such limits, the State Highway and Commonwealth Transportation Board shall afford any such aggrieved person the opportunity of being heard at its next regular meeting.

The local authorities of cities, towns and counties, *cities, and towns*, where the highways or streets are under their jurisdiction, may adopt rules and regulations or pass ordinances, as the case may be, decreasing the weight limits prescribed in this title for a total period not to exceed *no more than* ninety 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 or streets unless such weights are reduced.

In all instances where the limits for weight, size, or speed have been reduced by the State Highway and Commonwealth Transportation Commissioner or the weights have been reduced by local authorities, pursuant to this section, signs stating the weight, height, width, length, or speed, as the case may be, permitted on such highway or street, shall be erected at each end of the section of highway or street affected and no such reduced limits shall be effective until such signs have been posted.

It shall be unlawful to operate a vehicle or combination of vehicles ~~over or upon~~ on any public highway, street or section thereof when the weight, size, or speed thereof exceeds the maximum posted by authority of the State Highway and Commonwealth Transportation Commissioner or local authorities pursuant to this section.

Any person convicted of a violation of any provision of this section shall be punished by a fine of not less than \$10 nor more than \$500 or be confined in jail for not less than 1 day nor more than 6 months, or both, and 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 cost costs have been satisfied.

NOTE: The penalty has been changed to a Class 2 misdemeanor.

Article 15.

Maximum Vehicle Widths and Heights.

§ 46.2-1105 ~~46.1-328~~. Width of vehicles; generally; exceptions as to size. — (a) No vehicle, including any load thereon, but excluding the mirror required by § 46.1-289 ~~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) ~~[Repealed]~~; (2)

~~passenger 1. Passenger bus operated in an incorporated city or town when authorized under § 46.1-180 46.2-1300 - 102" 102 inches~~; (2a) ~~[Repealed]~~; (2b)

~~school 2. School buses - 100" 100 inches wide while in motion and 118" wide when stopped to pick up or discharge students and (3)~~

~~other 3. Other vehicles - 96 " inches with safety devices not to exceed 3 " inches on each side of the vehicle, excluding rear view mirrors.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

(b) § 46.2-1106. *Bus widths in Arlington County.*— Upon application by the governing body of any county having a population of more than 5,000 inhabitants per square mile *Arlington County*, the State Highway and Commonwealth Transportation Board may by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses in excess of wider than 96" 96 inches but not exceeding 102" no wider than 102 inches on certain highways or parts thereof designated by the Board in such county *Arlington County*.

NOTE: Subsection (b) of former § 46.1-328 has been broken out as a separate section and the name of the locality spelled out.

(e) § 46.2-1107. *Bus widths in certain counties.*— Upon application by the governing body of any county contiguous to an incorporated city or town or which is contiguous to a county having a population of more than 5,000 inhabitants per square mile, the State Highway and Commonwealth Transportation Board may by general or special order, which may be amended or rescinded from time to time, permit within that county the operation of passenger buses of a total outside width in excess of wider than 96" 96 inches but not exceeding 102"; which passenger buses have been authorized for operation within such city or town in the manner

provided in subdivision (a) (2) of this section or within such county in the manner provided in subsection (b) of this section, on certain highways or parts thereof designated by the Board in such contiguous county and within 10 miles of the corporate limits of the aforesaid city, town or county no wider than 102 inches .

NOTE: This section formerly was subsection (c) of § 46.1-328. Its applicability has been expanded to include all counties.

(d) § 46.2-1108. *Bus widths to comply with federal law.*—If federal law and regulations thereunder permit the operation of passenger buses of widths in excess of wider than 96" 96 inches on the interstate highway system of interstate and defense highways , the State Highway and Commonwealth Transportation Board may ; by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses of a total outside width, excluding the mirror required by § 46.1-289 46.2-1082 , in excess of 96" of more than 96 inches , but not exceeding 102" more than 102 inches , on federal interstate and defense highways or any other 4 four lane divided highways under the jurisdiction of the State Highway and Commonwealth Transportation Board, or parts thereof, which shall be designated in such order . The use of any other state highways between the aforesaid highways and the passenger bus terminals may be permitted upon application to the State Highway and Transportation Board by the governing body of any county, city , or town in which such other highways are located ; and the Board's general or special order for such use of such highways may be amended or rescinded from time to time . Any such increase in width of passenger buses or designation of highways to be used by them shall not in any way exceed the federal law or regulations thereunder, which may hereafter be adopted, or jeopardize the Commonwealth's allotment of or qualification for federal aid highway funds. The Commissioner of the Department of Motor Vehicles is hereby authorized to register and license such buses.

NOTE: This section formerly was subsection (d) of § 46.1-328.

§ 46.2-1109 46.1-328.1 . *Widths of commercial vehicles.*—No commercial vehicle shall exceed 102" 102 inches in width when operating on any federal interstate and defense highway ; or on any qualifying federal-aid primary highway designated by the State Highway and Commonwealth Transportation Board. The width limitation in this section shall not include rear view mirrors, turn signal lamps 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. Such vehicles shall have reasonable access to terminals, facilities for food, fuel, repairs , and rest, and points of loading and unloading of household goods as designated by the State Highway and Commonwealth Transportation Board. For the purposes of this section, a commercial vehicle is defined as a motor vehicle, trailer , or semitrailer designed or regularly used for carrying freight, merchandise, or more than ten passengers, whether loaded or empty, including buses, but not including vehicles used for vanpools.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1110 46.1-329 . *Height of vehicles; damage to overhead obstruction ; penalty .*— (a) No loaded or unloaded vehicle unladen or with load shall exceed a height of thirteen feet, six inches.

(b) Nothing contained in this section shall be construed to require either the public authorities or railroad companies to provide vertical clearances of overhead bridges or structures in excess of twelve feet , six inches, or to make any changes in the vertical clearances of existing overhead bridges or structures crossing streets or highways. The operator driver or owner of vehicles operating on streets or highways shall be held financially responsible for any damage to overhead bridges or structures that results from collisions therewith.

(c) The operator driver or owner of any vehicle colliding with an overhead bridge or structure shall immediately notify immediately , 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 ; or a police officer, 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.

(d) On any highway or over which there is an overhead a bridge or structure having a vertical clearance of less than 13' 6" thirteen feet, six inches , the Commissioner of the Department of Highways and Commonwealth Transportation Commissioner shall cause to be erected no less than 2 have at least two signs erected setting forth the height of the bridge or structure ; such . Such signs to shall be located at least 1,500 ' feet ahead of said the bridge or structure.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1111 ~~46.1-334~~ . Extension of loads beyond line of fender or body.— A. No vehicle shall carry any load extending more than six inches beyond the line of the fender or body ; provided . Nor shall such load shall not exceed a total outside width as prescribed by § ~~46.1-328~~ §§ 46.2-1105 through 46.2-1109 .

B. Notwithstanding the foregoing provisions of subsection A of this section, it shall be lawful for watercraft carried on vehicles to may extend more than six inches beyond the line of the fender or body of such vehicle provided if the total width of watercraft and the carrier upon which the same it is so carried does not exceed seventy-six inches.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 16. Maximum Vehicle Lengths.

§ 46.2-1112 ~~46.1-330~~ . Length of vehicles ; , generally; special permits; tractor truck semitrailer combinations, etc., operating on certain highways; emergency towing; buses with safety bumpers .—No motor vehicle exceeding a length of longer than forty feet shall be operated upon a on any highway of in this Commonwealth. The actual length of any combination of vehicles coupled together including any load thereon shall not exceed a total of sixty feet ; and no . No tolerance shall be allowed that exceeds twelve inches.

However, the State Highway and The Commonwealth Transportation Board , however, when good cause is shown, may issue a special permit for combinations either in excess of sixty feet, including any load thereon , where the object or objects to be carried cannot be moved otherwise ; or where . Such permits may also be issued by the Board 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 fifty-four feet. However, no

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 federal interstate and defense highways highway or on any qualifying federal-aid primary highway as designated by the State Highway and Commonwealth Transportation Board ; but no one . No individual semitrailer or trailer being drawn in a tractor truck semitrailer or trailer combination , however, shall exceed twenty-eight feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed forty-eight feet in length.

The length limitations of such 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. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for carriers of household goods.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1113. Length exceptions for certain passenger buses.— Passenger buses in excess of longer than thirty-five feet, but not exceeding longer than forty feet, may be operated on the streets of incorporated cities and towns when authorized pursuant to § ~~46.1-180~~ 46.2-1300 . Vehicles designed and used exclusively for the transportation of motor vehicles may have an additional load overhang not to exceed five feet. In an emergency as defined in § ~~46.1-330.1~~ the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed sixty feet in length 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. Passenger buses may exceed the forty-foot limitation when such excess length is caused by the projection of a front or rear safety bumper or a 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 so it absorbs to absorb energy upon impact.

Note: The provision on towing disabled combination vehicles was moved to Article 19 of this chapter. The reference to load overhang for vehicle transporters was removed as duplicating the provisions of § 46.1-330.1. See proposed § 46.2-1114.

§ 46.2-1114 ~~46.1-330.1~~ . Same; Length of automobile transporters; operation on certain

highways.—Automobile transporters shall not exceed a length of sixty-five feet when operated on any federal interstate and defense highways highway or on any qualifying federal-aid primary highways highway as designated by the State Highway and Commonwealth Transportation Board. 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 State Highway and Commonwealth Transportation Board.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1115 ~~46.1-331~~ . Same; Lengths of mobile homes or house trailers.—The actual length of any combination of a towing vehicle and any mobile home or house trailer, coupled together, shall not exceed a total length of sixty feet, including coupling.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1116 ~~46.1-335~~ . Vehicles having more than one trailer, etc., attached thereto; exceptions.—Except as provided in this section and § ~~46.1-335.1~~ 46.2-1117 , no motor vehicle shall be driven upon 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 State Highway and Commonwealth Transportation Board ; but this . This limitation , however, shall not apply between sunrise and sunset to such farm trailers or semitrailers being moved from one farm to another farm owned or operated by the same person within a radius of ten miles ; provided that this . 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 sixty-five feet when operated on any federal interstate and defense highway or any qualifying federal-aid primary highway as designated by the State Highway and Commonwealth Transportation Board.

Such combinations shall have reasonable access to terminals ; and facilities for food, fuel, repairs , and rest as designated by the State Highway and Commonwealth Transportation Board. Such use shall be in conformity with safety regulations adopted by the Superintendent of State Police. In an emergency as defined in § ~~46.1-330.1~~ , the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed sixty feet in length 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 became disabled. However, in the cities of this Commonwealth, the councils

The governing body of any city may ; in their discretion, by general ordinance ; permit motor vehicles to be driven upon streets on the highways of their respective cities while drawing or having attached thereto more than one other vehicle, trailer , or semitrailer.

Note: The emergency towing provisions of this section have been moved to Article 19 of this chapter.

§ 46.2-1117 ~~46.1-335.1~~ . Same; tractor 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 federal interstate and defense highway and any qualifying federal-aid primary highway as designated by the State Highway and Commonwealth Transportation Board. Such combination shall have reasonable access to terminals, facilities for food, fuel, repairs , and rest, and points of loading and unloading for carriers of household goods.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1118 ~~46.1-336~~ . Connection between vehicles.— A. 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 , or other similar device not to exceed fifteen feet in length from one vehicle to the other and . 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.

B. The foregoing provisions of subsection A of this section shall not apply to any farm tractor, as defined in subdivision (7) of § ~~46.1-1~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1119 ~~46.1-336.1~~ . Tow dolly and converter gear.— ~~Any~~ 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 ~~an~~ 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 ~~not~~ 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 ~~lamps~~ 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 ~~current and future~~ requirements of the Code of Virginia law as it relates *pertaining* to towed vehicles.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1120 ~~46.1-333~~ . Extension of loads beyond front of vehicles.—No ~~train of vehicles or~~ vehicle ~~operated alone~~ shall carry any load extending more than three feet beyond the front thereof.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1121 ~~46.1-300~~ . Flag or light at end of load.—Whenever the load on any vehicle ~~shall extend~~ extends more than ~~4'~~ four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of ~~such~~ the load , in such a position as to be clearly visible at all times from the rear of ~~such~~ the load, a red flag, not less than ~~12"~~ twelve inches , both in length and width ; ~~except that between one-half hour after . Between sunset and one-half hour before sunrise, however,~~ there shall be displayed at the end of ~~such~~ the load a red light plainly visible in clear weather at least ~~500'~~ 500 feet to the sides and rear of ~~such~~ the vehicle.

Article 17.

Maximum Vehicle Weights.

~~(b)~~ § 46.2-1122. Definitions.— For the purposes of this ~~section~~ article the following definitions shall ~~apply~~ terms shall have the following meanings, unless the context clearly indicates otherwise :

(1)“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.

(2)“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.

~~(2a)~~ [Repealed.]

(3)“Single axle weight” - means the total weight transmitted to the ~~road~~ 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.

(4)“Tandem axle weight” - means the total weight transmitted to the ~~road~~ 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.

~~(4a)~~ [Repealed.]

(5)“Group of axles” - means any two or more consecutive axles located under a vehicle or combination.

NOTE: This section formerly was subsection (b) of § 46.1-339, but has been moved to the beginning of the article. See also note following § 46.2-1127.

§ 46.2-1123 ~~46.1-339~~ . Weight of vehicles and loads.— ~~(a)~~ 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 ~~section~~, and any article. Any notice by the Department of Transportation to truckers as to the provisions of this ~~section~~ article shall include all limits as provided in this ~~section~~ article .

NOTE: See note following § 46.2-1127.

(e) § 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.

NOTE: See note following § 46.2-1127.

§ 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 upon 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.

(e1) [Repealed.]

NOTE: See note following § 46.2-1127.

(d) § 46.2-1126. *Maximum gross weight, generally.*— Except as provided in § 46.1-339.01-46.2-1128, the gross weight imposed upon 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 to the nearest foot as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecu- tive axles	Maximum weight in pounds on any group of axles				
	2 axles	3 axles	4 axles	5 axles	6 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
25		54,500	58,500	63,500	69,000
26		55,500	59,500	64,000	69,500
27		56,000	60,000	65,000	70,000
28		57,000	60,500	65,500	71,000
29		57,500	61,500	66,000	71,500
30		58,500	62,000	66,500	72,000
31		59,000	62,500	67,500	72,500
32		60,000	63,500	68,000	73,000
33			64,000	68,500	74,000
34			64,500	69,000	74,500
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	. . . .

NOTE: See note following § 46.2-1127.

~~(d1)~~ § 46.2-1127. *Weight limits for vehicles using interstate highways.*— No motor vehicle or combination of vehicles shall travel upon a ~~Federal Interstate Highway~~, 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 subsection ~~(d)~~ of this section § 46.1-1126 , or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds, unless the currently otherwise permitted axle and gross weights on the Federal Interstate Highway System are increased by the proper authority. In the event ~~If~~ such weights on the Federal Interstate Highway System interstate highways are increased then , 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 the Federal Interstate Highway System interstate highways in the Commonwealth.

(e) Motor vehicles which are registered with the Virginia Department of Motor Vehicles or State Corporation Commission prior to July 1, 1956, may be permitted to operate under (1) the preceding subsections of this section in conformity therewith or (2) under the provisions of the statutes of the Commonwealth in force on January 1, 1956, but such operation shall only be permissible during the period in which the motor vehicle remains in operating condition. When such vehicle ceases to be operable the option to operate under this provision shall terminate. All vehicles, operation of which is desired under the provisions of subdivision (2) of this subsection, shall be registered with the State Department of Highways and Transportation and obtain a permit, without cost, so to do.

~~(f)~~ [Repealed.]

NOTE: Former § 46.1-339 has been broken up into proposed §§ 46.2-1122 through 46.2-1127. Subsection (e) of § 46.1-339 applies to few—if any—vehicles.

§ 46.2-1128 ~~46.1-339.01~~ . *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 title 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. However, no such permit as provided by this section shall authorize the operation of a motor vehicle whose gross weight exceeds 80,000 pounds, nor shall any such permit authorize any extension of the limitations provided in subsection ~~(d1)~~ of § 46.1-339 § 46.2-1127 for interstate highways.

Permits under this section shall be valid for one year and shall be issued according to the following fee schedule:

Percentage	Fee for Permit
1%	\$ 35
2%	75
3%	115
4%	160
5%	200

The Commissioner of the Department of Motor Vehicles, in cooperation with the State Corporation Commission, 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 of the Department of Motor Vehicles shall promulgate regulations governing such permits in cooperation with the State Corporation Commission. Except as provided in this section, and § 46.1-339.02 ~~46.2-1129~~ no weights in excess of those authorized by law shall be tolerated.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1129 ~~46.1-339.02~~ . *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 § 3.1-692, 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 of the Department of Motor Vehicles 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 weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit based on axle spacing and number of axles on such vehicle by five percent, respectively.

No permit issued under this section shall permit the operation on the ~~Federal Interstate System of Highways~~ *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 ~~subdivision (d) of § 46.1-339~~ § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner of the Department of Motor Vehicles shall promulgate regulations governing such permits in cooperation with the State Corporation Commission.

Weight extensions provided in this section shall be in addition to those provided in § ~~46.1-339.02~~ 46.2-1129, but no weights beyond those permitted by the combination of the extensions provided in this section and § ~~46.1-339.04~~ 46.2-1128 shall be tolerated.

NOTE: This section was added by the 1988 Session of the General Assembly.

§ ~~46.2-1130~~ 46.1-340. Crossing bridge or culvert by vehicle heavier than allowed thereon; where weight signs to be erected.—No vehicle shall cross any bridge or culvert ~~within~~ *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; ~~must~~ *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, ~~must~~ *shall* be placed in advance of the last alternate route on the road upon which there is a restricted structure.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1131~~ 46.1-341. Penalty for violation of weight limits; record of conviction, etc., forwarded to Department.—Any person violating any weight limit as provided in this ~~article~~ *chapter* or any permit is sued by either the Department of Transportation or by local authorities pursuant to this article shall be subject to a civil penalty of twenty-five dollars and a processing fee of twenty dollars in addition to any liquidated damages and weighing fees imposed by this ~~chapter~~ *article*. Upon collection by the Department, except as provided in § ~~46.1-342.1~~ 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 §§ ~~46.1-342~~ and ~~46.1-347~~ 46.2-1135 and 46.2-1137, respectively except as provided in § ~~46.1-342.1~~ 46.2-1138.

The penalties, damages, and fees ~~hereinabove~~ *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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1132~~ 46.1-341.01. 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 ~~the his~~ *his* statutory agent of such person 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 ~~Article 7 (§ 46.1-131 et seq.) of Chapter 3 of Title 46.1~~ §§ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1133 ~~46.1-341-02~~ . 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 of Transportation or by local authorities pursuant to this ~~article~~ *chapter* shall be processed in the following manner:

1. The officer charging the violation shall serve a citation on the operator of the overweight vehicle. ~~Such~~ The citation shall be directed to the owner, operator , or other person responsible for the overweight 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 weight violation as provided in § ~~46.1-179-02~~ 46.2-1136 .

2. The officer charging the violation shall cause the citation to be delivered or mailed by first-class mail to the Department within twenty-four hours after it is served.

3. The owner, operator , or other person charged with the weight violation shall, within twenty-one 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 ~~force and~~ 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 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 ~~so~~ 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 § ~~46.1-413~~ 46.2-383 . If judgment is for the Commonwealth, payment shall be made to the Department.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1134 ~~46.1-341-03~~ . Special overweight seizure provisions ; *penalty* .— ~~A.~~ Any officer 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.

~~B.~~ 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 § ~~46.1-341~~ 46.2-1131 .

~~C.~~ The Commonwealth shall not be required to post bond in order to attach a vehicle pursuant to this section. The officer 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.

D. 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 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.

E. 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 but not served.

F. 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 shall thereafter deny the offending person the right to operate a motor vehicle or vehicles upon the highways of this Commonwealth until the judgment or order has been satisfied.

G. 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.

H. 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.

I. 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 ~~article~~ chapter as they have with respect to the enforcement of the criminal laws of the Commonwealth.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1135~~ ~~46.1-342~~ . Liquidated damages for violation of weight limits; powers of enforcement officers; forfeiture of vehicle and cargo.—Any person violating any weight limit as provided in this ~~article~~ chapter or in any permit issued either by the Virginia Department of Transportation or by local authorities pursuant to this ~~article~~ chapter shall be assessed liquidated damages ~~in the~~ . The amount of those damages shall be two cents per pound for each pound of excess weight over the prescribed limit in this article for an excess which does not exceed 5,000 pounds, five cents per pound for each pound of excess weight over the prescribed limit in this article when such excess is more than 5,000 pounds, two cents per pound for each pound of excess axle weight over the prescribed limit in any permit issued pursuant to § ~~46.1-343~~ ~~46.2-1139~~ or § ~~46.1-343~~ ~~46.2-1148~~ when the excess is 5,000 pounds or less, five cents per pound for each pound of excess axle weight over the prescribed limit in any permit issued pursuant to § ~~46.1-343~~ ~~46.2-1139~~ or § ~~46.1-343~~ ~~46.2-1148~~ when such excess is more than 5,000 pounds and ten cents per pound for each pound of excess gross weight over the prescribed limit in any permit issued pursuant to § ~~46.1-343~~ ~~46.2-1139~~ or § ~~46.1-343~~ ~~46.2-1148~~ . However, whenever any vehicle does not exceed the gross weight permitted according to the table provided in § ~~46.1-339~~ ~~46.2-1139~~ and exceeds the axle weight in this article by 2,000 pounds or less, the liquidated damages shall be assessed in the amount of one cent per pound for each pound of excess weight over the prescribed axle limit in this article. ~~However, where~~ 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 § ~~46.1-342~~ ~~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 § ~~46.1-342~~ ~~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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1136~~ ~~46.1-179.02~~ . Procedures for issuing and serving process in overweight vehicle cases.— A. Any officer 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.

B. 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1137 46.1-347 . Weighing vehicles; procedure; shifting loads; unloading excess load; weighing fee; certificate as to accuracy of scales admissible in evidence; penalties.—Any officer 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 ten 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 . If the distance to the nearest permanent weighing station is more than ten road miles such vehicle may be weighed by wheel load weighers. Any ~~operator~~ driver who fails or unreasonably refuses to drive his vehicle to such permanent weighing station or upon such scales or wheel load weighers upon the request and direction of the officer so to do shall be 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.

In the event of such failure or unreasonable refusal, 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 drive his vehicle to such weighing area, 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, payment shall be made from highway funds.*

Should the officer 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.

However, notwithstanding the provisions of § ~~46.1-330~~ 46.1-xxx , should the officer 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 ~~up to 120 minutes~~ *two hours* to shift his load within or upon ~~on~~ that same vehicle in order to bring the axle weight or axle weights within proper limits. 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 consists of hazardous material as defined in § 18.2-278.1. 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.

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.

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 ~~time~~ *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.

NOTE: The word "time" in the last paragraph has been changed to "date".

§ 46.2-1138 46.1-342.1 . County ordinances fixing weight limits on roads which have been withdrawn from secondary system.—The governing ~~body~~ *bodies* of any county ~~which has withdrawn its roads from the secondary system of state highways in accordance with Chapter 415 of the Acts of 1932, Arlington and Henrico Counties~~ may adopt ordinances providing weight

limits in accordance with the weight limits established by § 46.1-330 §§ 46.2-1123 through 46.2-1127 for any vehicle or combination of vehicles passing over any such roads highway under the county's jurisdiction of such county, and providing further . 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 § 46.1-342 46.2-1135 . Such ordinances may provide:

~~That upon~~ 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~~ is provided in ~~sueh~~ the ordinance;

~~that sueh~~ The assessment shall be entered by the court as a judgment for such county ; ~~and~~ ;

~~the~~ The entry of such judgment shall constitute a lien upon the overweight vehicles;

~~that sueh~~ 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.

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 §§ 46.1-341, 46.1-341.02, 46.1-341.03 and 46.1-342 46.2-1131 and 46.2-1133 through 46.2-1135 , except that civil penalties, liquidated damages , and 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 18.

Permits for Excessive Size and Weight.

§ 46.2-1139 46.1-343 . Permits for excessive size and weight ; ~~certain vehicles carrying containerized cargo; concrete mixers; certain coal-hauling vehicles; certain refuse collection trucks; solid waste haulers; certain vehicles carrying items originating overseas from Virginia port to assembly plant; articulated buses; inspections; violations and penalties generally; penalty .~~ - ~~(a)~~ (1) A. The Commonwealth Transportation Board and local authorities of cities and towns , in their respective jurisdictions , may, in their discretion, upon written application in writing and good cause being shown therefor , issue a special permit in writing authorizing the applicant to operate ~~or move on a highway~~ a vehicle upon the highway of a size or weight exceeding the maximum specified in this title. Every Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting ~~sueh~~ the permit.

B. No overweight permit issued by the Board 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. 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. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor.

§ 46.1-343.2. Same; restriction. D. Any permit which has been heretofore or is hereafter issued by the State Highway and Commonwealth Transportation Commissioner or local authorities of cities and towns pursuant to § 46.1-343 (b) or (c) or § 46.1-343.1 (a) 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 in writing must shall be given to the permittee.

NOTE: The added language following the first paragraph is taken from virtually every

existing special weight permit provision of the Code. The balance of § 46.1-343 is contained in §§ 46.2-1141 through 46.2-1147.

~~§ 46.2-1140 46.1-343.3 . Same; authority~~ Authority to use certain streets and highways in cities and towns.—When the State Highway and Commonwealth Transportation Commission issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the State Highway and Commonwealth Transportation Board may also include within such permit, after coordinating with the authorities of a city or town, the authority to use specified streets and highways at specified times within any such city or town which streets highways constitute extensions of any part of the State Highway System primary highway system . No city or town ; otherwise having jurisdiction over its streets and highways, shall have authority to prohibit the use of its streets and highways to a person holding a permit issued by the State Highway and Commonwealth Transportation Board so long as such person travels upon the streets and highways specified in such the permit.

NOTE: See note following § 46.2-1147.

~~(2) § 46.2-1141. Overweight permits for containerized freight.— It is hereby determined and declared by the General Assembly of Virginia that special permits Permits to operate or move on the highways a vehicle upon the highways of a weight exceeding the maximum weight specified in this title should shall be granted without costs where if the vehicle is hauling or carrying containerized cargo in a sealed, seagoing container bound to or from a Virginia seaport and has been or will be transported by marine shipment to or from the ports of Hampton Roads , provided the vehicle's single axle weight does not exceed 20,000 pounds, the its tandem axle weight does not exceed 34,000 pounds , and the its gross weight does not exceed 78,000 pounds ; and provided . In order to qualify for such a permit the contents of such seagoing container are 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. It is further determined and declared that cargo Cargo moving in vehicles conforming to specifications shown in this subsection section , but exceeding axle and gross weight limitations shown in this subsection section , shall be considered irreducible and eligible for permits under regulations of the Commonwealth Transportation Board. The requirement of this subdivision section that the container be bound to or from a Virginia seaport the port of Hampton Roads need not be met if the cargo in the container (i) is destined for a seaport outside Virginia and (ii) consists wholly of farm products grown in that part of Virginia separated from the larger part of the Commonwealth by the Chesapeake Bay Accomack or Northampton County .~~

NOTE: Since this section appears to contemplate Hampton Roads only, specific reference is made to Hampton Roads to eliminate the river ports and the "inland port" at Front Royal. See also note following § 46.2-1147.

~~(b) [Repealed.]~~

~~(b1) § 46.2-1142. Overweight permits for concrete haulers.- The Commonwealth Transportation Board and local authorities of cities and towns, in their respective jurisdictions, upon written application in writing made by the owner or operator of , shall issue overweight permits for operation of certain vehicles used to haul concrete. Permits under this section shall be issued only for three-axle vehicles 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 the a project site ; and having . Any vehicle operating under a permit issued pursuant to this section shall have a gross weight not exceeding of no more than 60,000 pounds, a single axle weight not exceeding of no more than 20,000 pounds, and a tandem axle weight not exceeding of no more than 40,000 pounds ; shall issue to such owner or operator, . Such permits shall be issued without cost ; a permit in writing authorizing the operation of such vehicles upon the highways . No such permit shall be issued authorizing authorize the operation of the vehicles enumerated in this subsection section for a distance of more than twenty-five miles from a batching plant ; however, such . 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 subsection section , shall be operated at a reduced speed . The reduced speed limit is to be ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones. No permit issued under this subsection providing for (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 § 46.1-339 (d), or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.

NOTE: See note following § 46.2-1147.

(e) § 46.2-1143. *Overweight permits for coal haulers; penalties.*- The Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon written application in writing, made by the owner or operator of vehicles used exclusively for the hauling of coal from a mine or other place of production to a preparation plant, loading dock, or railroad shall issue to such owner or operator, without cost, a permit in writing authorizing those vehicles to operate with gross weights in excess of that those established in § 46.1-339 46.2-1126 on the conditions hereinafter set forth in this section.

Vehicles with three axles may have a maximum gross weight, when loaded, of no more than 60,000 pounds, a single axle weight not exceeding of not more than 24,000 pounds and a tandem axle weight not exceeding 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 not exceeding of no more than 24,000 pounds, and a tri-axle weight not exceeding of no more than 50,000 pounds. Vehicles with five axles having no less than thirty-five 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 not exceeding of no more than 20,000 pounds, and a tandem axle weight not exceeding of no more than 40,000 pounds.

In addition, as of July 1, 1979, any No load of any vehicle permitted by this subsection whose load rises 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; shall be in violation of this subsection. As of April 1, 1980, all vehicles to qualify for a valid permit under this subsection must be identified by their bed size in cubic feet and modified, where required, to permit visual inspection in the manner hereinafter provided, and as of that date any existing permit not issued in such manner shall be invalid. However, as of July 1, 1979, any vehicle owner or operator who so desires may obtain a permit in accordance with the conditions established for permits as of April 1, 1980, and shall thereby be subject to the provisions of this subsection applicable to vehicles with such permits. As of April 1, 1980, three-axle 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 less minus the weight of the empty truck empty divided by the average weight of coal which is established to. For the purposes of this section, the average weight of coal shall be fifty-two pounds per cubic foot. Four-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 70,000 pounds less minus the weight of the empty truck empty divided by the average weight of coal which is established to be fifty-two pounds per cubic foot.

For the purposes of this subsection section, the term bed shall mean that part of the vehicle utilized used to contain haul coal while hauling, and bed. Bed size shall be measured by its interior dimensions with volume expressed in cubic feet. In order to insure ensure compliance with this subsection section by visual inspection, if the actual bed size of said 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 which is, clearly visible to indicate the uppermost limit of the maximum bed size applicable to said the vehicle as provided in this subsection section. In addition, one slotted 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. As of July 1, 1979, any Any vehicle not in compliance with this subsection shall be in violation of this subsection and the owner and/or operator section shall be subject the vehicle's owner or operator or both to a penalty of \$250 for the a first offense, \$500 for a second offense within a twelve-month period, and \$1,000 and revocation of the permit for a third offense within a twelve-month period from the first offense.

If the bed of any vehicle which has received a permit under this subsection 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 and/or, 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 subsection section shall be in lieu of those imposed under § 46.1-342 46.2-1135.

Any For any vehicle with a valid permit issued pursuant to the conditions required for a permit as of April 1, 1980, when such vehicles are 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 in cubic feet, 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 in cubic feet, if applicable, the operator of the vehicle shall be permitted to shift his load within the bed to determine if whether the load can be contained in the bed without rising above its top or above the line.

No such permit shall be valid for the operation of any such vehicle for a distance of more than thirty-five miles from such the preparation plant, loading dock , or railroad. However, no permit issued under this subsection providing (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 § 46.1-339 (d), or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.

(e1) Upon the application in writing of any county which has withdrawn its roads from the secondary system of state highways and which owns or operates three-axle refuse collection trucks, a single axle weight not exceeding 20,000 pounds, and a tandem axle weight not exceeding 36,000 pounds, the Commonwealth Transportation Board and local authorities of counties, cities and towns, in their respective jurisdictions shall issue to such county, without cost, a permit in writing authorizing the operation of such vehicles upon the highways. Permits may be issued only for the operation of the four refuse collection trucks which the county owned or had ordered prior to March 1, 1968. 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 subsection providing for (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 § 46.1-339 (d), or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.

NOTE: See note following § 46.2-1147.

(e1a) § 46.2-1144. *Overweight permits for solid waste haulers.*- The Commonwealth Transportation Board, upon written application in writing made by the owner or operator of vehicles used exclusively for the hauling of solid waste ; other than hazardous waste ; shall issue ; without cost ; to such owner or operator, a permit in writing authorizing the operation on the highway of such vehicles upon on the highways at gross weights in excess of those set forth in § 46.1-339 (d) 46.2-1126 .

A No permit issued under this subsection section shall not authorize a single axle weight in the excess of more than 20,000 pounds or a tandem axle weight in excess 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 in excess 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 Commonwealth Transportation Board shall promulgate necessary regulations governing such permits.

No such permit shall be issued authorizing authorize the operation of the vehicles any vehicle enumerated in this subsection section beyond the boundary of the county or city where the vehicle it is principally garaged or for a distance of more than twenty-five miles from the place where such vehicle it is principally garaged, whichever is greater; however, the said . 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 subsection section , shall be operated at a reduced speed : The reduced speed limit is to be of ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones. No permit issued under this subsection providing for (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 § 46.1-339 (d), or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.

For the purposes of this subsection section , the terms "solid waste" and "hazardous waste" shall have the meanings provided in § 10-264 10.1-1400 .

NOTE: See note following § 46.2-1147.

(e1b) § 46.2-1145. *Overweight permits for certain trucks operated by Arlington County.*- The Commonwealth Transportation Board, upon written application in writing made by any county which (i) operates under the county manager plan of government and (ii) maintains its own system of roadways, and (iii) which operates vehicles used for the hauling of solid waste from single family, duplex, or townhouse residential dwellings, and vehicles used for roadway or utility construction, operation and maintenance purposes Arlington County, shall issue without cost ; to such county ; a permit in writing authorizing the county's operation of such vehicles used for hauling household waste and vehicles used for highway or utility construction, operation, or maintenance upon the highways of such county at a gross weight weights in excess of exceeding those set forth in subsection (d) of § 46.1-339 § 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 ~~not exceeding of not more than~~ 24,000 pounds and that vehicles with three axles may have a maximum gross weight of no more than 60,000 pounds and a single axle weight ~~not exceeding of not more than~~ 24,000 pounds and a tandem axle weight ~~not exceeding 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 subsection ~~section~~ shall be operated at a reduced speed - ~~The reduced speed is to be of~~ ten miles per hour slower than the legal speed limit in fifty-five, forty-five, and thirty-five miles per hour speed limit zones. ~~No permit issued under this subsection providing for a single axle weight in excess of 20,000 pounds or for a tandem axle weight in excess of 24,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.~~

NOTE: See note following § 46.2-1147.

~~(c2)~~ § 46.2-1146. *Excess height and length permits for haulers of certain imported goods.*- The Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon ~~written application in writing made by the owners or operators of~~ motor vehicles ~~not exceeding the axle and gross weight limitations as set forth in § 46.1-339,~~ shall issue, without cost, a permit authorizing the operation of such motor vehicles on the highways of this Commonwealth, ~~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, or shall issue without cost permits for the operation of such motor vehicles that on the highways if those vehicles do not exceed the height limitation set forth in § 46.1-320 46.2-1110 by more than one and one-half feet and not exceeding the length limitation as set forth in § 46.1-330 §§ 46.2-1112 and 46.2-1113 by more than three feet. The Commonwealth Transportation Board and local authorities may designate the routes such permittees must shall use from the port to the assembly plant.~~

~~(d)~~ Every such permit issued under this section shall be carried in the vehicle to which it refers and shall be open to inspection by any officer and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

NOTE: See note following § 46.2-1147.

~~(e)~~ § 46.2-1147. *Permits for excessive size and weight for articulated buses.*- The Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon ~~written application in writing, made by the owner or operator of three-axle~~ 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 ~~not exceeding of no more than~~ 60,000 pounds, a single axle weight ~~not exceeding of no more than~~ 25,000 pounds and a width ~~not to exceed of no more than~~ 102 inches shall issue to such owner or operator, without cost, a ~~written permit in writing~~ authorizing the operation of such vehicles ~~upon on the~~ highways. ~~No permit issued under this subsection providing for (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 24,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.1-339 (d), or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.~~

NOTE: Former § 46.1-343 has been broken up into proposed §§ 46.2-1140 through 46.2-1147.

§ 46.2-1148 ~~46.1-343.1~~ . *Same; vehicle Overweight permit for hauling Virginia-grown farm produce.*- ~~(a)~~ In addition to the other permits provided for in § 46.1-343 ~~this article~~ , the Commonwealth Transportation Board and local authorities of cities and towns, in their respective jurisdictions, upon ~~written application in writing made by the owner or operator of a any~~ three-axle vehicle used for hauling farm produce grown in Virginia and having, ~~shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a gross weight not exceeding of no more than~~ 50,000 pounds, a single axle weight ~~not exceeding of no more than~~ 20,000 pounds, and a tandem axle weight ~~not exceeding of no more than~~ 36,000 pounds ; ~~or any~~ . Additionally, any five-axle combination used for hauling Virginia-grown farm products and having may have a gross weight ~~not exceeding of no more than~~ 80,000 pounds ; ~~or and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds and otherwise in conformity with the provisions of § 46.1-339,~~ shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicle upon the highways .

Except as *otherwise* provided in subsection ~~(d)~~ of 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 ; but no permit issued under this section providing for tandem axle weight in excess of 32,000 pounds shall be issued to include travel on the Federal

Interstate System of Highways .

(b) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any officer and it shall be a traffic infraction for any person to violate any of the terms or conditions of such special permit, except that violations of the weight limits of such permits shall be subject only to the provisions of this article.

(c) Subsections (a) and (b) of this section shall only apply to the lesser part of the Commonwealth which is entirely separated from the greater part of the Commonwealth by at least two miles of salt water.

(d) No permit issued under this section shall authorize any vehicle whose axle weights or axle spacing would not be permissible under ~~§ 46.1-330~~ § 46.1-xxx to cross any bridge constituting a part of any public road.

Permits issued under this section shall be valid only in Accomack and Northampton Counties.

NOTE: Provisions of former subsection (c) are now part of the general provisions at the beginning of the article.

§ 46.2-1149 ~~46.1-343.4~~ . Unladen, oversize and overweight , rubber-tired, self-propelled haulers and loaders; permits for individual trips; engineering analysis; costs.—The State Highway and Commonwealth Transportation Board and local authorities of cities and towns in their respective jurisdictions, upon *written* application in ~~writing~~ made by the owner or operator of any empty, oversize and overweight, rubber-tired, self-propelled haulers and loaders *hauler or loader* used in the construction and coal mining industries, may issue to such owner or operator a ~~written~~ permit authorizing operation upon the highways of such equipment with gross empty weights in excess of those established in ~~§ 46.1-330~~ §§ 46.2-1122 through 46.2-1127 and sizes in excess of those established in ~~§ 46.1-328~~ §§ 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 affected jurisdictions to assess the ability of the roadway and bridges to be traversed to sustain the vehicles' size and weight. Permits shall be issued on an individual trip basis and costs will be assessed against the applicant to cover engineering analysis.

No such permit issued under this section shall be valid for the operation of the equipment for a distance of more than thirty-five miles.

No permit issued under this section providing for a single axle weight in excess of 20,000 pounds, or for a tandem axle weight in excess of 34,000 pounds or gross weights in excess of 80,000 pounds shall be issued to include travel on the Federal Interstate System of Highways.

NOTE: The language of this section has been simplified, but no significant changes have been made.

*Article 19.
Towing and Towed Vehicles.*

§ 46.2-1150 ~~46.1-338~~ . Towing unlicensed or uninspected motor vehicle.—Nothing in this title shall be construed to prohibit towing an unlicensed motor vehicle or motor vehicle which has not been inspected.

NOTE: Only minimal changes have been made.

§ 46.2-1151 ~~46.1-339.1~~ . Same; *Weight limit* exception as to vehicles designed for towing disabled vehicles.—The provisions of ~~§ 46.1-330~~ §§ 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 ~~§ 46.1-330~~ §§ 46.2-1122 through 46.2-1127 . ~~The provisions of this~~ *This* section shall not be construed to permit the violation of any lawfully established load limit on any bridge. For the purpose of this section, "emergency" shall include *includes* towing disabled inoperative vehicles to places designated by owners.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1152 ~~46.1-339.2~~ . Certain tow trucks need not be weighed.—Notwithstanding any other provision of law, ~~rule, or regulation,~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 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.

Note: This was taken from §§ 46.1-330 and 46.1-335.

§ 46.2-1154 ~~46.1-337~~ . *Same; Length of vehicles; exceptions in case of breakdown.*—The provisions of § ~~46.1-336~~ 46.2-1118 shall not apply in case of a bona fide emergency resulting from to vehicles which, because of a mechanical breakdown or an accident when such vehicle is being , are towed to the nearest garage or repair shop facility which can furnish the required service. In any such case such connection may consist solely of a chain, rope , or cable of not over no more than fifteen feet in length between vehicles; provided that a long. A licensed operator drivers shall be at the controls of the towed vehicle to brake, steer and control the its lights thereof .

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 20. Loads and Cargoes.

§ 46.2-1155 ~~46.1-304~~ . *Fastening load of logs, barrels, etc.*— (a) No vehicle which is designed or used for the purpose of hauling logs, poles or , lumber, barrels, hogsheads , or other materials or containers which by their nature may shift or roll, shall be operated or moved over 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 the load from shifting or falling of such load from the vehicle ; provided, however, that tobacco . Tobacco hogsheads may, however, in lieu of chains or metal cables, be secured by manila or hemp rope , at least five-eighths inch in diameter, of such sufficient strength as securely to fasten securely the hogshead against shifting, falling, or rolling ; and in any case of not less than five-eighths inch in diameter .

(b) ~~But nothing~~ Nothing in this section shall be construed to release the owner or operator from liability for failure to use reasonable care in securing or fastening said to prevent the load from shifting or falling.

NOTE: The reason for specifying “manila or hemp” rope is obscure.

§ 46.2-1156 ~~46.1-303~~ . *Construction, maintenance and loading must prevent escape of contents; load covers; exemptions.*— A. No vehicle shall be operated or moved on any highway unless such vehicle it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking , or otherwise escaping therefrom; provided, however, that no . No provision of this section , however, shall apply to any (i) motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose other than for the purpose of operating moving it across a highway or along a highway from one point part of the owner's land to another part thereof irrespective of whether or not the tracts adjoin; (ii) to any agricultural vehicle, tractor , or other vehicle exempted from registration and licensing requirements pursuant to § 46.1-45 Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title ; or (iii) to any motor vehicle transporting poultry or livestock.

B. *Until July 1, 1993, the loads of all trucks, trailers and semitrailers, carrying gravel, sand 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. Public service company vehicles, pickup trucks, coal trucks, and emergency snow removal equipment while engaged in snow removal operations shall be excluded from the provisions of this subsection.*

NOTE: The last paragraph of this section derives from subsection E of § 46.1-401, enacted by the 1988 Session of the General Assembly.

Article 21. Safety Inspections.

§ 46.2-1157 ~~46.1-315~~ . *Requirement of inspection; well-drilling machinery, antique motor vehicle excepted.* (a) The Superintendent may compel, by proclamation of the Governor or otherwise, the owner or operator of any motor vehicle, trailer , or semitrailer registered in Virginia and operated upon on a highway within this Commonwealth to submit such his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.1-315.2 and any 46.2-1158. No such owner or operator who

~~fails shall fail to submit a motor vehicle, trailer , or semitrailer operated upon on the highways of in this Commonwealth to such inspection or who fails or refuses 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 shall be guilty of a traffic infraction and shall be punished in accordance with the provisions of § 46.1-16.01 and each . Each day upon during which such motor vehicle, trailer , or semitrailer is operated over on any highway of in this Commonwealth after failure to comply with this law shall constitute a separate offense. However, the no penalty provided herein shall not be imposed upon on any 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 parked and an official inspection station, for the purpose of having the same it inspected pursuant to a prior appointment with such station for such inspection .~~

~~(b) The provisions of this section shall not apply to any vehicle for transporting well-drilling machinery licensed under § 46.1-156 46.2-700 or to any antique motor vehicle as defined under in § 46.1-1 (15a) 46.2-100 and licensed pursuant to § 46.1-104 46.2-730 .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1158 ~~46.1-315.2~~ . Frequency of inspection; scope of inspection.— A. Motor vehicles, trailers , and semitrailers required to be inspected pursuant to the provisions of § ~~46.1-315 46.2-1157~~ shall be reinspected within twelve months of the month of the first inspection and at least once every twelve months thereafter.

B. Each inspection shall be a complete inspection ; however, a . A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such ~~rejected 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.

C. A rejection sticker shall ~~have a validity period of~~ be valid for fifteen calendar days beyond the day of issuance. A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1159 ~~46.1-316~~ . 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. ~~A logtrailer as defined in this section~~ Log trailers shall be exempt from the requirements of § ~~46.1-315 46.2-1157~~ if the operation on the highways of ~~this in the~~ Commonwealth does not exceed two miles and is made during daylight hours.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1160 ~~46.1-317~~ . 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 of ~~this in the~~ Commonwealth where such vehicle does not operate under its own power on the highways of ~~this 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 § ~~46.1-315 46.2-1157~~ .

§ 46.2-1161 ~~46.1-317.1~~ . Exemption of boat, utility and travel ~~certain~~ trailers not equipped with brakes.— ~~Effective July 1, 1977, no~~ No boat, utility , or travel trailer ~~which is not equipped with brakes~~ shall be required to be inspected ~~which is not equipped with brakes~~ .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1162 ~~46.1-317.2~~ . 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 § ~~46.1-1 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 lamps lights .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1163 46.1-318 . Official inspection stations; ~~approval safety~~ inspection ~~approval~~ stickers. -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 ~~rules and regulations~~ governing the making of inspections required by this chapter. The Superintendent may at any time, after five days' notice, revoke the designation ~~or~~ ~~appointment~~ of any official inspection station designated ~~or~~ ~~appointed~~ by him.

~~When~~ *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 ; ~~there~~ . *There* also shall be placed on the windshield of the vehicle at a place to be designated by the Superintendent an approval ~~inspection~~ 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. 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 on the highways ~~of~~ *in* the Commonwealth and until such time as a new inspection period shall be designated and a new inspection sticker issued ; ~~provided, however, that common~~ . *Common* carriers, operating under certificate from the State Corporation Commission, who desire to do so may ~~install or~~ use with the approval of the Superintendent private inspection stations for the inspection and correction of their equipment.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1164 ~~46.1-294.1~~ . Reinspection not required when windshield replaced; transfer of inspection sticker to new windshield.-When any vehicle requires the replacement of a windshield pursuant to § ~~46.1-294~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1165 ~~46.1-319~~ . 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 ~~and such~~ . *Such* station shall post the ~~same~~ *regulations* in a conspicuous place in the portion of its premises where ~~such~~ inspections are made and shall cause its employees making official inspections ~~for it and on its behalf~~ to be conversant with such regulations.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1166 ~~46.1-320~~ . Minimum standards required ~~of~~ *for* inspection stations.-The Superintendent shall not ~~authorize or~~ designate any person, firm , or corporation as an official inspection station unless and until such person, firm or corporation ~~shall satisfy~~ *satisfies* the Superintendent , under such regulations as the Superintendent shall prescribe , that such person, firm , or corporation has met and will continue to ~~conform with~~ *at least to meet* the following standards:

(a) 1. The station is ~~equipped with~~ *has* sufficient mechanical equipment and ~~apparatus and is~~ *manned with* skilled and competent ~~automotive~~ mechanics to make a complete ~~and thorough~~ inspection in accordance with the provisions of this article;

(b) ~~Sufficient space, facilities or other adequate~~ 2. *Adequate* means are provided by the station ~~at the place where the official inspections are to be made for testing to test~~ the brakes, headlights , and steering mechanism of motor vehicles and to ascertain that motor vehicles inspected by the station ~~shall meet such~~ *the* safety standards as ~~may be~~ prescribed by the Superintendent under the terms of this title;

(c) 3. The person making the actual inspection ~~for the station~~ or under whose immediate ~~personal~~ supervision such inspection is made shall have ~~not less than~~ *at least* one year's practical experience as an automotive mechanic, or ~~shall have~~ *has* satisfactorily completed a training program in ~~the field of~~ automotive mechanics approved by the Superintendent of State Police;

(d) 4. No person shall be designated by such station to make such inspections for it unless the person has been approved for that purpose by the Department of State Police;

(e) 5. The Superintendent of State Police may, at his discretion, waive the provisions of subdivision (e) *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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1167 ~~46.1-321~~ . Charges for inspection and reinspection; exemption.— A. Each official inspection station may make a charge of six dollars for each such inspection, but the imposition of such charge shall not be mandatory. No such charge shall be made unless the station contracts therefor beforehand.

B. [Repealed.]

C. Each official inspection station may make a charge of one dollar for each reinspection of a vehicle rejected by such station, as provided in § ~~46.1-315.2~~ 46.2-1158 , if such vehicle is submitted for reinspection within the ~~fifteen-calendar-day~~ 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 inspection station, a charge of six dollars may be made *charged* for such inspections.

D. Notwithstanding the *foregoing* provisions of subsection A of this section, the maximum fee for the inspection of motorcycles shall be three dollars.

E. [Repealed.]

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.1-321.1~~ . Disposition of funds collected pursuant to § ~~46.1-326.8~~ . All moneys collected by the Department of State Police pursuant to § ~~46.1-326.8~~ shall be paid directly and promptly into the state treasury and shall be deposited to the credit of the State Treasurer pursuant to § ~~2.1-180~~ . Out of such moneys, cost of administration shall be paid to the Department of State Police, and all surplus shall be transferred to the general fund of the state treasury. All moneys so paid into the state treasury shall be set aside for the payment of the administrative costs of the official motor vehicle safety inspection program and the annual emissions inspection program as appropriated to such programs by the General Assembly. Any moneys not expended by the Department of State Police and any moneys collected over and above the costs of administration shall be transferred to the general fund of the state treasury at least annually.

Note: Transfer of the emissions inspection program to the Department of Air Pollution Control has made this section superfluous.

§ 46.2-1168 ~~46.1-321.2~~ . 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 a fee of one dollar to be disposed of as provided in this section. All moneys collected by the Department under this section shall be paid into the state treasury. Out of such moneys, cost of administration shall be paid to the Department and the remainder paid into the state treasury shall be set aside for the payment of the administrative costs of the official motor vehicle safety inspection program and the annual emissions inspection program as appropriated to such programs by the General Assembly. Any moneys not expended shall be transferred to the general fund of the state treasury at least annually.

NOTE: Reference to the emissions inspection program, now transferred to the Department of Air Pollution Control, have been deleted.

§ 46.2-1169 ~~46.1-322~~ . 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 ~~in~~ 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 ~~must~~ shall again be inspected and approved by an official inspection station.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1170 ~~46.1-323~~ . Advertising, etc., of official inspection station when not authorized.—No person, firm , or corporation, unless authorized and 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1171 ~~46.1-324~~ . ~~Violation Penalties for violation of article.~~—Any person violating this article shall be ~~punished by a fine of not less than \$25 nor more than \$500 guilty of a Class 3 misdemeanor for the first offense and not less than \$100 nor more than \$1,000 guilty of a Class 1 misdemeanor for each subsequent offense except as herein 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 hearing, the facts warrant such action , the Superintendent may revoke ~~the authority and cancel the appointment designation~~ of such inspection station.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1172 ~~46.1-325~~ . Unauthorized taking, possession, or use of inspection stickers, etc.—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~~ . ~~Nor shall any person have any such sticker or paper in his possession or use otherwise than as authorized by the Superintendent for the purposes set forth in this article; any inspection sticker or other form or paper issued by the Superintendent in connection with the inspection of motor vehicles authorized herein~~ . In any case where the Superintendent shall ~~have~~ *has* suspended or revoked the designation ~~or appointment~~ of any official inspection station designated ~~or appointed~~ by him, such station shall surrender possession to the Superintendent or his duly authorized representative of all inspection stickers and other forms and papers used in connection with ~~safety inspection of motor 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 misdemeanor and punished in accordance with § 46.1-324.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1173 ~~46.1-326~~ . Imitation or counterfeit inspection stickers.— ~~(a)~~ No person shall make, issue, or knowingly use any imitation or counterfeit of an official ~~certificate of inspection safety inspection sticker~~ .

~~(b)~~ No person shall display or cause or permit to be displayed upon any vehicle any ~~certificate of safety inspection sticker and approval knowing the same it to be fictitious or issued for another vehicle.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1174 ~~46.1-326.1~~ . Superintendent authorized to enter into Uniform Vehicle Inspection Reciprocity Agreement.—The Superintendent is ~~hereby~~ authorized to enter into ; ~~and become signatory to, the Uniform Vehicle Inspection Reciprocity Agreement, adopted by the American Association of Motor Vehicles Administrators on January 1, 1967 ; with such other states as are party to such agreement~~ .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1175 ~~46.1-326.1:1~~ . Operators of certain commuter buses to maintain certain records; inspection of records and buses by employees of Department of State Police; penalty.— A. 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 ~~upon~~ *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.

B. A violation of any provision of this section shall constitute a Class 3 misdemeanor.

C. 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 may own or operate.

D. For the purpose of this section, "commuter bus" shall mean means a motor vehicle with which has a seating capacity of more than seventeen passengers which, is used primarily to transport workers directly to and from factories, plants, offices, or other places of like nature where they are employed or accustomed to work, and is registered with the State Corporation Commission for such operation.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 22.
Emissions Inspections.

§ 46.2-1176 46.1-326.2 . Definitions.—The following words and phrases when used in this article shall have the following meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Certificate of emissions inspection" means a device or symbol, as shall be prescribed by the Executive Director, which indicates that a motor vehicle has satisfactorily complied with the applicable emissions standards and passed the requisite emissions inspection pursuant to the provisions of this article.

"Certificate of emissions inspection waiver" means a device or symbol, as shall be prescribed by the Executive Director, which indicates that the requirements of satisfactory compliance with the applicable emissions standards have been waived pursuant to the provisions of this article.

Until January 1, 1980, "motor vehicle" means any motor vehicle, other than a new model year motor vehicle, with a liquid-cooled internal combustion engine, other than a vehicle powered by a diesel engine or a vehicle which, at the time of its manufacture, was not designed to meet the emissions standards set by the federal government for light duty vehicles, which is subject to registration in this Commonwealth and is designed for the transportation of persons or property and which has a registered gross weight of 6,000 pounds or less. A "new model year motor vehicle" shall mean any motor vehicle which is either (i) of the same model year as the current calendar year or (ii) less than one year old, measured from the model year of such motor vehicle. If such motor vehicle does not have a model year, such measurement shall be made from the year of manufacture.

Beginning January 1, 1980, "motor "Motor vehicle" means any vehicle which:

1. Is subject to registration in Virginia by the Department of Motor Vehicles;
2. Is designed for the transportation of persons or property;
3. Is more than one year but less than twenty-one years old, measured from the model year of such motor vehicle or, if the motor vehicle does not have a model year, measured from the year of manufacture;
4. Is powered by an internal combustion engine; and
5. Has a gross vehicle weight of 8,500 pounds or less.

The term "motor vehicle" does not include any:

1. Vehicle powered by a diesel engine;
2. Motorcycle;
3. Vehicle which, at the time of its manufacture, was not designed to meet the emissions standards set by the federal government; or
4. Motor vehicle which is either (i) of the same model year as the current calendar year or (ii) less than one year old, measured from the model year of such motor vehicle.

"Emissions inspection station" means any official inspection station authorized by the Superintendent to make safety inspections pursuant to Article 10 (§ 46.1-315 et seq.) of Chapter 4 of this title § 46.2-1163, and which has applied for and obtained an emissions inspection station permit from the Board which authorizes the official inspection station and licensed personnel to perform emissions standards inspections in accordance with the provisions of this article.

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

"Board" means the State Air Pollution Control Board.

"Executive Director" means the Executive Director of the Department of Air Pollution Control Board.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Board.

"Low emissions tune-up" means the performance of the following procedures on a motor vehicle:

1. Inspection of the choke ; and ~~the~~ its cleaning, repairing or replacing as required.
2. Adjustment of the idle speed and air-fuel mixture according to the manufacturer's specifications.
3. Adjustment of the ignition dwell or gap and ignition timing according to manufacturer's specifications.
4. Inspection of the positive crankcase ventilation valve and vacuum hoses and ~~the~~ their repair and replacement of those parts as required.
5. Inspection of the spark plugs and spark plug wires and ~~the~~ their repair and replacement of those parts as may be required.
6. Inspection of the air filter and fuel filter and ~~the~~ their replacement of those parts as required.
7. Inspection of the distributor and distributor cap and ~~the~~ their replacement of those parts as required.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1177 ~~46.1-326.3~~ . Emissions inspection program.—The Executive Director shall administer a ~~comprehensive~~ an emissions inspection program. Such program shall require an inspection of motor vehicles at official emission inspection stations in accordance with the provisions of federal and state law and administrative regulations promulgated pursuant to the provisions of this article. The annual emissions inspection program shall provide for biennial motor vehicle inspections at official emissions inspection stations ; ~~However, beginning January 1, 1989, emissions inspections shall be conducted on a biennial basis .~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1178 ~~46.1-326.4~~ . Administration and scope of emissions inspection program.—The emissions inspection program provided for in this article shall only apply to motor vehicles registered in the Counties of Arlington County , Fairfax County , and Prince William County , and the City Cities of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1179 ~~46.1-326.5~~ . Air Pollution Control Board to adopt emissions standards.—The Board shall adopt emissions standards pursuant to § 10-17-18 ~~(a)~~ necessary to implement the emissions inspection program provided for in this article . Such standards shall require that motor vehicles be required to pass only an idle mode test.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1180 ~~46.1-326.6~~ . Board to adopt regulations; exemption of certain motor vehicles.— The Board is authorized to adopt such regulations for purposes of implementation, administration,

regulation , and ~~replacement~~ *licensing of personnel* as may be necessary to carry out the provisions of this article. Such regulations shall include but not be limited to the following:

1. A system of records maintenance of emissions inspection test results under this article and air pollution control systems or devices under § ~~46.1-301.1~~ 46.2-1048 .

2. A systematic procedure which will provide for emissions inspection stations to calibrate their emission testing equipment so as to ensure conformance with the standards adopted by the Board .

~~3. Until January 1, 1980, a system to limit the motor vehicle population subject to the emissions inspection program to the eight model years immediately preceding the current new model year.~~

4. ~~3.~~ A procedure to provide for the establishing of appropriate referee stations in nonattainment areas.

~~5.~~ 4. A system, consistent with the provisions of § ~~46.1-326.8~~ 46.2-1182 , for the payment and collection of fees permitted for each emissions inspection.

The Board shall ~~before January 1, 1980,~~ adopt regulations which specify the content, methods, procedures , and techniques to be ~~utilized~~ *used* in the biennial emissions inspection program and shall determine whether this program is being conducted according to those regulations. The Executive 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1181~~ ~~46.1-326.7~~ . Emissions inspection; cost of repairs; certificates of waiver ; ~~duration~~ .
– A. A motor vehicle shall qualify for a certificate of 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) since the initial inspection ; ~~at least seventy-five dollars,~~ but, ~~effective January 1, 1980,~~ at least the amount specified below 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 § ~~46.1-301.1~~ of this Code 46.2-1048 has been replaced and restored to operating condition.

B. The Board shall establish and revise, as necessary, specifications and procedures for motor vehicle maintenance, tune-up procedures *referred to in this article as low-emission tune-up* , and repair of pollution control devices and systems ; ~~referred to in this chapter as "low emission tune-up."~~ .

~~Beginning January 1, 1980,~~ the C. 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. \$60 dollars for pre-1972 model vehicles;
2. \$125 for 1972 through 1974 model vehicles;
3. \$175 for 1975 through 1979 model vehicles; and
4. \$200 for 1980 and newer model vehicles.

D. Any certificate of emissions inspection waiver given to any motor vehicle shall be valid until such vehicle is sold or traded or for two years, whichever first occurs.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1182~~ ~~46.1-326.8~~ . Emissions inspection fees; exemption.– ~~Each emissions inspection station may make a charge of five dollars for each emissions inspection, but the imposition of such charge shall not be mandatory. However, beginning with the biennial emission inspection schedule on January 1, 1980, each~~ Each emissions inspection station may charge twelve and one-half dollars for each emissions inspection, but such charge shall not be mandatory. Any such fee shall be paid to the emissions inspection station. At the end of each calendar quarter each official emissions inspection station shall remit to the Board one dollar and ten cents for each

emissions inspection approval and each emissions inspection waiver issued by that station under this article during that quarter. Such funds shall be forwarded to the Board to be disposed of pursuant to this section.

Local governments, governmental units and state agencies with their own means of inspection shall be exempt from the payment of fees to the Board under this section.

Notwithstanding the provisions of § 2.1-180, all moneys received by the Board from emissions inspection approvals and emissions inspection waivers shall be held by the Board as a special fund for covering the costs of *the program implementation, administration, and operation*. The moneys in this fund are to be appropriated for the purpose of long-term maintenance of air quality and the correction and prevention of nonattainment status for National Ambient Air Quality Standards through air quality programs under the direction of the Executive Director.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1183 ~~46.1-326.9~~. Frequency of inspection.—No vehicle subject to the provisions of this article shall be registered or reregistered until ~~such vehicle~~ *it* has passed an emissions inspection or has been issued a valid certificate of emissions inspection waiver. Such emissions inspection may be performed in conjunction with any state safety inspection required by Article 10 21 (§ ~~46.1-315~~ 46.2-1157 et seq.) of Chapter 4 of this title *chapter*, provided that such inspection station has been certified by the Board as an official emissions inspection station.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1184 ~~46.1-326.10~~. Fleet emissions inspection stations; certificates of inspection; dealer's inventory; investigations; revocation of permit.—Any registered owner or lessee of a fleet of at least twenty vehicles may apply to the Board for a permit to establish a fleet emissions inspection station. The Board shall not issue any fleet emissions inspection station permit until it has found that the applicant:

1. Maintains an established place of business for the repair and maintenance of the applicant's fleet of vehicles;
2. Has obtained approved machinery, tools and equipment to adequately conduct the required emissions inspection by using an idle mode test condition;
3. Employs properly trained and licensed personnel ~~with which~~ to perform the necessary labor; and
4. Agrees to provide test records and data as may be prescribed by the Executive Director.

Any operator of a fleet emissions inspection station under a valid permit shall, upon filing an application in the manner and form prescribed by the Executive Director and paying the prescribed fee, receive a sufficient number of certificates of inspection for each vehicle in the applicant's fleet. No certificate of inspection 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 or certificate any vehicle for which such permittee is not the registered owner or lessee.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1185 ~~46.1-326.11~~. Investigation of inspection stations; revocation or suspension of permits for emissions inspection stations.—The Executive Director shall investigate the operation of each emissions inspection station and fleet emissions inspection station as the conditions and circumstances of such operation may indicate. He may require the holder of any permit to submit such documentation required concerning the operation of such inspection station. The Board may suspend or revoke and require the ~~surrender and~~ forfeiture of any emissions inspection station permit and certificates of inspection of such permittee if he finds that such station is not operated in accordance with the provisions of this article and the ~~lawful rules and~~ regulations adopted by the Board or the holder of such permit has failed or refused to submit records or documentation required.

§ 46.2-1186 ~~46.1-326.12~~. False certificate.—~~A~~ No person shall make, issue or knowingly use any imitation or otherwise counterfeit of an official certificate of emissions inspection or certificate of emissions inspection waiver.

B. No person shall issue or cause or permit to be issued any certificate of inspection or certificate of waiver knowing it to be fictitious or knowing it to have been issued for another vehicle without an emissions inspection having been made .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1187 46.1-326.13 . Penalties.— Any person violating this article shall be punished by a fine of not less than \$25 nor more than \$500 guilty of a Class 3 misdemeanor for the first offense and not less than \$100 nor more than \$1,000 for each subsequent offense except as herein otherwise provided in this article . If any official emissions inspection station violates this article or regulations of the Board made pursuant thereto hereto , the Board, in addition to or in lieu of such fine imposed by a court, may suspend the appointment of the emissions inspection station or, if in the opinion of the Board, the facts warrant such action, the Board may revoke the authority and cancel the appointment of such inspection station, whether or not the violation is a first offense against this article.

NOTE: The penalty for a first offense has been changed to a Class 3 misdemeanor, but the penalty for subsequent offenses has not been changed.

§ 46.1-315.1. Exhaust emission inspection.—A. The Superintendent may during 1975-1976 request the owner or operator of any gasoline powered motor vehicle, registered in the counties of Arlington, Fairfax, Loudoun, and the cities of Fairfax and Falls Church to submit voluntarily such vehicle to an inspection of its exhaust emissions by an official inspection station, designated for that purpose. The inspection shall be conducted to determine whether the exhaust emissions of the motor vehicle conform to such standards, prescribed for such motor vehicle, as may be formulated, by the State Air Pollution Control Board under the provisions of § 10-17.18, after consultation with the Superintendent.

Note: This section, enacted by Chapter 342 of the 1975 Acts of Assembly, is not set out in the present Code. It is obsolete and can be repealed.

Article 23. Motorcycle Rider Safety.

§ 46.1-564. Short title. This chapter shall be known and may be cited as the Motorcycle Rider Safety Act.

§ 46.1-565. Purpose. It is the policy of the Commonwealth to promote the safety of persons and property connected with the operation of motorcycles.

NOTE: These sections are unnecessary.

§ 46.2-1188 46.1-566 . Motorcycle rider safety training courses.—“Motorcycle rider safety training courses” shall mean courses of instruction in the use and 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. Courses shall meet the requirements of this chapter article and rules and regulations issued pursuant to this chapter article by the Department of Motor Vehicles and shall be required to be approved by the Department of Motor Vehicles.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1189 46.1-567 . Authority of the Department of Motor Vehicles. The Department of Motor Vehicles shall have authority to may do all things necessary to carry out the purposes of this chapter article , including the promulgation and enforcement of rules and regulations not inconsistent with law. Where such course is authorized at a high school, the Department shall work with the Department of Education’s section of driver education to implement such course.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1190 46.1-568 . Regional eyele motorcycle rider safety training centers.—Any college, community college, university, high school , institution of higher education, or safety training expert authorized by the Department of Motor Vehieles may organize a regional eyele motorcycle rider safety training center and may offer eyele motorcycle rider safety training courses through such training eenters which it operates . The curriculum and , accreditation for the courses , and the geographic areas in which each training center may offer the courses , shall be provided for by rules and regulations of the Department of Motor Vehieles . Instructors of such courses shall meet the qualification and certification requirements of the regulations of the Department of Motor Vehieles and the requirements of the college, community college, university, high school institution, or safety training expert offering the program and may . Instructors may be employed on a calendar year rather than a school-year basis. Such courses

shall be open to all residents of the Commonwealth who are otherwise eligible to receive driver's licenses endorsed for the operation of motorcycles without regard to whether such person is enrolled in any other course offered by such college, community college, university, high school or safety training expert. Such courses may be offered throughout the calendar year. The courses may be offered as credit or noncredit courses.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1191 46.1-569 . Motorcycle Rider Safety Training Program Fund.—To finance the cost of the Motorcycle Rider Safety Training Program, the Department of Motor Vehicles shall deposit three dollars of the fee collected for the issuance of each motorcycle registration into a special fund to be known as the Motorcycle Rider Safety Training Program Fund. ~~The General Assembly shall appropriate from the Fund such moneys as should be~~ *The Department shall use the Fund as necessary for:* (i) the costs of the Department of Motor Vehicles incurred in the administration of this chapter, (ii) the funding or contracts with approved regional cycle rider safety training centers for the conducting of courses, and (iii) for any other purposes related to the administration of this chapter.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1192 46.1-570 . Awarding of contracts by Department; payments to regional training centers.—The Department of Motor Vehicles is authorized to enter into contracts with regional motorcycle rider safety training centers for the conducting of motorcycle rider safety training courses, and to make payments in fulfillment of those contracts from funds appropriated from the Motorcycle Rider Safety Training Program Fund. ~~Such training centers shall be operational no later than May 1, 1985.~~

NOTE: The language of this section has been simplified, but no significant changes have been made.

CHAPTER 12.

ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES; PARKING.

Article 1.

Abandoned Vehicles.

§ 46.2-1200 ~~46.1-555.1~~ . Definitions.—As used in this chapter article :

(1) "Political subdivision" means any county, city or town in the Commonwealth.

(2) ~~Abandoned~~ *Abandoned motor vehicle* means a motor vehicle, trailer, or semitrailer or part thereof of a motor vehicle, trailer, or semitrailer that:

(a) 1. Is inoperable and is left unattended on public property for more than forty-eight hours, or

(b) 2. Has remained illegally on public property for a period of more than forty-eight hours, or

(c) 3. Has remained ~~without consent for more than forty-eight hours~~ on private property ; including but not limited to any commercial parking place, motor vehicle storage facility, or establishment for the service, repair, maintenance or sale of motor vehicles, *without the consent of the property's owner, regardless of whether or not such vehicle it was brought onto or left at such the private property with or without the consent of the owner or person in control of the private property for more than forty-eight hours and*

"Inoperable abandoned motor vehicle" means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the locality's official responsible for assessing motor vehicles under § 58.1-3503, is less than the cost of its restoration to an operable condition.

(3) "Demolisher" means any person, firm or corporation whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck, or dismantle such vehicles.

NOTE: A definition of "inoperable abandoned motor vehicle" has been added. The definition of "demolisher" is being moved to the general definitions section.

§ 46.2-1201 46.1-555.2 Ordinances.—The governing body of any locality in addition to any other provisions of law is authorized to county, city, or town may provide by ordinance for the removal and disposition of taking abandoned vehicles into custody and disposing of them in accordance with this chapter article .

§ 46.1-555.3. Political subdivisions authorized to take abandoned vehicles into custody.—A political subdivision Any county, city, or town may take into custody any abandoned motor vehicle into custody . In such connection, the political subdivision The locality may employ its own personnel, equipment , and facilities or hire persons, equipment , and facilities , or firms or corporations who may be independent contractors for the purpose of removing, preserving , and storing abandoned motor vehicles.

NOTE: Former §§ 46.1-555.2 and 46.1-555.3 have been combined.

§ 46.2-1202 46.1-555.4 . Notice to owner of vehicle taken into custody.— (a) A political subdivision Any locality which takes into custody an abandoned motor vehicle into custody shall notify , within fifteen days thereof , by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests therein in the vehicle of record, that the vehicle it has been taken into custody. The notice shall describe (i) state the year, make, model , and serial number of the abandoned motor vehicle ; ; (ii) set forth the location of the facility where the motor vehicle it is being held ; ; (iii) inform the owner and any persons having security interests of their right to reclaim the motor vehicle it within three weeks fifteen days after the date of the notice ; upon after payment of all towing, preservation , and storage charges resulting from placing the vehicle in custody ; and . The notice shall state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed constitute a waiver by the owner ; and all persons having any security interests ; of all right, title , and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the Department contain no address for the owner or no address of any person shown by such 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, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter article as to any person who cannot be notified pursuant to the foregoing provisions of subsection (a) of this section. Such notice Notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

NOTE: Former subsection (a) has been altered to conform the period for response to the notice to the time provided in proposed § 46.2-1205.

§ 46.2-1203 46.1-555.5 . Sale of vehicle at public auction; disposition of proceeds.—If an abandoned motor vehicle has is not been reclaimed as provided for in § 46.1-555.4 46.2-1202 , the political subdivision, locality or its authorized agent ; shall , notwithstanding the provisions of § 46.1-88 46.2-617 , sell the abandoned motor vehicle it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sales receipt at the auction , and shall be entitled to , upon application therefor pursuant to § 46.1-68, apply to and receive from the Department a certificate of title and registration card therefor for the vehicle . The sales receipt at such a from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking , or dismantling, and ; in such that case ; no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle ; the political subdivision, 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 § 46.1-555.4 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 therein in the vehicle , as their interests may appear, for ninety days, and then shall be deposited into the treasury of the political subdivision wherein such locality in which the abandoned motor vehicle was abandoned.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1204 46.1-555.6 . Vehicles abandoned in garages.— Any Notwithstanding § 46.2-1200, any

motor vehicle, trailer, semitrailer, or part thereof shall be considered abandoned and may be reported by the garagekeeper to the political subdivision if it has been left in a garage for more than ten days in a garage operated for commercial purposes or for more than ten days after beyond the period when, pursuant to contract, the vehicle was to remain on the premises pursuant to a contract, after notice, by registered or certified mail, return receipt requested, within fifteen days thereof, to the owner of record and all persons having security interests of record therein, to pick up reclaim the vehicle within fifteen days of the notice; shall be deemed an abandoned motor vehicle, and may be reported by the garagekeeper to the political subdivision. All Any abandoned motor vehicles vehicle left in garages a garage may be taken into custody by the political subdivision locality in accordance with § 46.1-555.3 46.2-1201 and shall be subject to the notice and sale provisions contained in §§ 46.1-555.4 46.2-1202 and 46.1-555.5 46.2-1203. If, however, such the vehicle is reclaimed in accordance with § 46.1-555.4 46.2-1202, the person reclaiming such vehicle shall it, in addition to the other charges required to be paid, shall pay the reasonable charges of the garagekeeper, unless otherwise provided by contract or ordinance. If such the vehicle is sold pursuant to § 46.1-555.5 46.2-1203, the any garagekeeper's charges; if any, shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving, and storing such the vehicle which resulted from placing such the vehicle in custody and all notice and publication costs incurred pursuant to § 46.1-555.4 46.2-1202. Except as otherwise provided in this chapter article, nothing herein in this section shall be construed to limit or restrict any rights conferred upon on any person under § 43-32 through 43-36.

For the purposes of this section, "garagekeeper garage" means any operator of a commercial parking place, motor vehicle storage facility, or establishment for the servicing, repair, maintenance, or sale of motor vehicles whether or not the vehicle had been brought to such that location with the consent of the owner or person in control of the property premises and "garagekeeper" means the operator of a garage.

NOTE: Sections 43-32 through 43-36 deal with garagekeepers and mechanics' liens.

§ 46.2-1205 46.1-555.7. Disposition of inoperable abandoned vehicles.—Notwithstanding any other provisions of this chapter, or the provisions of § 46.1-88, when in the opinion of the officials of a political subdivision designated by its governing body to have duties which include the disposal of abandoned vehicles article, any inoperable motor vehicle, trailer, semitrailer, or part thereof of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article which is inoperable and which, by virtue of its condition, cannot be feasibly restored to operable condition, may be disposed of to a demolisher, without the title and without the notification procedures, by the person; firm, corporation, or political subdivision locality on whose property or in whose possession such the motor vehicle, trailer, or semitrailer is found. The demolisher, upon on taking custody of such the inoperable abandoned motor vehicle; trailer, or semitrailer shall notify the Department of Motor Vehicles, on forms and in the manner prescribed by the Commissioner and, notwithstanding. Notwithstanding any other provision of law, no other report or notice shall be required in such this instance.

NOTE: The addition of a definition of "inoperable abandoned motor vehicle" to proposed § 46.2-1200 makes a considerable condensation of this section possible.

§ 46.2-1206 46.1-555.8. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher.— (a) Any No demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling, or demolition shall not be required to obtain a certificate of title for such 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 shall surrender to the Department for cancellation the certificate of title or sales receipt therefor for the vehicle. The Department shall issue such the appropriate forms; rules and regulations governing the surrender of sales receipts and certificates of title as are appropriate.

(b) A demolisher Demolishers shall keep an accurate and complete record records of all motor vehicles purchased or received by him them in the course of his their business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such on which purchases or receipts occurred. Such These records shall be open for inspection by the Department at any time during normal business hours.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1207 46.1-555.9. Certification of disposal; reimbursement of political subdivision locality by Commissioner.— Upon On certification by a political subdivision locality on forms provided by the Department that a an inoperable abandoned motor vehicle; trailer, semitrailer or major

portion thereof has been found of abandoned left on property located within such political subdivision, and the locality has been examined by an authorized official of such subdivision, who has determined at any time before it is demolished, that such vehicle is inoperable and cannot feasibly be restored to an operable condition, and who assures that such vehicle is disposed of by a demolisher on or after January 1, 1975 disposed of as provided in § 46.2-1205, the Commissioner shall make a reimbursement in the sum of reimburse the locality fifty dollars for each found of inoperable abandoned motor vehicle disposed thereof of at the expense of the governing body locality. These reimbursements shall be made from an abandoned vehicle fund which shall consist of appropriations made to such the fund in the general appropriations act. In the event the moneys in the fund are insufficient to satisfy requests for reimbursement, the Department shall maintain the requests in chronological order and payment payments shall be made accordingly when the special fund is sufficient to cover reimbursements of an entire date 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 make such rules and promulgate regulations as necessary to carry out the provisions of this section, which. 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 such that number is not furnished.

No reimbursement shall be made to any political subdivision on locality for vehicles which it acquires from sources outside its jurisdiction nor on for vehicles it receives from dealers engaged in the business of dismantling used automobiles.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1208 46.1-555.10. Vehicles abandoned on private property other than garages. - Notwithstanding any other provisions of this chapter article, in the case of if an abandoned motor vehicle if left on private property, other than a commercial parking place, motor vehicle storage facility, or an establishment for the servicing, repair, maintenance or sale of motor vehicles covered by the provisions of § 46.2-1204, regardless of whether or not the vehicle had been brought to such that location with the consent of the owner or person in control of the private property, the owner or person in control of the private property may send a notice, by registered or certified mail, return receipt requested, to the owner of record of the motor vehicle and all persons having security interests therein in the vehicle of record in the office of the Department of Motor Vehicles, describing the motor vehicle by year, make, model, and serial number, and advising that unless the vehicle is reclaimed and removed within thirty days from the date of the notice, such its owner and all persons having security interests in the vehicle shall be deemed under this section to have waived all right, title, and interest in the vehicle. If the motor vehicle is not reclaimed by the record its owner or any a person having a security interest therein in the vehicle of record within thirty days from the date of the notice, the owner or person in control of the private property upon on which the motor vehicle was abandoned may apply to the Department of Motor Vehicles for a title to such vehicle; and upon. On verification that the notice provisions of this section have been complied with and payment of the certificate of title fee prescribed by § 46.1-78 46.2-627, the Department shall issue a certificate of title to the vehicle in the name of the owner or person in control of the private property submitting the application. The Commissioner shall issue such appropriate forms; rules and promulgate appropriate regulations governing applications for title to abandoned motor vehicles pursuant to this section as may be appropriate.

The provisions of this section shall be applicable in the case of any abandoned motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer abandoned on private property, whether or not the political subdivision locality in which the private property is located has provided by ordinance for the removal and disposition of abandoned vehicles in accordance with this chapter article.

The provisions of this section shall apply only to motor vehicles registered in Virginia; however, in. In cases of motor vehicles registered in other states other than Virginia, the Commissioner shall issue such certificate certificates of title to such owner upon their owners on proof satisfactory to the Commissioner that the person or persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.

NOTE: The language of this section has been simplified, but no significant changes have been made.

Article 2.

Immobilized and Unattended Vehicles.

§ 46.2-1209 46.1-2 . Removal and disposition of unattended, abandoned Unattended or immobile vehicles , generally .- (a) It No person shall be unlawful for any person to leave any motor vehicle, trailer or , semitrailer, or part thereof ; unattended on the paved or improved surface of any highway or adjacent thereto; unaccompanied by the owner or operator thereof, to any roadway if such motor vehicle, trailer or semitrailer it constitutes a hazard in the use of the highway by reason of its position thereon, or has been left unattended . Nor shall any person leave any unattended motor vehicle, trailer, semitrailer, or part thereof longer than twenty-four 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 sheriff, police or other peace law-enforcement officer discovering or having a report of same shall may remove it or have it removed to the nearest a storage garage area for safekeeping and that fact shall be immediately reported report the removal to the Department or some officer or agent of the Department and to the owner of such the motor vehicle, trailer , or semitrailer ; as promptly as possible ; and such owner, before . Before obtaining the possession of such the motor vehicle, trailer or semitrailer, its owner shall pay to the parties entitled thereto all reasonable necessary costs incidental to the its removal or storage of such motor vehicle, trailer or semitrailer . In any case of a violation of the provisions of this section the owner of such motor vehicle, trailer , or semitrailer ; or part thereof of a motor vehicle, trailer, or semitrailer , shall be presumed to be the person committing the violation; provided, however, that such this presumption shall be rebuttable by competent evidence ; provided further that where . Where it is shown to the satisfaction of the court that such the motor vehicle , trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer was stolen or illegally used by a person other than the owner without his authorization of the owner thereof , expressed express or implied, such vehicle it shall be forthwith returned to its innocent owner who shall be relieved of the payment of any costs under the requirements of this section . In any case in which the identity of the person violating this section violator cannot be determined, or where it is found by a court of competent jurisdiction that this section was not violated, the costs incidental to of the removal and storage of such the vehicle shall be paid out of the state treasury from the appropriation for criminal charges. Should If any owner found guilty person convicted of violating this section fail fails or refuse refuses to pay such these costs or should if the identity or whereabouts of such the owner be is unknown and unascertainable after a diligent search has been made or after notice to such the owner at his address as indicated by the records of the Department and to the holder of any lien of record in the principal office of with the Department, against such the motor vehicle, trailer , or semitrailer, the Commissioner may, after thirty days and after having the value of such motor vehicle, trailer, or semitrailer determined by three disinterested dealers or garagemen, dispose of the same it by public or private sale and the . The proceeds accruing from such the sale shall be forthwith paid by him 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 of the Department in the performance of carrying out the duties required by this provision section and to reimburse the owner of such motor vehicle, trailer , or semitrailer ; as hereafter provided in this section .

(b) If after the sale or other disposition of such the motor vehicle, trailer , or semitrailer the ownership thereof of a motor vehicle, trailer, or semitrailer at the time of its removal is established satisfactorily to the Commissioner by the person claiming such its ownership, he shall be paid by the Commissioner shall pay him so much of the proceeds from the sale or other disposition of such the motor vehicle, trailer , or semitrailer as remains after paying the costs of removal, storage, investigation as to of ownership, appraisement appraisal, and sale.

(c) It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if (1) it does not bear a current license plate or a valid state inspection certificate or sticker and (2) it has been in a specific location for ten days without being moved.

NOTE: The balance of this section is set out as § 46.2-1210.

§ 46.2-1210. Motor vehicles immobilized by weather conditions or emergencies.- (d) Whenever any motor vehicle, trailer , or semitrailer, or part thereof, of a motor vehicle, trailer, or semitrailer is stalled or rendered immobile as the result of adverse immobilized on any roadway by weather conditions or other emergency situations, on the paved or improved surface of any highway or right-of-way, the Department of Highways and Transportation upon discovering or having a report of same may move or have such the vehicle removed to some reasonably accessible portion of the adjacent right-of-way ; handling and disposition . Disposition thereafter shall be effected by the authorities, and pursuant to the conditions, as provided by the provisions of subsections (a) and (b) of this section § 46.2-1209 .

NOTE: The section was formerly subsection (d) of § 46.1-2.

§ 46.2-1211 46.1-2.1 . Removal of motor vehicles obstructing movement; storage; payment of costs.-Whenever any motor vehicle, trailer or , semitrailer or other vehicle, conveyance or

machine of whatever nature , or part thereof, is found to obstruct or interfere of a motor vehicle, trailer, or semitrailer interferes with the free ingress or , egress, or the movement on ; any premises, driveway , or parking area, without the permission of the owner of such premises, driveway or parking area that property , any sheriff, state or local police or other peace law-enforcement officer discovering or having a report of same may remove it ; or have it removed to the nearest a storage garage area for safekeeping and that fact shall be immediately reported report the removal to the Department or some officer or agent of the Department and to the owner of such the motor vehicle, trailer or , semitrailer , or other vehicle ; conveyance or machine, as promptly as possible ; and such owner, before . Before obtaining the possession of such his property, the owner shall pay to the parties entitled thereto all reasonable necessary costs incidental to the its removal or storage of such property .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1212 46.1-3.1 . 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 found upon the highways or streets therein and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such the motor vehicle, trailer , or semitrailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semitrailer it will not impede the flow of traffic.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1213 46.1-3 . Removal and disposition of unattended, abandoned or immobile vehicles; ordinances in counties, cities , and towns.— A. The governing body of any county, city , or town is authorized to may by ordinance provide by ordinance that whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within any such county, city or town, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed 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 ten 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 police law-enforcement officer to a storage garage or area; however, no such vehicle . The ordinance, however, shall be so removed not authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from privately owned premises private property without the written request of the owner, lessee, or occupant thereof of the premises . Any such The ordinance may also provide that the person at whose request such the motor vehicle, trailer or , semitrailer , or part of a motor vehicle, trailer, or semitrailer is removed from privately owned private property shall indemnify such 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 or semitrailer, or part thereof, is abandoned if (1) it lacks either: (a) a current license plate, or (b) a current county, city or town, plate or sticker, or (c) a valid state inspection certificate or sticker and (2) it has been in a specific location for four days without being moved. Each . As promptly as possible, each removal shall be reported immediately to a central local governmental office to be designated in the ordinance ; and notice thereof given to the owner of the motor vehicle, trailer , or semitrailer as promptly as possible . The owner of such vehicle or trailer or semitrailer, before Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all reasonable costs incidental to the its removal ; and storage and locating the owner of the motor vehicle, trailer or semitrailer . Should such If the owner fail or refuse fails or refuses to pay

the cost or should the if his identity or whereabouts of such owner be 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 in with the office of the Department of Motor Vehicles in Virginia against the motor vehicle, trailer or , semitrailer , or part of a motor vehicle, trailer, or semitrailer , the officer designated by the governing body of the county, city or town may, after holding the motor vehicle, trailer or semitrailer 30 days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer or similar officer of the county, city or town, provided, that if the value of such motor vehicle, trailer or semitrailer be determined by 3 disinterested dealers or garagemen to be less than \$150 it may be disposed of by private sale or junked. The treasurer or similar officer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership the vehicle shall be treated as an abandoned vehicle under the provisions of Article 1 of this chapter .

If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund or any special fund of such county, city or town. Any such owner shall be entitled to apply to the county, city or town within three years from the date of such sale and if timely application is made therefor, the said county, city or town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

This section shall not operate to deprive any person of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or other services rendered.

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. Such regulation may include delineation of service areas for such services, the limitation of the number of persons engaged in such services in any area, including the creation of one or more exclusive service areas and the specification of equipment to be used for providing such 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. Such contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking the towing or storage of such vehicle and may prescribe the geographical area to be served by each such person. The county, city, or town may establish criteria for eligibility to enter into such contracts and may contract with one or more of the eligible persons at its discretion.

However, a county, city or town may either itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned or immobile vehicles, or may contract with one or more persons to provide such service for the county, city or town. "Police-requested towing" or "police towing request," as used in this section, includes all requests made by a police officer of the county, city or town pursuant to this section and § 46.1-2 and all towing requests made by such police officer at the request of the owner or operator of an unattended, abandoned or immobile vehicle.

NOTE: The provisions of this section relating to local control of towing have been relocated to proposed § 46.2-1217.

§ 46.2-1214 ~~46.1-3.01~~ . 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 any such the vehicle as authorized in § 46.1-2 or § 46.1-3 this article .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1215 ~~46.1-3.2~~ . Leaving vehicles upon on private property prohibited; authority of counties, cities , and towns to provide for removal and disposition; notice of disposition.— It shall be unlawful for any No person to shall leave any motor vehicle, trailer, semitrailer, or part thereof 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, upon on complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof ; has been left for more than seventy-two hours, that such motor vehicle, trailer, semitrailer, or part thereof, may be removed by or under the direction of a police law-enforcement officer to a storage garage or area. Any such 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 seventy-two hours will be towed or removed at the ~~their owners'~~ expense of the ~~vehiele owner~~ . Such 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 Cities of Norfolk and Richmond the city council by ordinance may also set reasonable limits on fees to be charged for removal of such vehicles, taking into consideration the fair market value of such removal.

In the case of the removal of a motor vehicle, trailer, semitrailer , or part thereof of a ~~motor vehicle, trailer, or semitrailer~~ from private property, when ~~the same~~ it cannot be readily sold, ~~such the~~ motor vehicle, trailer, semitrailer, or part thereof may be disposed of in ~~such whatever~~ manner as the governing body of the county, city , or town may provide.

In all other respects, the provisions of § 46.1-3 §§ 46.2-1213 and 46.2-1217 shall apply to ~~such these~~ removals ; ~~provided that disposal~~ . 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 § 46.1-3 46.2-1213 , or under the provisions hereof 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 of Motor Vehicles in Virginia against ~~such the~~ motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty days.

The Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer , or semitrailer under § 46.1-3 46.2-1213 or the provisions hereof of this section .

NOTE: The provisions on regulation of towing by Norfolk and Richmond have been moved to proposed § 46.2-1233.

Article 3.

Trespassing Vehicles, Parking, and Towing.

§ 46.2-1216 ~~46.1-3.02~~ . Removal or immobilization of motor vehicles against which there are outstanding parking violations; ordinances.— A. The governing body of any county, city, or town may provide by ordinance that ~~whenever there is found~~ any motor vehicle parked ~~upon~~ on the public streets or highways or public grounds against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices ; ~~such vehiele~~ may ; by ~~towing or otherwise~~, be removed or ~~conveyed~~ to a place within such county, city, or town or in an adjacent locality designated by the chief of ~~police or sheriff~~ law-enforcement officer for the temporary storage of ~~such the~~ vehicle, or ~~such the~~ vehicle may be immobilized in ~~such a~~ manner as to ~~which will~~ prevent its removal or operation except by authorized officers or members of the police department or ~~sheriff's office~~ law enforcement personnel . Any ~~such The~~ ordinance shall provide that the removal ; ~~conveyance~~ or immobilization of the vehicle shall be by ; or under the direction of, an officer or ~~member~~ employee of the police department or sheriff's office.

B. Any ~~such~~ ordinance shall provide that it shall be the duty of the ~~officer or member of the police department or sheriff's office~~ law-enforcement personnel removing or immobilizing ~~such the~~ motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices ; for which ~~or on account of which~~, ~~such the~~ vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on ~~such the~~ vehicle, in a conspicuous manner, a notice warning that ~~such the~~ vehicle has been immobilized and that any attempt to move ~~such the~~ vehicle might result in damage thereto it .

C. Any ~~such~~ ordinance shall provide that the owner of an immobilized vehicle, or other ~~duly~~ authorized person acting on his behalf , shall be allowed ~~not less than~~ at least twenty-four hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period may result in the removal of ~~such the~~ vehicle to a storage area for safekeeping under the direction of a ~~police officer or member of the police department or sheriff's office~~ law-enforcement personnel .

D. Any ~~such~~ ordinance shall provide that the owner of ~~such the~~ removed or immobilized motor vehicle, or other ~~duly~~ authorized person acting on his behalf , shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal , and storage of the vehicle, and the efforts to

locate the owner of the vehicle. Should ~~such~~ the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of ~~such~~ the owner be unknown and unascertainable, ~~any such~~ the ordinance may provide for the sale of ~~any such~~ the motor vehicle in accordance with the procedures set forth in § ~~46.1-3~~ 46.2-1213 .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 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. ~~Such regulation~~ The ordinance may include delineation of service areas for ~~such~~ towing services, the limitation of the number of persons engaged in ~~such~~ 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 ~~such~~ 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. ~~Such~~ The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking ~~the~~ its towing or storage of ~~such~~ vehicle and may prescribe the geographical area to be served by each ~~such~~ person providing towing services . The county, city, or town may establish criteria for eligibility of persons to enter into ~~such~~ towing services contracts and , in its discretion, may contract with one or more eligible persons at its discretion.

However, a county, city or town may either itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned , or immobile vehicles ; or may contract with one or more persons at its discretion .

“Police-requested towing” or “police towing request,” as used in this section, includes all requests made by a police law-enforcement officer of the county, city , or town pursuant to this section and § ~~46.1-2~~ article and all towing requests made by ~~such~~ police a law-enforcement officer at the request of the owner or operator of an unattended, abandoned , or immobile vehicle.

NOTE: This section is based on parts of § 46.1-3. The rest of that section makes up proposed § 46.2-1213.

§ 46.2-1218 ~~46.1-11~~ . Reports by persons in charge of garages, parking places, etc.; *unclaimed vehicles left unclaimed* .—The person in charge of any garage or , 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 of his own knowledge know the name of the owner and the reason for ~~such~~ the storage.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.1-13~~ . Same; forms for reports. All reports required by §§ ~~46.1-10~~ through ~~46.1-12~~ shall be made in writing on appropriate forms furnished by the Superintendent.

NOTE: § 46.1-13 has been deleted as unnecessary. Proposed §§ ~~46.2-109~~ through ~~46.2-111~~ contain reference to reports on forms furnished by Superintendent of State Police.

§ ~~46.2-1219~~ ~~46.1-181.1~~ . Regulation of vehicular and pedestrian traffic ; etc., on certain parking lots.—The governing body of any county, city, or town may adopt ordinances regulating by ordinance regulate the flow of vehicular and pedestrian traffic, the parking of vehicles, and establish speed limits upon on parking lots which are open to the public and designed to accommodate fifty or more vehicles, but no such ordinance shall be in conflict with state law or regulations of the State Department of Highways and Transportation for traffic control at a particular location .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1220~~ ~~46.1-252~~ . Local parking *Parking regulations in cities, towns, and certain counties ; parking meters; presumption as to violation of ordinances.*—The council or other governing body bodies of Arlington, Henrico, Chesterfield, Fairfax, Henry, Prince George, Prince William, and Campbell Counties and the governing body of any city or town may ; by a general ordinance ; provide for the regulation of parking within its limits, including the right to install and maintain installation and maintenance of parking meters and to require the deposit therein of a coin of a denomination to be prescribed in such ordinance and to determine the time during which a vehicle may be parked and may authorize the city manager, the director of public safety, the chief of police or other designated officer within the city or town to put the regulations into

effect, including specifically the right and authority to classify vehicles with reference to parking and to designate the time, place and manner such vehicles may be allowed to park on city or town streets; and may delegate to the appropriate administrative official or officials the authority to make and enforce such additional rules and regulations as parking conditions may require and may prescribe penalties for failure to conform thereto . 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, including penalties for violations, that may be required.

If any such ordinance regulates parking on the Interstate System or the an interstate highway or any arterial network of the primary system highway or any extension thereof of the arterial network of an arterial highway, it shall be subject to the approval of the State Highway and Transportation Commissioner as to the regulation of parking on the Interstate System or the arterial network of the primary system or any extension of the arterial network .

In any prosecution charging a violation of any such the ordinance ; or regulation or rule , proof that the vehicle described in the complaint, summons , parking ticket citation, or warrant was parked in violation of such the ordinance ; or regulation or rule , together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 (§ 46.1-41 et seq.) 6 of this title, shall constitute in evidence a prima facie presumption that such the registered owner of the vehicle was the person who parked the vehicle at the place where, and for committed the time during which, such violation occurred .

NOTE: This section combines a portion of § 46.1-252.1 with § 46.1-252.

§ 46.2-1221 ~~46.1-252.1~~ . Authority of county to regulate parking on county-owned or leased property or on county streets and roads 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, in the case of a county which maintains its own system of secondary highways, and in the Counties of . Arlington, Henrico, Chesterfield, Fairfax, Henry, Prince George, Prince William , and Campbell provide for prohibition of Counties may prohibit parking within fifteen feet of any fire hydrant or in any way obstructing such a fire hydrant and for the regulation of parking on its streets and roads, including the right to install and maintain parking meters and to require the deposit therein of a coin of a denomination to be prescribed in such ordinance and to determine the time during which a vehicle may be parked, and may designate the official or officer of the county to put the regulations into effect, including specifically the right and authority to classify vehicles with reference to parking and to designate the time, place and manner such vehicles may be allowed to park on county-owned property; and may delegate to the appropriate administrative official or officials the authority to make and enforce such additional rules and regulations as parking conditions may require and may prescribe penalties for failure to conform thereto .

In any prosecution charging a violation of any such the ordinance ; or regulation or rule , proof that the vehicle described in the complaint, summons, parking ticket citation , or warrant was parked in violation of such the ordinance, regulation or rule , together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 (§ 46.1-41 et seq.) 6 of this title, shall constitute in evidence a rebuttable prima facie presumption that such the registered owner of the vehicle was the person who parked committed the vehicle at the place where, and for the time during which, such violation occurred .

NOTE: The parking meter portions of this section have been moved to § 46.2-1220.

§ 46-253. Parking regulations and meters in certain counties.—The governing body of any county having a density of population in excess of two thousand per square mile may by ordinance provide for the regulation of parking on State highways, streets and public roads within its limits designated in such ordinance, including the installation and maintenance of parking meters and requiring the deposit therein of coins of denominations to be prescribed in such ordinance, and the determination of the times during which vehicles may be parked. Such ordinance may authorize the county manager, chief of police or other designated officer of the county to classify vehicles with reference to parking and to designate the time, place and manner such vehicles may be allowed to park on such designated highways, streets and roads. Such ordinance may also prescribe penalties for failure to comply with the regulations established thereunder; provided, however, that parking shall not be regulated under the provisions of this act on any highways constructed and maintained by the State Highway Commission except in accordance with a plan for the regulation of parking thereon approved by the State Highway Commission.

NOTE: These provisions were enacted in Chapter 38 of the 1950 Acts of Assembly, but are not set out in the present Code. This section is no longer needed, since Arlington County is

authorized in § 46.2-1220 to enact a parking meter ordinance.

§ 46.2-1222. *Regulation of parking on secondary highways by certain counties.*— § 1. The governing body of any county which has adopted the urban county executive form of government may, by ordinance, and with the approval of the State Highway Commissioner, restrict parking on any part of the secondary system of roads within the boundaries of such county; provide for the classification of vehicles for the purposes of such restrictions; provide that such act shall be a misdemeanor and prescribe penalties for violations. All signs and other markings designating the area where parking is restricted shall be installed by such county at its expense and under permit from the State Highway Department.

In any prosecution charging a violation of any such 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 of such parking the registered owner of the vehicle, as required by Chapter 3 (§ 46.1-41 et seq.) of this title, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

§ 1. Notwithstanding any other provision of law, the governing body *bodies* of Fairfax, York, James City County, and Montgomery County *Counties* by ordinance, with the approval of the State Highway and Commonwealth Transportation Board, may (i) restrict or prohibit parking on any part of the state secondary system of highways within James City County and Montgomery County *their respective boundaries*, (ii) provide for the classification of vehicles for the purpose of such *these* restrictions and prohibitions, and (iii) provide that the violation of such *the* ordinance shall constitute a traffic infraction and prescribe penalties therefor.

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.

In any prosecution charging a violation of any such *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 of such parking the registered owner of the vehicle, as required by Chapter 3 (§ 46.1-41 et seq.) 6 of Title 46.1 *this title* shall give rise to a rebuttable *prima facie* presumption that such *the* registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such *committed the violation occurred*.

Any ordinance adopted pursuant to this section shall require (i) that uncontested payments of penalties for violations of such *the* ordinance shall be collected and accounted for by a county officer or employee, (ii) that such *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 such *the* ordinance, and (iii) that such *the* officer or employee shall cause warrants to be issued for delinquent parking citations.

NOTE: These provisions were enacted as Chapter 533 of the 1973 Acts of Assembly and Chapter 84 of the 1986 Acts of Assembly, respectively. Both these chapters were numbered § 46.1-252.3, but are not set out in the present Code.

§ 1. The governing body of York County by ordinance, with the approval of the Commonwealth Transportation Board, may restrict or prohibit parking on any part of the state secondary system of highways within York County. Such ordinance may also provide for the classification of vehicles for the purpose of such restrictions and prohibitions. It may also provide that the violation of such ordinance shall constitute a traffic infraction and prescribe penalties no greater than those prescribed in Title 46.1 of the Code of Virginia for substantially similar offenses. All signs and other markings designating the area where parking is restricted shall be installed by York County at its expense and under permit from the Virginia Department of Transportation.

In any prosecution charging a violation of any such 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 of such parking the registered owner of the vehicle, as required by Chapter 3 (§ 46.1-41 et seq.) of this title, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

Any ordinance adopted pursuant to this section shall require: (i) that uncontested payments of penalties for violations of such ordinance shall be collected and accounted for by a county officer or employee; (ii) that such officer or employee shall report, on an appropriate form, to

the appropriate district court any person's contesting of any citation for violation of such ordinance; and (iii) that such officer or employee shall cause warrants to be issued for delinquent parking citations.

NOTE: These provisions were enacted in Chapter 675 of the 1987 Acts of Assembly, assigned as § 46.1-252.3, but are not set out in the present Code. This section was combined into § 46.2-1222.

§ 46.2-1223 ~~46.1-252.2~~. Authority of Commissioner to regulate parking on certain parts of State Highway System.— ~~The State Highway and~~ *Except as otherwise provided in this article, the Commonwealth* Transportation Commissioner may, by regulation, provide for the regulation of regulate parking on any part of the State Highway System, which does not fall within the provisions of §§ 46.1-252 and 46.1-252.1, in the same manner and with the same powers as is provided for cities, towns and counties in §§ 46.1-252 and 46.1-252.1 *primary and secondary systems of state highways*.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1224 ~~46.1-254~~. County ordinance prohibiting certain parking in streets and highways.— (a) The governing bodies ~~body of the several counties any county~~ may, by appropriate ordinance, prohibit any person ; ~~association or corporation from the parking of automobiles, trucks, or any other automotive equipment any motor vehicle, trailer, or semitrailer on or alongside adjacent to the roads, highways and streets of in the county or of the Commonwealth in the county,~~ when such person ; ~~association or corporation is parking parks any such automobile, truck or automotive equipment in pursuance of motor vehicle, trailer, or semitrailer for commercial purposes.~~ The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

(b) Violations of the provisions of any such ordinance shall be a ~~misdemeanor~~ *traffic infraction*.

NOTE: The language of this section has been simplified, but no significant changes have been made. The penalty has also been changed.

§ 46.2-1225 ~~46.1-254.1~~. Enforcement provisions in *city or county* parking ordinances and regulations.— (a) Any *city or county* ordinance regulating parking by a city or county under the provisions of §§ 46.1-252, 46.1-252.1, 46.1-253 or § 46.1-254 *this article* shall contain provisions that require: (1)

~~that 1. That~~ *uncontested payment of parking citation penalties be collected and accounted for by a city or county local administrative official or officials who shall be compensated by the city or county locality ; (2)*

~~that 2. That~~ *contest by any person of any parking citation shall be certified in writing, on an appropriate form, to the appropriate district court, by such administrative official or officials; and (3)*

~~that such~~ *3. That local administrative official or officials shall cause complaints, summons , or warrants to be issued for delinquent parking citations.*

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1226. *Enforcement of regulations governing parking in Capitol Square.*— (b) Any regulation of the Director as provided in § 2.1-531 ~~adopted pursuant to § 2.1-531 and~~ relating to parking in the Capitol Square shall provide: (1)

~~that That~~ *uncontested citations issued thereunder 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 such these sums into the general fund of the state treasury ; and (2)*

~~that That~~ *contested or delinquent citations shall be certified or complaint, summons , or warrant issued as provided in (a) hereof § 46.2-1225 to the general district court of the City of Richmond. Any sums collected, less minus court costs of court , by such the court shall be promptly paid by the clerk to the general fund of the state treasury.*

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1227. *Enforcement of state regulations governing parking on primary and secondary highways.*— (c) Any regulation of the Commissioner under the provisions of § 46.1-252.2 46.2-1223

relating to parking on any part of the State Highway System primary or secondary highway shall provide: (1)

that 1. That uncontested citations issued thereunder under the regulation shall be paid to the administrative official or officials appointed under the provisions of this section in the city or county locality in which such the part of the system highway lies, or in a city or county the locality where there is no appointed administrative official such the citations shall be paid to the county or city local treasurer, who shall promptly pay such sums them into the general fund of the state treasury ; ; and (2)

that 2. That contested or delinquent citations shall be certified or complaint, summons , or warrant shall be issued as provided in (a) hereof § 46.2-1225 to the general district court in which such whose jurisdiction the part of the system highway lies. Any sum collected, less minus court costs of court , by such court shall be promptly paid by the clerk into the general fund of the state treasury.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1228. Enforcement of parking regulations of boards of visitors of educational institutions.— (d) Any regulation of any board of visitors or other governing body of an educational institution pursuant to the provisions of § 23-9.2:3 relating to parking on property owned by such the institution shall provide: (1)

that 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 such part 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 2. That contested or delinquent citations shall be certified or complaint, summons , or warrant shall be issued as provided in (a) hereof § 46.2-1225 to the general district court in which such whose jurisdiction the institution lies. Any sum collected, less minus court costs of court , by such the court shall be promptly deposited by the clerk into the state treasury as a special revenue of the institution ; provided, however, that . However, nothing in this subsection (d) section shall prevent any educational institution which adopts, or has adopted, regulations pursuant to § 23-9.2:3 providing for administrative disposition of contested, uncontested, or delinquent citations from disposing of such those citations in accordance with such those regulations, and all moneys collected under such those regulations shall be deposited promptly into the state treasury as a special revenue of the institution.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1229. Enforcement of parking regulations of State Mental Health, Mental Retardation and Substance Abuse Services Board.— (e) Any regulations of the State Mental Health and , Mental Retardation and Substance Abuse Services Board pursuant to the provisions of § § 37.1-10 and 37.1-20 relating to parking on property owned or controlled by such the Board shall provide: (1)

that 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 locality in which such the part of the hospital lies, who shall promptly deposit such the sums into the state treasury as a special revenue of the Board ; ; and (2)

that 2. That contested or delinquent citations shall be certified or complaint, summons , or warrant shall be issued as provided in (a) hereof § 46.2-1225 to the general district court in which such whose jurisdiction the hospital lies. Any sum collected, less minus court costs of court , by such the court shall be promptly deposited by the clerk into the state treasury as a special revenue of the Board.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1230 46.1-252.01 . Authority of counties, cities , and towns to issue parking permits.— The governing body of any county, city , or town is hereby authorized to may by ordinance provide for the issuance of permits for motor vehicles parking on public streets, to set the rates for such the permits , and to provide for set the term of validity of such the permits. In setting such the rates, the governing body may differentiate between motor vehicles upon which a license fee is paid to registered in the political subdivision issuing such the permit and other motor vehicles.

NOTE: The language of this section has been simplified, but no significant changes have

been made.

§ 46.2-1231 ~~46.1-551~~. Ticketing, removal, or immobilization of trespassing vehicles by owner, operator of parking or other lot or building; charges.— It shall be lawful for any The owner, operator, or lessee of any parking lot or, parking area, or parking space therein or part thereof 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, city, county or authorized agent of the person having control of such premises to may have any motor or other vehicle; occupying such the lot, area, space, or building or part thereof without the permission of such its owner, operator, lessee, or authorized agent of the one having the control of such the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent; provided. However, notice of such this action shall forthwith be first or simultaneously therewith given to at least one of the a local law-enforcement officers officer. In the event of such removal and storage the owner of the vehicle involved shall be chargeable with and the said If the vehicle may be held for a reasonable charge for its removal and storage is removed and stored, the vehicle owner may be charged a reasonable fee for the removal and storage.

All businesses engaged in towing vehicles without the consent of their owners shall prominently display at their main place of business a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. Charges in excess of those posted shall not be collectible from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent. The governing bodies of the Cities of Norfolk and Richmond may by ordinance set the maximum fee that may be charged for such removal or storage, taking into consideration the fair market value of such removal or storage.

However, notwithstanding. Notwithstanding the foregoing provisions of this section, if 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 of the trespassing vehicle shall be liable for a reasonable fee, not to exceed twenty-five dollars, in lieu of towing.

In lieu of having such a trespassing vehicle removed by towing or otherwise, it shall be lawful for such the owner, operator, lessee or authorized agent to of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided such that the boot or other device is of a design that does not damage to the vehicle or wheel; and provided further that the. The charge for the removal of such any boot or device shall not exceed twenty-five dollars. In lieu of having such the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, it shall be lawful for such the owner, operator, lessee or authorized agent to of the premises on which the trespassing vehicle is parked may cause to have a duty an authorized local government official or law-enforcement officer issue, on such the premises, a notice of the violation of a parking ordinance; or regulation; or rule created pursuant to § 46.1-252.1 §§ 46.2-1220 or 46.2-1221 to the registered owner of such the vehicle.

This section shall not apply to police, fire, or public health vehicles or where a vehicle shall, because of a wreck or other emergency, be is parked or left temporarily upon on the property of another. The governing bodies of the Counties of Arlington and Spotsylvania and the Cities of Falls Church and Alexandria shall have the authority to enact ordinances concerning the removal or immobilization of trespassing vehicles occupying such lot, area, space or building or part thereof.

NOTE: The final sentence of this section has been moved to § 46.2-1232.

§ 46.2-1232. Certain localities may regulate removal or immobilization of trespassing vehicles.—The governing bodies of Arlington and Spotsylvania Counties and the Cities of Alexandria and Falls Church 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.

NOTE: This section formed a portion of former § 46.1-551.

§ 46.2-1233. Certain cities may regulate towing fees.—The governing bodies of the Cities of Norfolk and Richmond 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.

NOTE: The provisions of this section were found in §§ 46.1-3.2 and 46.1-551.

§ 46.2-1234 ~~46.1-552~~. Liability of persons furnishing free parking accommodations as to motor vehicles and property left therein.— (a) No action shall lie or proceeding be brought against any

person ; ~~firm or corporation~~ 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 ~~such any~~ motor vehicle ~~by reason because~~ of theft or damage by any person other than ~~the an~~ employee or for the total or partial loss of property left in ~~such the~~ motor vehicle ~~by reason because~~ of theft or damage by any person other than an employee.

(b) 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.

(c) Nothing in this section shall relieve any person of liability resulting from his own wrongdoing.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1235 ~~46.1-252.1:1~~ . Authority of ~~county police~~ *Chesterfield County law-enforcement personnel* to issue tickets.— ~~Police Law-enforcement~~ officers in the ~~county of~~ *Chesterfield County* are authorized to issue tickets or citations for motor vehicles that are illegally parked anywhere in ~~such county~~ *Chesterfield County* .

NOTE: This section, enacted in Chapter 560 of the 1975 Acts of Assembly, is not set out in the present Code.

§ 46.2-1236 ~~46.1-254.3~~ . Parking in spaces reserved for handicapped persons; issuance of summons by ~~police officers~~ *law-enforcement personnel* , etc.— A. No vehicles other than those displaying special license plates, decals, or special parking permits pursuant to §§ ~~46.1-104.1~~ 46.2-731 , ~~46.1-149.1~~ 46.2-739 , or § ~~46.1-254.2~~ 46.2-1238 shall park in any parking spaces reserved by signs posted according to law for the handicapped on public property or in ~~privately-owned~~ *privately owned* parking areas open to the public. A summons for ~~such the~~ offense may be issued by law-enforcement officers or uniformed law-enforcement department employees without the necessity of a warrant's being obtained by the owner of any ~~such~~ private parking area.

B. The local governing bodies of Franklin 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 the provisions of this section may be issued by private security guards licensed under the provisions of Chapter 17.3 (§ 54-729.27 et seq.) of Title 54 and deputized to issue a summons for ~~such the~~ offense by the chief law-enforcement officer of the county or city in which ~~such the~~ private parking area is located.

C. ~~Spaces~~ *Parking spaces* reserved for the handicapped shall be identified by above-grade signs.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1237 ~~46.1-181.4:1~~ . Parking in spaces reserved for handicapped persons; issuance of summons by ~~police officers~~ *law-enforcement personnel* , other uniformed personnel and certain security guards.— A. The governing body of any county, city , or town may adopt an ordinance making it unlawful for a vehicle not displaying a license plate, decal , or special parking permit, issued under §§ ~~46.1-104.1~~ 46.2-731 , ~~46.1-149.1~~ 46.2-739 or ~~46.1-254.2~~ 46.2-1238 , to be parked in a parking space reserved for the handicapped on public property or at ~~privately-owned~~ *on privately owned* parking areas open to the public ; ~~and any~~ . Any local governing body by ordinance may provide a penalty for its violation not to exceed that prescribed for a Class 4 misdemeanor, notwithstanding any other ~~rule or~~ provision of law ~~to the contrary~~ . The ordinance may further provide that a summons for ~~such the~~ offense may be issued by ~~police~~ *law-enforcement* officers and other uniformed personnel employed by the county, city , or town to enforce parking regulations without the necessity of a ~~warrant~~ *warrant's* being obtained by the owner of ~~such the~~ private parking area.

B. The local governing bodies of Franklin County and the Cities of Danville and Martinsville may by ordinance provide that, in ~~privately-owned~~ *privately owned* parking areas open to the public, a summons for violation of the ordinance promulgated under this section may be issued by private security guards licensed under the provisions of Chapter 17.3 (§ 54-729.27 et seq.) of Title 54 and deputized to issue a summons for ~~such the~~ offense by the chief law-enforcement officer of the county or city in which ~~such the~~ private parking area is located.

C. ~~Spaces~~ *Parking spaces* reserved for the handicapped shall be identified by above-grade signs.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1238 ~~46.1-254.2~~ . Special vehicle parking permit for handicapped persons; parking privileges of owners of permit; penalties; removal of vehicles not displaying special permit or plates.— A. ~~Upon~~ *On* receipt of an application on a form prescribed by the commissioner, the Commissioner shall issue a special vehicle parking permit to persons whose physician certifies that they have a permanent physical handicap which limits their mobility or are temporarily disabled. A temporarily disabled person ~~shall mean~~ is a person who is temporarily disabled for a period of at least six weeks ; ~~but less than~~ to one year whose physician has certified that special parking privileges are needed.

B. Use of ~~such~~ *these* permits shall be limited to passenger vehicles and pickup trucks during times when the permit owner is being transported in ~~such~~ *the* vehicle. The permit owner may give the permit to the vehicle operator who is chauffeuring the permit owner; however, ~~upon~~ *on* completion of the trip, the permit shall be returned to the permit owner. All permits issued to disabled persons under this section shall have an expiration date. The permit may be extended ~~upon~~ *on* certification by the physician of the temporarily disabled person that the disabled person's condition is continuing; however, no permit shall be valid for more than five years. All permits shall bear the date of their expiration and the name, age, and sex of the person to whom issued. ~~Any permit issued under this section prior to July 1, 1986, shall be valid until June 30, 1988, but not thereafter.~~

C. The permit shall be displayed in the window of the transporting vehicle and the operator shall be allowed to park the vehicle for unlimited periods of time in parking zones restricted as to length of parking time permitted and shall be exempt from paying parking meter fees of ~~any county, city or town~~ . The provisions of this ~~subsection~~ *section* shall take precedence over any county, city or town ordinance. This subsection shall not apply to any ~~such~~ 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 ~~such~~ ordinance which prohibits parking during heavy traffic periods during specified rush hours, or where parking would clearly present a traffic hazard.

D. ~~Any~~ *It shall be unlawful for any person who is not a person described in subsection A or B of this section and who qualified to obtain a special permit under this section to* (i) willfully and falsely represents ~~represent~~ himself as having the qualifications to obtain the special permit or (ii) utilizes ~~use~~ the parking privilege accorded by this section shall be guilty of a traffic infraction and punished as provided in § 46.1-16.01 .

E. The owner or duly authorized agent of an owner of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and clearly marked for parking by handicapped persons, shall have the authority to have any vehicle not displaying a special vehicle parking permit under this section or special license plates under either § 46.1-104.1 ~~46.2-731~~ or § 46.1-149.1 ~~46.2-739~~ removed from ~~such~~ *the* parking place and stored. The owner of a vehicle which is removed and stored may regain possession of the vehicle ~~upon~~ *on* payment to the person or persons who removed and stored the vehicle of all reasonable costs incidental to removal and storage. The owner of ~~such~~ *a* ~~the~~ vehicle, on notice to the owner or ~~duly~~ authorized agent of the owner of the private parking space or the agent of the public authority, as the case may be, 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 ~~shall find~~ *finds* that the removal was unlawful, it shall direct the owner of the parking space or the public authority, as the case may be, to pay the costs incidental to removal and storage of the vehicle *and return the vehicle to its owner* .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1239 ~~46.1-258~~ . Parking in front of fire hydrant, near street corner, fire station, etc. *certain locations* ; penalty.—No person shall park a vehicle or permit it to stand, whether attended or unattended, ~~upon~~ *on* a highway in front of a private driveway ~~or~~ , within fifteen feet in either direction of a fire hydrant or the entrance to a fire station, ~~or~~ within fifteen feet of the entrance to a *plainly designated* building housing rescue squad equipment or ambulances, ~~provided such buildings are plainly designated,~~ or within twenty feet from the intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at ~~an~~ *any* highway intersection ~~of highways~~ .

A violation of this section shall be punishable by a fine not to exceed twenty-five dollars.

NOTE: Removal of the second paragraph has the effect of applying the standard traffic

infraction penalty.

**CHAPTER 13.
POWERS OF LOCAL GOVERNMENTS.**

§ 46.2-1300 46.1-180 . Powers of local authorities generally; necessity for erection of signs and markers; maximum penalties.— (a) In A. The governing bodies of counties, cities , and towns the governing body may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways of in such counties, cities , and towns not in conflict with the provisions of this title and may . 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) 1. Increase or decrease the speed limit within their 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;

provided, however, that the governing body of any city or town, by ordinance, may authorize 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 men are working work is being done or where the highway is under construction or repair ; ;

(2) 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if 1 one or more of such the intersecting streets has been designated as a part of the state highway system in a town which has a population of less than 3,500 people .

(3) [Repealed.]

(b) B. No such ordinance shall be deemed violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing or is , 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) 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) D. No county whose roads are under the jurisdiction of the State Department of Highways and 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 State Department of Highways and Transportation, in its discretion.

NOTE: Internal numbering has been changed to conform to standard format and to highlight the list.

§ 46.2-1301 46.1-180.1 . Designation of stop and yield right-of-way intersections.—The governing body of any city, town or county , city, or town operating its own system of roads may ; by ordinance ; authorize the city or town manager ; chief of police, director of public safety or such some other local officer thereof as such ordinance may provide to designate intersections, other than intersections at which one or more of the intersecting streets has been designated as a part of the state highway system in a town which has a population of less than 3,500 people , at which vehicles shall come to a full stop or yield the right-of-way ; provided that no . No such ordinance shall be deemed 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1302 46.1-180.2 . 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 or , 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) 1. Prohibit vehicles from parking or operating on designated highways;

(2) 2. Authorize the designation and posting of highways as snow routes and to provide that it shall be unlawful for prohibit any person to obstruct or impede traffic on a highway designated and posted as a snow route by reason of through his failure to have the vehicle operated by him equipped with snow tires or chains;

(3) 3. Prohibit the abandoning of vehicles on designated highways;

(4) 4. Authorize the removal of vehicles that are stalled, stuck, parked , or abandoned on designated highways;

(5) 5. Authorize the storing of removed vehicles and the imposition of reasonable charges for removal and storage;

(6) 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;

(6a) 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. For the purposes of this section, the term "snowmobile" shall mean any self-propelled vehicle, designed for 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 ;

(7) Provide penalties 8. Set fines for violations by fines which . 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 twenty-five dollars for each such offense.

NOTE: The definition of "snowmobile" has been moved to § 46.2-100.

§ 46.2-1303 46.1-180.3 . Issuance of permits to perform construction or repair work within right-of-way lines of public roadways.—The governing body of any city, town or 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 roadways highways under the jurisdiction of the political subdivision ; provided however that such . Such authority , however, shall not extend to any railroad crossings or to any roadways highways under the jurisdiction of the Virginia Department of Highways and Transportation. Such ordinance may provide that:

(1) 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 roadway highway without first having obtained a permit for such work from the agency or officer designated by such ordinance.

(2) 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) 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) 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) 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.

NOTE: The internal numbering has been changed to conform to standard format and to

highlight the list.

§ 46.2-1304 ~~46.1-181~~ . Local regulation of trucks and carriers.—The governing bodies of counties, cities , and towns may by ordinance, whenever in their judgment conditions so require:

(a) 1. Prohibit the use of ~~motortrucks~~ trucks , except for the purpose of receiving loads or making deliveries on certain designated streets under their jurisdiction;

(b) 2. Restrict the use of ~~motortrucks~~ trucks passing through the city or town to such street or streets under their jurisdiction as may be designated in such ordinance ; .

(c) Prohibit the use of certain designated streets under their jurisdiction by private carriers for hire as well as common carriers, except for the purpose of receiving passengers or goods or making deliveries.

NOTE: The last provision of this section seems superfluous in light of the rest of the section.

§ 46.2-1305 ~~46.1-181.2~~ . Regulation of vehicular and pedestrian traffic on systems of 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 11 (§ 15.1-427 et seq.) of Title 15.1, may require as a part of such land use regulations for residential subdivisions employing systems of roadways and parking areas open to the public but 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 establishing and enforcing said applying the regulations as to existing and future residential subdivisions.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1306 ~~46.1-181.3~~ . Prohibiting parking near certain water fire hydrants.—The governing body of any county may by ordinance prohibit the parking of motor vehicles within a reasonable distance of either side of a water hydrant, used or to be used for purposes of fire protection, when such hydrant is fire hydrants located on private property.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1307 ~~46.1-181.5~~ . Designation of private roads and private streets as highways for law-enforcement purposes.—The governing body of any county, city , or town may adopt an ordinance designating ; for law-enforcement purposes only, the private roads and private streets located , within any residential development containing 100 or more lots , as highways as defined by § 46.1-1 for law-enforcement purposes .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1308 ~~46.1-182~~ . Disposition of fines in traffic cases; failure or neglect to comply with section.— (a) In such counties, cities , and towns in which the whose governing body shall bodies adopt the ordinances authorized by §§ 46.1-180 and ~~46.1-181~~ 46.2-1300 and 46.2-1304 , all fines imposed for a violation violations of such ordinances shall be paid into the county, city or town treasury ; as the ease may be . Fees shall be disposed of according to law.

(b) But in 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 or upon forfeitures of bail 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 subject the person who is guilty thereof to a fine of not less than ten dollars nor more than fifty dollars constitute a Class 4 misdemeanor and may be ground 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 record having the jurisdiction over served by the officer charged with its the violation.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1309 ~~46.1-183~~ . Officers may direct traffic; signals.— Peace or police Law-enforcement officers and uniformed school crossing guards may direct traffic by signals. Such signals other than by voice shall be as follows:

(a) 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.

(b) 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.

(c) 3. To stop and start traffic by whistle. - One blast, moving traffic to stop; two blasts, traffic in opposite direction to move.

(d) 4. Emergency stop of traffic by whistle. - Three or more short blasts, all traffic shall immediately clear the intersection and stop.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1310 ~~46.1-183.1~~ . Authority to deputize persons to direct traffic in certain circumstances.—(a) 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 ~~without the power of arrest~~ for the limited purpose of directing traffic in accordance with § ~~46.1-183~~ 46.2-1309 during periods of heavy traffic or congestion ; ~~provided, that such~~ . 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.*

(b) Any person who is deputized as provided in subsection (a) ~~above the foregoing provisions of this section~~ , shall at all times while engaged in traffic control wear a distinctive police uniform, safety vest , or a white reflectorized belt which crosses both the chest and back above the waist.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1311 ~~46.1-185~~ . Applicability of county ordinances within incorporated towns.—Any such traffic ordinance adopted by the governing body of a county shall not apply within the limits of any incorporated town wherein in which the traffic is regulated by town ordinances.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.1-186. Counties authorized to erect "Yield Right-of-Way" signs.—The governing body of any county in this State may erect "Yield Right-of-Way" signs at any intersection in the county, subject to the approval of the State Highway and Transportation Commissioner, and all laws applicable to "Yield Right-of-Way" signs shall apply to such intersections when such signs have been erected. All such signs erected by any county shall conform in size, design and color to "Yield Right-of-Way" signs used by the State Department of Highways and Transportation. The provisions of this section shall apply whether the roads forming such intersection are a part of the primary or secondary system of highways or not, but shall not apply within the limits of any town wherein traffic is regulated by town ordinances.

NOTE: This section is duplicative of subdivision (2) of § 46.1-180. See subdivision 3 of proposed § 46.2-1300.

§ 46.2-1312 ~~46.1-187~~ . Size, design , and color of signs, signals , and markings erected by local authorities.—Traffic signs erected on and after January 1, 1950, and traffic signals and markings placed or erected on and after January 1, 1969, by local authorities pursuant to this title shall conform in size, design , and color to those erected for the same purpose by the State Department of Highways and Transportation.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1313 ~~46.1-188~~ . Incorporation of provisions of this title and § 18.2-266 et seq. in ordinances.—Ordinances enacted on and after July 1, 1968, by local authorities pursuant to this article may incorporate appropriate provisions of this title and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into such ordinance by reference. Nothing contained in this title shall be construed to require the reenactment of ordinances heretofore validly adopted.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1314 ~~46.1-16.1~~ . Traffic schools; requiring attendance by persons convicted of certain violations.—(a) The governing body of any county or city may by ordinance provide for the establishment within such county or city of a traffic school in the locality , at which there shall

be given 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* . ~~Such~~ The ordinance shall provide for the supervision and control of ~~such~~ the school, the days and hours when it shall be conducted of its operation , and the ~~its~~ personnel who are to be instructors therefor . In the discretion of the governing body, the ordinance establishing a traffic school may vest the direction and conduct of ~~such~~ the school in the county or city court or courts general district court charged with the duty of 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 if ~~such~~ is operated as part of a county or city adult education program as a traffic school for the purposes of this section.

(b) Any *general district court* of ~~such~~ in a county or city having jurisdiction of offenses covered by Articles 1 (§ 46.1-168 et seq.) through 6 (§ 46.1-243 et seq.) of Chapter 4 of this title or ordinances of the county or city regulating traffic is authorized to *which provides for a traffic school under this section* may require any person found guilty of a violation of any ~~such~~ statute provision of Chapter 8 of this title or local ordinance governing the operation of motor vehicles to attend a traffic school in the jurisdiction of the county or city where ~~such~~ the person is a resident or any ~~such~~ traffic school that has been established in any ~~contiguous~~ jurisdiction contiguous to the county or city of residence of the convicted violator for ~~such~~ a period as shall be specified in the order requiring ~~such~~ the attendance ; provided that if the governing body of ~~such~~ that contiguous jurisdiction consents thereto. ~~Such~~ The requirement for attendance may be in lieu of or in addition to the penalties prescribed by § 46.1-16.01 46.2-113 or any such ordinance. Failure to comply with the order of the court shall be punishable as contempt of ~~such~~ court .

NOTE: The language of this section has been simplified, but no significant changes have been made.

CHAPTER 14.

RIDESHARING.

§ 46.2-1400 ~~46.1-556~~ . “Ridesharing arrangement” defined.—“Ridesharing arrangement” means the transportation of persons in a motor vehicle where 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 shall include includes ridesharing arrangements known as car pools, van pools, and bus pools.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1401 ~~46.1-557~~ . 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 sixteen 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1402 ~~46.1-558~~ . Workers’ compensation law does not apply. Title 65.1 of the Code of Virginia, 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 65.1 of the Code of Virginia shall apply.

NOTE: Only the section number has been changed.

§ 46.2-1403 ~~46.1-559~~ . Liability of employer.— A . 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.

B. 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.

NOTE: The designations of the subsections have been removed.

§ 46.2-1404 ~~46.1-560~~ . 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 sixteen persons, including the driver, shall not constitute income for the purpose of Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia imposing taxes on income. Neither shall the difference in the amount between discount and full transit fares constitute income for the purpose of Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia imposing taxes on income.

NOTE: Only the section number has been changed.

§ 46.2-1405 ~~46.1-561~~ . 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 sixteen persons, including the driver.

NOTE: Only the section number has been changed.

§ 46.2-1406 ~~46.1-562~~ . 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 of the Code of Virginia.

NOTE: Only the section number has been changed.

§ 46.2-1407 ~~46.1-563~~ . Certain ridesharing vehicles are not commercial vehicles or buses.— A. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than sixteen persons, including the driver, shall not be a “bus” or “commercial vehicle” under those portions of this title relating to equipment requirements or rules of the road.

B. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than sixteen persons, including the driver, shall not be a “bus” or “commercial vehicle” under the portions of this title relating to registration.

C. The driver of a motor vehicle used in a ridesharing arrangement if not more than sixteen passengers, including the driver, is not a “chauffeur” nor is he transporting persons for compensation under the driver licensing portions of this title.

NOTE: The designations of the subsections have been removed.

SUBTITLE IV.

DEALERS.

CHAPTER 15.

MOTOR VEHICLE DEALERS.

Article 1.

Motor Vehicle Dealers, Generally.

§ 46.1-515. Short title.—The short title of this chapter is “Virginia Motor Vehicle Dealer Licensing Act.”

NOTE: This section is unnecessary.

§ 46.2-1500 ~~46.1-516~~ . Definitions.—Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

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

(w)“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.

(d)“Distributor” means a person who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in this the

Commonwealth.

(f) "Distributor branch" means a branch office 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 ~~this~~ the Commonwealth.

(h) "Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles ~~dealt in by it~~ or for supervising or contacting its dealers, prospective dealers, or representatives in ~~this~~ the Commonwealth.

(e) "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 ~~this~~ the Commonwealth.

(g) "Factory representative" means a person 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 ~~this~~ the Commonwealth.

(i) "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, selling , and servicing new motor vehicles 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. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

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

(p) "Independent motor vehicle dealer" means a dealer in used motor vehicles.

(t) "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles.

(x) "Motor vehicle" means the same as defined by ~~provided in § 46.1-1 46.2-100~~ , except, for the purposes of this chapter, it shall include trailers and semitrailers.

(a) "Motor vehicle dealer" or "dealer" means any person ; ~~partnership, association, corporation or entity which who:~~

(1) 1. For commission, money , or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage , or otherwise ~~howsoever~~, or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase , or exchange of an interest in ; new motor vehicles ~~or~~ , new and used motor vehicles ~~or~~ , used motor vehicles alone , or trailers or semitrailers , whether or not ~~such~~ the motor vehicles, trailers , or semitrailers are owned by ~~such person, partnership, association, corporation or entity~~ ~~him~~ ; or

(2) 2. Is ~~wholly or partly~~ engaged ; ~~wholly or in part~~, in the business of selling new motor vehicles ~~or~~ , new and used motor vehicles, or used motor vehicles only, or trailers or semitrailers, whether or not ~~such~~ the motor vehicles are owned by ~~such person, partnership, association or corporation~~ ~~him~~ ; or

(3) 3. Offers to sell, ~~sells~~, displays , or permits the display for sale, of five or more motor vehicles, trailers , or semitrailers within any twelve consecutive months.

(b) For the purpose of this chapter the ~~The~~ term "motor vehicle dealer" does not include:

(1) 1. Receivers, trustees, administrators, executors, guardians , 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 ~~such~~ employees.

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

~~(3)~~ 3. Persons ; other than corporations or other 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 same shall the vehicles~~ have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

~~(4)~~ 4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances , and funeral vehicles, including motor vehicles adapted therefor; ~~provided that the exemption granted under this subdivision however, this exemption shall not extend to exempt any such person from the provisions of §§ 46.1-525.010, 46.1-525.011 46.2-1519, 46.2-1520 and 46.1-550.5:6 46.2-1548 .~~

~~(5)~~ 5. Any financial institution duly chartered or authorized to do business under the authority of the laws of this ~~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 ~~said that institution arising or occurring as a result of any loan secured by a lien on said the vehicle.~~

~~(6)~~ 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)~~ 7. Any person licensed to sell real estate who sells a mobile home or similar vehicle in conjunction with the sale of the parcel of land on which the mobile home or similar vehicle is located.

~~(8)~~ 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)~~ 9. An insurance company licensed or otherwise authorized to do business in this ~~the~~ Commonwealth that sells or disposes of vehicles under a contract with their insured and in the regular course of its business.

~~(9a)~~ 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.

~~(9b)~~ 11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

~~(9c)~~ 12. Any credit union authorized to do business in Virginia, provided ~~such the~~ credit union does not receive a commission, money , or other thing of value directly from a motor vehicle dealer.

~~(e)~~ "Motor vehicle salesperson" or "salesperson" means any person who is *licensed as and* employed as a salesperson by a motor vehicle dealer to sell or exchange motor vehicles.

~~(s)~~ "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 ~~such the~~ vehicles are not being offered for sale or exchange during or as part of the display.

~~(m)~~ "New motor vehicle" means any vehicle which (1) (i) has not been previously sold except in good faith for the purpose of resale, ~~(2)~~ (ii) has not been used as a rental, driver education, or demonstration motor motor vehicle, or for the personal and business transportation of the manufacturer ~~and/or~~ , distributor, dealer , or any of their employees, or for any use other than the limited use necessary in moving or road testing the vehicle prior to delivery to a customer, ~~(3)~~ (iii) is transferred by a certificate of origin, and ~~(4)~~ (iv) has the manufacturer's certification that it conforms to all applicable federal motor vehicle safety and emission standards.

~~(z)~~ "Political subdivision" means for purposes of this chapter a county or independent city within this Commonwealth.

~~(v)~~ "Relevant market area" means the area within a radius of twenty miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater, except that where a franchisor is seeking to establish an additional new motor vehicle dealer, the relevant market area shall be as follows:

1. In metropolitan localities , the relevant market area shall be a circular area around the proposed site with a population of 250,000 ~~people~~ , not to exceed a radius of ten miles.

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

3. In all other cases the relevant market area shall be an area within a radius of twenty miles around the proposed site or the area of responsibility defined in the franchise, whichever is greater.

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

~~(k)~~ "Retail installment sale" means ~~and includes~~ every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price ~~thereof of the vehicle~~ is payable in one or more installments ~~over a period of time~~ 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. standards.

~~(q)~~ "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.

~~(r)~~ "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.

~~(n)~~ "Used motor vehicle" means any vehicle other than a new motor vehicle as defined ~~herein in this section~~.

~~(y)~~ "Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

~~(i)~~ [Repealed.]

~~(j)~~ Reserved.

NOTE: The definition of "political subdivision" has been removed because the term "county or city" or "locality" has been used in this chapter in place of "political subdivision." The definitions have been rearranged in alphabetical order.

§ 46.2-1501 ~~46.1-517~~. 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.

NOTE: Only the section number has been changed.

§ 46.2-1502 ~~46.1-517.1~~. Motor Vehicle Dealers' Advisory Board ~~continued~~; functions.— ~~There is hereby continued within the Department a The Motor Vehicle Dealers' Advisory Board created within the Department under § 46.1-550.2 and in effect prior to July 1, 1988 continued under § 46.1-517.1, hereinafter referred to as "the Board," is hereby continued to consult with and advise the Commissioner, the Secretary of Transportation and Public Safety, and the Governor on any and all matters with respect relating to the Virginia Motor Vehicle Dealer Licensing Act this chapter. The Commissioner shall request six members of the Board, selected at his discretion, to attend hearings conducted under Article 5 7 (§ 46.1-550.5:24 46.2-1566 et seq.) of this chapter. Three of these shall be Board members who are franchised dealers. The other three members selected to attend the hearings shall not be dealers or salespersons. The six members selected may be present and suggest relevant questions to be asked by the Commissioner of parties and witnesses, to be answered on the record. The Board also shall perform the following functions and duties:~~

1. ~~To cooperate with the Commissioner to the end that his powers of direction and supervision of the Department will enable him to carry out the general powers as entrusted to him in this chapter.~~

2. ~~To consult 1. Consult with, review, and advise the Commissioner on regulations related to this chapter which may be promulgated by the Department.~~

3. ~~To review 2. Review the minimum testing standards of applicants by the Department for licensing motor vehicle dealers and salespersons and suggest revisions to the testing standards as~~

needed.

4. ~~To inform~~ *3. Inform* the Commissioner whenever any member detects of possible violation of any provision of this chapter.

NOTE: Subdivision 1 is largely hortatory.

§ ~~46.2-1503~~ ~~46.1-517.2~~ . Composition of the *Motor Vehicle Dealers' Advisory Board*.— ~~A.~~ The Board shall consist of eleven members appointed by the Governor, subject to confirmation by the General Assembly. Seven members of the Board shall represent the seven geographic districts of the Commonwealth utilized by the Department and designated by the Commissioner as operating districts. Each of these seven members shall reside in the district he represents. The remaining four members shall be at-large members.

~~B.~~ Four members shall be franchised motor vehicle dealers, three members shall be independent motor vehicle dealers, one member shall be a licensed motor vehicle dealer primarily engaged in the business of renting vehicles , and three members shall be persons who are not dealers or salespersons.

~~C.~~ Members shall serve for terms of four years, and no member shall serve for more than two full consecutive terms. Appointment and confirmation of the Board members ~~under this section~~ shall occur only as the terms of the current members of the Board expire under prior law.

~~D.~~ Members of the Board shall be reimbursed their actual and necessary expenses incurred in carrying out their duties, such reimbursement to be paid from license fees collected pursuant to § ~~46.1-525.010~~ and appropriated to the Commissioner pursuant to § ~~46.1-525.011~~ *the special fund referred to in § 46.2-1520* .

NOTE: The concluding phrase has been deleted as possibly violating Article X, § 7 of the Constitution and unnecessary.

§ ~~46.2-1504~~ ~~46.1-518~~ . ~~Powers~~ *Commissioner's powers* with respect to hearings ; ~~legal proceedings, witnesses, etc under this chapter~~ .—The Commissioner may, in hearings arising under this chapter, determine the place in the Commonwealth where they shall be held; subpoena witnesses; take depositions of witnesses residing ~~without~~ *outside* the Commonwealth in the manner provided for in civil actions in courts of record; pay ~~such~~ *these* witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and administer oaths.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1505~~ ~~46.1-519~~ . Suit to enjoin violations.—The Commissioner ~~may~~ , whenever he ~~shall believe~~ *believes* from evidence submitted to him that any person has been ~~or 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 against such person and any other persons concerned or in any other way participating in, or about to participate in, practices or acts so in violation,~~ to enjoin such person and such other persons from continuing the same *any violation of this chapter* .

NOTE: This section has been shortened through removal of superfluous language.

§ ~~46.2-1506~~ ~~46.1-520~~ . Regulations.—The Commissioner may ~~make such~~ *promulgate* regulations requiring persons licensed under this chapter to keep and maintain records reasonably required for the enforcement of §§ ~~46.1-15.1~~ ~~46.2-112~~ and ~~46.1-89.1~~ ~~46.2-629~~ , and ~~such~~ *any* other regulations, not inconsistent with the provisions of this chapter, as he shall ~~deem~~ *consider* necessary ~~or proper~~ for the effective administration and enforcement of this chapter ; ~~provided that a~~ . A copy of ~~such regulations~~ *any regulation promulgated under this section* shall be mailed to each motor vehicle dealer licensee thirty days prior to ~~the~~ *its* effective date ~~of such regulations~~ .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1507~~ ~~46.1-522~~ . Penalties.—Except as otherwise provided *in this chapter*, any person violating any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

NOTE: Only minimal changes have been made.

Article 2.

Motor Vehicle Dealer Licenses.

§ 46.2-1508 ~~46-1-523~~ . Licenses required.— It is *shall be* unlawful for any person to engage in business in ~~this the~~ Commonwealth as a motor vehicle dealer , salesperson, manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license as provided in this chapter. However, any person licensed in another state of the United States as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth ~~only~~ after having obtained a certificate of *dealer* registration as provided in this chapter. The offering or grant of a motor vehicle dealer franchise in ~~this the~~ Commonwealth shall be ~~deemed the constitute~~ engaging in business in ~~this the~~ Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in ~~this the~~ Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in ~~this 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 under this chapter to a franchisor of motor vehicle dealer franchises is suspended ~~or~~ , revoked , or is not renewed, nothing in this section shall be ~~deemed to~~ prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into ~~this the~~ Commonwealth for sale prior to the suspension, revocation or expiration of the license.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1509 ~~46-1-525~~ . Application for license or certificate of *dealer* registration.— (a) Application for license or certificate of *dealer* registration *under this chapter* shall be made to the Commissioner at ~~such time and in such form~~ and shall contain such information as the Commissioner shall require. The application shall be accompanied by the required fee.

(b) The Commissioner shall require , in the application ~~for such a license or otherwise~~, information relating to the matters set forth in § ~~46-1-550.5:35~~ 46.2-1576 as grounds for the refusing ~~of~~ 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 which~~ . *All of these matters* shall be considered by the Commissioner in determining the fitness of the applicant to engage in the business for which he seeks a license *or certificate of dealer registration* .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1510 ~~46-1-525.01~~ . Dealers required to have an established place of business.—No license shall be issued to any motor vehicle dealer unless ~~such dealer~~ *he* has an established place of business , owned or leased by ~~the dealer~~ *him*, where a substantial portion of the sales activity of *the business* is routinely conducted and which:

1. ~~Meets Satisfies~~ all local zoning regulations;
2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square feet ~~and which~~ is in a permanent, enclosed building not used as a residence;
3. Houses all records the dealer is required to maintain by § ~~46-1-547.4~~ 46.2-1529 ;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, and working utilities including electricity and provisions for space heating;
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 ten vehicles.

However, any licensee engaging in business exclusively as a dealer in used mobile homes without inventory need not have contiguous display space and need have only 120 square feet of sales and office space devoted exclusively to its business.

Any dealer licensed on or before January 1, 1989, shall be ~~deemed to be~~ *considered* in compliance with ~~subdivisions~~ *provisions* 2 and 6 of *the first paragraph* of this section for that licensee.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1511 ~~46-1-525.02~~ . Dealer-operator required to have certificate of qualification.— A. On

~~or after July 1, 1989, no~~ No license shall be issued to any motor vehicle dealer unless the dealer-operator holds a valid certificate of qualification issued by the Department. Such certificate shall be issued only ~~upon~~ on application to the Department, payment of a twenty-five dollar application fee and , the successful completion of an examination prepared and administered by the Department , and other prerequisites as set forth in this section ; ~~except that~~ . However, any individual who is the dealer-operator of a licensed dealer on July 1, 1989, shall be entitled to such a certificate ~~upon~~ without examination on application to the Department made on or before September 1, 1989.

B. The Commissioner may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

NOTE: Obsolete provisions have been eliminated.

§ 46.2-1512 ~~46.1-525.03~~ . Salesperson ~~required~~ to have certificate of qualification.— A. ~~On or after July 1, 1989, no~~ A certificate shall be issued only ~~upon~~ on application to the Department, payment of a twenty-five dollar application fee and , the successful completion of an examination prepared and administered by the Department , and other prerequisites as set forth in this section ; ~~except that~~ . However, any individual who is licensed as a salesperson on July 1, 1989, shall be entitled to such a certificate ~~upon~~ without examination on application to the Department made on or before September 1, 1989.

B. The Commissioner may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

NOTE: Obsolete provisions have been eliminated.

§ 46.2-1513 ~~46.1-525.04~~ . Continued operation ~~upon~~ on loss of a dealer-operator holding certificate of qualification.—Each dealer shall notify the Department in writing immediately ~~upon~~ the loss of ~~when~~ a dealer-operator ; who holds a certificate of qualification ; ~~because of death, disability, retirement, removal or any other cause 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 ~~such~~ a dealer-operator and may be granted approval by the Department to operate for an additional 60 days ~~upon~~ on application and good cause shown for such delay.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1514 ~~46.1-525.05~~ . Action ~~upon~~ on applications; hearing ~~upon~~ on denial; denial for failure to have established place of business.— A. The Commissioner shall act ~~upon~~ on all applications for a license or certificate of dealer registration *under this chapter* within sixty days after the receipt thereof, by either granting or refusing ~~the same~~ the application . Any applicant denied ~~such~~ a license or certificate shall, ~~upon~~ on his written request filed within thirty days, be given a hearing at ~~such~~ a time and place as determined by the Commissioner or a person designated by him. All ~~such~~ hearings *under this section* shall be public and shall be held ~~with reasonable promptness~~ promptly . The applicant may be represented by counsel.

B. Any applicant denied a license for failure to have an established place of business as provided in § ~~46.1-525.01~~ 46.2-1510 may not, nor shall anyone, apply for a license for ~~such~~ premises ; for which a license was denied ; ~~until the expiration of~~ for thirty days from the date of the rejection of ~~such~~ the application.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1515 ~~46.1-525.06~~ . Location to be specified ; etc. ; 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 ~~or~~ , branch or other location occupied or to be occupied by the licensee in conducting his business as ~~such~~ and the license issued therefor shall be conspicuously displayed ~~on~~ ~~such~~ at each of the premises. In the event any licensee intends to change a licensed location, *he shall provide the Commissioner thirty days' advance written notice and a successful inspection are of the new location shall be required prior to approval of a change of location* . The Commissioner shall endorse the change of location on the license, without charge, if the new location is within the same ~~political subdivision~~ county or city . A change in location to another ~~political subdivision~~ county or city shall require a new license and fee. Nothing contained in this section shall prevent a licensee engaged in business exclusively as a dealer in used mobile homes without inventory from

conducting business in ~~political jurisdictions any county or city~~ other than the ~~jurisdiction county or city~~ in which the ~~his~~ established place of business is maintained.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1516 ~~46.1-525.07~~ . Supplemental sales locations.— ~~A.~~ The Commissioner may issue a license for a licensed motor vehicle dealer to display for sale or sell vehicles at locations other than ~~the his~~ established place of business, subject to compliance with all ~~applicable~~ local ordinances and requirements.

~~B.~~ 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 is *shall not be* required for premises otherwise contiguous to the established place of business except for a public thoroughfare.

~~C.~~ A temporary supplemental license may be issued for a period not to exceed seven days, provided that the application is made fifteen days prior to the sale. A temporary supplemental license for the sale of new motor vehicles may be issued only for locations within ~~that franchised~~ the dealer's area of responsibility, as defined in his franchise *or sales* agreement, unless proof is provided that all ~~franchised~~ 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 ~~sueh the~~ temporary license.

NOTE: Only minimal changes have been made.

§ 46.2-1517 ~~46.1-525.08~~ . Changes in form of ownership, make, name.— ~~A.~~ Any change in the form of ownership or the addition or deletion of a partner ; shall require a new application, license , and fee.

~~B.~~ Any addition or deletion of a franchise or change in the name of a dealer shall require immediate notification to the Department, and the Commissioner shall endorse ~~sueh 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.

NOTE: Only minimal changes have been made.

§ 46.2-1518 ~~46.1-525.09~~ . Display of salesperson's license; notice ~~upon~~ on termination.— ~~A.~~ No salesperson shall be employed by more than one dealer, unless the dealers are owned by the same person ; ~~firm, partnership, association or corporation~~ .

~~B.~~ Each dealer shall post and maintain in a place conspicuous to the public a list of salespersons employed.

~~C.~~ Each salesperson, factory representative , and distributor representative shall carry his license when engaged in his business and shall display ~~the same upon~~ it on request.

~~D.~~ Each dealer, manufacturer, and distributor shall notify the Department ~~monthly~~ in writing not later than ~~ten days in the month~~ subsequent to ~~the tenth day following~~ the month of the *termination of any* licensed salesperson's or representative's ~~termination of~~ employment. In lieu of written notification, the license of ~~sueh the~~ terminated salesperson or representative may be returned to the Department annotated "terminated" on the face of the license and signed and dated by the dealer-operator, owner , or officer.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1519 ~~46.1-525.010~~ . 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 as follows:

1. For motor vehicle dealers, salvage dealers, salvage pools , and rebuilders, \$100 for each principal place of business, plus \$20 for each supplemental license.

2. For manufacturers ~~and~~ , distributors, and each factory branch and distributor branch, \$100.

3. For motor vehicle and rebuilder salespersons, factory representatives , and distributor representatives, \$10.

4. For motor vehicle dealers licensed ~~only~~ in ~~foreign~~ other states *but not in Virginia* , a registration fee of \$50.

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 section or in any other section of this chapter shall be construed as exempting, exempt any person, firm or corporation from any license, tax, or fee imposed by any other provision of law.

NOTE: The Attorney General's Office prefers that "section or in any other section of this" be retained in the last subsection.

§ 46.2-1520 ~~46.1-525.011~~. Collection of license and registration fees; ~~appropriation~~; payments from fund.—All licensing and registration fees provided for in this chapter, except as identified in Article 2-1 3 (§ 46.1-544.1 46.2-1522 et seq.) of this chapter shall be collected by the Commissioner as provided in this chapter and by him shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department.

NOTE: Only minimal changes have been made.

§ 46.2-1521 ~~46.1-525.012~~. Issuance, expiration, and renewal of dealers' certificates of license and registration.—All dealers' certificates of license and registration shall be issued for a period of twelve consecutive months except, at the discretion of the Commissioner, the periods may be adjusted as is necessary to distribute the 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 dealer certificate of license and registration shall be renewed annually upon application by the owner and by payment of fees required by law, such the renewal to take effect on the first day of the succeeding month.

NOTE: Only minimal changes have been made.

Article 3.

Motor Vehicle Transaction Recovery Fund.

§ 46.2-1522 ~~46.1-544.1~~. Motor Vehicle Transaction Recovery Fund; ~~establishment; assessments; minimum balance established~~.—A. Every applicant for an original motor vehicle dealer's license or certificate of dealer registration shall pay, in addition to other license fees, an assessment fee of sixty dollars and every applicant for an original motor vehicle salesperson's license shall pay, in addition to other license fees, an assessment fee of ten dollars, prior to license issue. From January 1, 1989, through Until December 31, 1989, every applicant for a renewal of a motor vehicle dealer's license or certificate of dealer registration shall pay, in addition to other license fees, an assessment fee of sixty dollars and every applicant for a renewal motor vehicle salesperson's license shall pay, in addition to other license fees, an assessment fee of ten dollars, prior to license issue. These assessment fees shall be used to establish the Motor Vehicle Transaction Recovery Fund, hereinafter referred to in this chapter as "the Fund." On July 1, 1989, and thereafter, the The Fund shall be available used to satisfy unpaid judgments, as provided for in § 46.1-544.2, to satisfy unpaid judgments 46.2-1523.

B. The minimum balance of the Fund shall be \$500,000. Whenever the balance of the fund is less than this minimum balance, for the next twelve consecutive months, each licensed or registered motor vehicle dealer applying for a renewal license shall pay, before such renewal shall be issued, a reassessment fee of thirty dollars, and each licensed motor vehicle salesperson applying for a renewal license shall pay, before such renewal shall be issued, a reassessment fee of five dollars.

C. All assessments for the Fund shall be deposited as a special fund in the state treasury to be expended to pay claims against the Fund and for no other purpose. Any interest income shall accrue to the fund. The Commissioner shall maintain an accurate record of all transactions involving the Fund.

NOTE: Obsolete provisions have been removed from the first paragraph.

§ 46.2-1523 ~~46.1-544.2~~. Recovery from Fund, generally.—Whenever any person is awarded a final judgment in a court of competent jurisdiction in the Commonwealth of Virginia for any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed or registered motor vehicle dealer or one of such a dealer's salespersons acting for the dealer or within the scope of the his employment of such salesperson, or for any loss or damage by reason of the violation by such a dealer or salesperson of any of the provisions of this chapter in connection with the purchase of a motor vehicle; occurring on or after January 1, 1989, or thereafter, the judgment creditor may file a verified claim with the Commissioner, requesting payment from the Fund of the amount unpaid upon on the judgment. Such The claim shall be filed with the Commissioner no sooner than thirty days and no later than twelve months after the judgment becomes final.

NOTE: Only minimal changes have been made.

§ 46.2-1524 ~~46.1-544.3~~ . Limitations upon recovery from Fund.— A. The maximum claim of one judgment creditor against the Fund based upon an unpaid final judgment arising out of any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed motor vehicle dealer or one of such a dealer's salespersons acting for the dealer or within the scope of the salesperson's employment of such salesperson , or for any loss or damage by reason of the violation by such a dealer or salesperson of any of the provisions of this chapter involving a single transaction, shall be limited to \$15,000, regardless of the amount of the unpaid final judgment of such one judgment creditor.

B. The aggregate of claims against the Fund based upon unpaid final judgments arising out of any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed motor vehicle dealer or one of such a dealer's salespersons acting for the dealer or within the scope of the salesperson's employment of such salesperson , or for any loss or damage by reason of the violation by such a dealer or salesperson acting for the dealer or within the scope of the employment of such salesperson, or shall suffer any loss or damage by reason of the violation by such dealer or salesperson of any of the provisions of this chapter, involving more than one transaction, shall be limited to \$50,000 during any license or registration period of the judgment debtor or part thereof, regardless of the total amounts of unpaid final judgments of such judgment creditors.

C. If a claim has been made against the Fund, and the Commissioner has reason to believe there may be additional claims against the Fund from other transactions involving the same licensee or registrant, the Commissioner may withhold any payment from the Fund involving such 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 sum of \$50,000 , a total of \$50,000 shall be prorated among the claimants and paid from the Fund in proportion to the amounts of their unpaid final judgment judgments against the licensee or registrant.

D. Upon receipt of a verified claim filed against the Fund, the Commissioner shall forthwith notify the licensee or registrant who is the subject of the unpaid judgment that such a verified claim has been filed and that the licensee or registrant should satisfy the judgment debt. If the judgment debt remains is not fully satisfied thirty days following the date of such the notification by the Commissioner, the Commissioner shall make payment from the Fund subject to the other limitations contained in this article.

E. Excluded from the amount of any unpaid final judgment upon which a claim against the Fund is based shall be any sums representing interest, or punitive or exemplary damages.

F. If at any time the amount of the fund Fund is insufficient to fully satisfy any claims or claim filed with the Commissioner and authorized by this article, the Commissioner shall pay such claims, claim, or portion thereof to the claimants in the order that the claims were filed with the Commissioner.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1525 ~~46.1-544.4~~ . Assignment of claimant's rights to the Department; payment of claims.—Subject to the provisions of this article and upon the claimant's execution and delivery to the Commissioner of an assignment to the Department of his rights against the licensee or registrant, to the extent he received satisfaction from the Fund, the Commissioner shall pay the claimant from the Fund the amount of the unpaid final judgment.

NOTE: Only minimal changes have been made.

§ 46.2-1526 ~~46.1-544.5~~ . Revocation of license or certificate of registration upon payment from the Fund.— Upon payment by the Commissioner to a claimant from the Fund as provided in this article, the Commissioner shall immediately notify the licensee or registrant in writing of the Department's payment to the claimant and request full reimbursement be made to the Department within thirty days of the notification. Failure to reimburse the Department in full within the specified period shall cause the Commissioner 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. A discharge in bankruptcy shall not relieve such person from the disability provided in this article.

NOTE: The last sentence serves no purpose.

§ 46.2-1527 46.1-544.6 . No waiver by the Department of disciplinary action against licensee or registrant.—Nothing contained in this article shall limit the authority of the Department to take disciplinary action against any licensee or registrant for any violation of this chapter or any ~~rule or~~ 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 proceeding action against that licensee or registrant for any violation.

NOTE: Only minimal changes have been made.

Article 4.

Conduct of Business.

§ 46.2-1528 46.1-547.3 . Examination or audit of licensee; costs.—The Commissioner or authorized representatives of the Department may examine, during the posted business hours, the records required to be maintained by this chapter. If ~~such a~~ licensee is found to have violated this chapter or any lawful order of the Commissioner, the actual cost of ~~such the~~ examination shall be paid by ~~such the~~ licensee so examined within thirty days after demand therefor by the Commissioner. The Commissioner may maintain an action for the recovery of ~~such these~~ costs in any court of competent jurisdiction.

NOTE: Only minimal changes have been made.

§ 46.2-1529 46.1-547.4 . Dealer records.—All dealer records regarding employees, purchases, sales, transfers of ownership, collections of taxes, titling, uninsured motor vehicle fee and registration fees, odometer disclosure statements, and records of permanent dealer registration plates assigned to the dealer, shall be maintained on the premises of the licensed location ~~except that the~~ . The Commissioner may, ~~upon~~ on written request by ~~such a~~ dealer, permit ~~the 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 for a period of four years , ~~except as provided under the federal Truth in Mileage Act of 1986,~~ in a manner that permits systematic retrieval. Certain records may be maintained on a computerized record keeping system with the prior approval of the Commissioner.

NOTE: The addition to the second-last sentence is recommended by DMV.

§ 46.2-1530 46.1-547.5 . Bill of sale.—Every motor vehicle dealer shall complete, in duplicate, a bill of sale for each sale or exchange of a motor vehicle. The original shall be retained for a period of four years in accordance with § 46.1-547.4 46.2-1529 , and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. ~~Such~~ A bill of sale shall include:

1. ~~Name~~ *The name* and address of the person ; ~~firm or corporation~~ to whom *the* vehicle was sold or traded.
2. ~~Date~~ *The date of the* sale or trade.
3. ~~Name~~ *The name* and address of *the* motor vehicle dealer selling or trading *the* vehicle.
4. ~~Make~~ *The make* , model year, vehicle identification number and body style *of the vehicle*
5. ~~Sale~~ *The sale price of the* vehicle.
6. ~~Amount~~ *The amount of any* cash deposit made by the buyer.
7. ~~Description~~ *A description* of any vehicle used as a trade-in and the amount credited the buyer for ~~said the~~ trade-in. ~~Description~~ *The description* of *the* trade-in shall be the same as outlined in ~~subdivision provision 4 above of this section~~ .
8. ~~Any~~ *The amount of any* sales and use tax, title fee, uninsured motor vehicle fee, registration fee , or other fee for which the buyer is responsible and the dealer has collected. Each ~~charge tax and fee~~ shall be individually listed and identified.
9. ~~Net~~ *The net* balance due at settlement.
10. ~~Whenever any sale~~ *If the transaction* does not include a policy of motor vehicle liability insurance, the seller shall stamp or mark ~~upon~~ on the face of ~~such the~~ bill of sale in boldface letters no smaller than eighteen point type the following words: "No Liability Insurance Included."
11. ~~Bill~~ *The bill* of sale ~~must shall~~ be signed by both buyer and seller.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1531 ~~46.1-547.6~~ . Consignment vehicles; contract.— A. Any motor vehicle dealer offering a vehicle for sale that is on consignment ; shall have in his possession a consignment contract for each the vehicle, executed and signed by both parties 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.
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. Disclosure 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.

B. Any dealer offering a vehicle for sale on consignment must inform any prospective customer that the vehicle is on consignment.

C. Dealer license plates ~~cannot~~ shall not be used to demonstrate a vehicle on consignment. The owner's license plates may be used if liability insurance coverage is in effect in the amounts prescribed by § 46.1-504 ~~46.2-472~~ .

NOTE: Only minimal changes have been made.

§ 46.2-1532 ~~46.1-547.7~~ . Odometer disclosure.—Every motor vehicle dealer shall comply with all requirements of the Federal Odometer Act and § 46.1-89.1 ~~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. Such odometer Odometer disclosure statements shall be maintained by the dealer in a manner that permits systematic retrieval.

NOTE: Only minimal changes have been made.

§ 46.2-1533 ~~46.1-547.8~~ . Business hours.— A. Each motor vehicle dealer shall be open for business a minimum of twenty hours per week, at least ten of which shall be between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, except that the Commissioner, upon on written request by such a dealer, may reduce the minimum business hours modify these requirements for good cause. Each licensee engaged in business exclusively as a dealer in used mobile homes without inventory shall be open for business a minimum of two consecutive hours per week between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. The open dealer's hours shall be posted and maintained conspicuously on or near the front main entrance of each place of business .

B. Each dealer shall include the minimum 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.

NOTE: Only minimal changes have been made.

§ 46.2-1534 ~~46.1-547.9~~ . Signs.— A. Each retail motor vehicle dealer dealer's place of business shall be identified by a permanent sign of a permanent nature visible from the front of the established place of 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.

B. Each licensee engaged in business exclusively as a dealer in used mobile homes without inventory shall be identified by a permanent sign of a permanent nature visible from the front of the business office so that the public may quickly and easily identify the dealer dealership . The sign shall contain the dealer's trade name in letters no less than two inches in height unless otherwise restricted by law or contract.

NOTE: Only minimal changes have been made.

§ 46.2-1535 ~~46.1-547.10~~ . Advertisements.—Whenever any licensee places an advertisement in any newspaper or publication, the abbreviations “VA DLR,” denoting a Virginia licensed dealer, shall appear therein.

NOTE: Only the section number has been changed.

§ 46.2-1536 ~~46.1-548~~ . Coercing ; etc., purchaser to provide insurance coverage on motor vehicle.— A: It is *Except as otherwise provided in this section, 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.

B: ~~Notwithstanding the provisions of subsection A,~~ a dealer may , *however*, require a retail customer to purchase automobile physical damage insurance to protect collateral secured by a ~~retail~~ *an installment sales contract offered by the dealer* .

NOTE: Only minimal changes have been made.

§ 46.2-1537 ~~46.1-549~~ . Prohibited solicitation and compensation.—It is *shall be* unlawful for any motor vehicle dealer or salesperson licensed under the provisions of 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 ~~such~~ *the* person is duly licensed as a salesperson ~~in the employ of such~~ *employed by the* dealer.

NOTE: Only minimal changes have been made.

§ 46.2-1538 ~~46.1-550~~ . Salesman selling for other than his employer prohibited.—It is *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.

NOTE: Only minimal changes have been made.

§ 46.2-1539 ~~46.1-550.3~~ . Inspection of vehicles *required* .—No person ; ~~partnership, association, corporation or other entity~~ 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 10 21 (§ ~~46.1-315~~ ~~46.2-1157~~ et seq.), Chapter 4 10 of this title unless between the time ~~such~~ *the* vehicle comes into the possession of the dealer and the time ~~such~~ *vehicle* it is sold to ~~such~~ *buyer* 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 ~~such~~ , *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.

NOTE: Only minimal changes have been made.

§ 46.2-1540 ~~46.1-550.3:1~~ . Inspections prior to sale not required of certain sellers.—The provisions of §§ ~~46.1-315.2~~ ~~46.2-1158~~ and ~~46.1-550.3~~ ~~46.2-1539~~ requiring inspection of any motor vehicle prior to sale at retail shall not apply to any person ; ~~firm or business~~ 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 §§ ~~46.1-315.2~~ ~~46.2-1158~~ and ~~46.1-550.3~~ ~~46.2-1539~~ requiring inspection of any motor vehicle prior to sale at retail apply to any new motor vehicle or vehicles sold on the basis of a special order placed by a dealer with a manufacturer outside Virginia on behalf of a customer who is a nonresident of Virginia and takes delivery outside Virginia.

NOTE: Only minimal changes have been made.

§ 46.2-1541 ~~46.1-550.3:2~~ . Inspections or disclosure required before sale of certain trailers.—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 ~~such~~ *trailer* it comes into the possession of a retail dealer and the time the trailer is sold by the dealer or, in lieu of ~~such~~ *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 Virginia safety inspection requirements. ~~No inspection approval sticker shall be issued for any trailer which fails to meet all applicable state and federal safety requirements.~~ The provisions of this section shall not apply to sales of trailers by individuals not ordinarily engaged in the business of selling trailers.

NOTE: The second last sentence appears to be redundant.

§ 46.2-1542 46.1-550.5:1 . Temporary certificates of ownership .—A. Notwithstanding §§ 46.1-87 46.2-628 and 46.1-88 46.2-617 , whenever a dealer licensed by the Department sells and delivers to a purchaser a motor vehicle, trailer , or semitrailer, and such dealer is unable at the time of the sale to deliver to the purchaser the certificate of title or certificate of origin for such the vehicle for the reason that 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 dealer shall execute in quadruplicate , on forms provided by the Commissioner, a temporary certificate of ownership bearing . The certificate shall bear its date of issuance, the name and address of the purchaser, the identification number of such the vehicle, the registration number to be used temporarily on such 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 such whatever other information as may be required by the Commissioner. A copy of the temporary certificate and a bona fide bill of sale shall be delivered to the purchaser and must shall be in the possession of the purchaser at all times when operating such the vehicle ; one . One copy of the certificate shall be retained by the dealer and shall be subject to inspection at any time by the Department's agents ; the . The original of the certificate shall be forwarded by the dealer to the Department on the day of such issuance, and one copy filed directly on issuance to the purchaser if the vehicle is to be titled outside the Commonwealth, along with application for title. The issuance of a temporary certificate of ownership to a purchaser pursuant to this section shall have the effect of vesting ownership to such the vehicle in the purchaser for the period that the certificate remains effective.

B. A temporary certificate of ownership issued by a dealer to a purchaser pursuant to this section shall expire upon on receipt by the purchaser of a certificate of title of to the vehicle issued by the Department in the name of the purchaser, but in no event shall such any temporary certificate of ownership issued under this section be effective for more than thirty 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 of to the vehicle or fails to apply for a replacement certificate of title pursuant to § 46.1-92 46.2-632 , thereby preventing delivery to the Department or purchaser before the expiration of the temporary certificate of ownership, the purchaser's ownership of the vehicle 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 such the vehicle, less any damage to the vehicle incurred while ownership was vested in the purchaser.

C. In the event Notwithstanding subsection B of this section, if the dealer fails to deliver the certificate of title or certificate of origin to the purchaser within thirty days, a second temporary certificate of ownership 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. Upon On receipt of the title application with attachments as described herein, the Department shall record the purchaser's ownership of the vehicle and may authorize the dealer to issue a second thirty-day temporary certificate of ownership. 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 ownership of the vehicle may terminate and he shall have the right to return the vehicle as provided in subsection B of this section .

D. In the event that If the dealer is unable to produce the certificate of title or certificate of origin to the vehicle within the sixty-day period from the date of issuance of the first temporary certificate issuance , the Department may extend temporary ownership for an additional period of up to ninety days, provided the dealer makes application in such the format as required by the Department.

E. The Commissioner, upon 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 such the dealer to issue temporary certificates of ownership.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1543 46.1-550.5:1.1 . Use of old license plates and registration number on another vehicle.—An owner who sells or transfers a registered motor vehicle, trailer , or semitrailer may have the license plates and the registration number thereon assigned transferred to another vehicle titled in such the owner's name according to the provisions of Chapter 3 6 (§ 46.1-41 et seq.) of this title, which is in a like vehicle category as specified in § 46.1-140 46.2-694 and which requires an identical registration fee upon , on application to the Department accompanied by a fee of two dollars or, if such the other vehicle requires a greater registration fee than that for which the license plates were assigned, upon on the payment of a fee of two

dollars 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 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. For purposes of this section, a motor vehicle dealer duly licensed by the Department may be deemed 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 such the forms and following such the procedures as may be prescribed from time to time by the Department. The Commissioner, upon 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 such the dealer to receive, process, and approve the assignment of license plates and registration numbers pursuant to this section.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1544 ~~46.1-550.5:2~~ . Certificate of title for dealers.—Except as otherwise provided in this chapter, every dealer shall obtain, upon on the purchase of each vehicle, a certificate of title issued to such 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.

NOTE: Only minimal changes have been made.

§ 46.2-1545 ~~46.1-550.5:3~~ . Termination of business ; etc .—No dealer, unless his license has been suspended, revoked, or canceled, shall cease business without a thirty-day prior notification to the Department. Upon On cessation of the business, the dealer shall immediately surrender to the Department the dealer's certificate of license, all salespersons' licenses, 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 ; dealer records as set forth in this chapter.

NOTE: Only minimal changes have been made.

Article 5.

Dealer License Plates.

§ 46.2-1546 ~~46.1-550.5:4~~ . Registration of dealers ; etc. ; fees therefor .—Every manufacturer, distributor, or dealer, before he commences to operate vehicles to be sold by him, shall apply to the Commissioner for a dealer's certificate of vehicle registration and license plates . All dealers' certificates of vehicle registration and licenses 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 licenses license plates as uniformly as practicable throughout the year. On the payment of the fee of thirty dollars, a certificate of vehicle registration and license plates shall be issued to the dealer in such a form as may be prescribed by the Commissioner. For such this fee the Commissioner shall issue to such the dealer two dealer license plates and for each additional dealer license plate and dealer registration card issued, a fee of thirteen dollars per license plate shall be paid; however, the fee for a motorcycle dealer shall be nine dollars for each license plate.

NOTE: Only minimal changes have been made.

§ 46.2-1547 ~~46.1-550.5:5~~ . License under this chapter prerequisite to receiving dealer's registration license plates; uninsured use prohibited.—No motor vehicle manufacturer, distributor, or dealer, unless licensed under this chapter, shall be entitled to receive or maintain any dealer's license plates under the provisions of the laws of this Commonwealth . It shall be unlawful to use or permit the use of any dealer's license plates on any uninsured motor vehicle as defined by § 46.1-167.2 46.2-705 .

NOTE: Only minimal changes have been made.

§ 46.2-1548 ~~46.1-550.5:6~~ . Transferable dealers' license plates.— A. In lieu of registering each such vehicle of a type described in this section, a manufacturer, distributor, or dealer ; owning and operating any motor vehicle, trailer, or semitrailer upon on any highway, or a manufacturer or installer of fifth wheels, bodies, or special permanent permanently mounted equipment for tractor trucks, trucks, trailers, or semitrailers, may obtain a dealer's license plate from the Department, upon on application therefor upon on the proper official prescribed form and upon on payment of the fees required by law. Such These license plates shall be attached to each such vehicle as required by subsection A of § 46.1-99 (a) 46.2-711 . Each such plate shall bear a distinctive number, and the name of this the Commonwealth, which may be abbreviated, together with the word "dealer" or a distinguishing symbol indicating that such the

plate is issued to a manufacturer, distributor, or dealer. Month and year decals indicating the date of expiration shall be affixed to each ~~such~~ license plate. Any license plates so issued may, during the calendar year for which they have been issued, be transferred from one motor vehicle, trailer, or semitrailer to another, used or operated by ~~such~~ the manufacturer, distributor, or dealer, who shall keep a written record of the motor vehicle, trailer, or semitrailer ~~upon~~ on which ~~such~~ the dealer's license plates are used. ~~Such~~ This record shall be open to inspection by any ~~police~~ law-enforcement officer or any officer or employee of the Department. The maximum number of dealer's plates which the Department may issue shall not exceed four times the number of licensed ~~factory or distributor~~ representatives or salespersons employed by ~~such~~ the manufacturers, distributors, or dealers, provided that the Commissioner may issue additional plates where good cause is shown.

B. Display of a transferrable manufacturer's, distributor's, or dealer's license plate or plates ~~upon~~ on a motor vehicle, trailer, or semitrailer shall subject ~~such~~ the vehicle to the requirements of §§ ~~46.1-293 46.2-1056~~ and ~~46.1-298 46.2-1038~~.

C. 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 ~~such~~ license plate shall be renewed annually ~~upon~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ ~~46.2-1549 46.1-550.5:7~~. Dealer's license plates to distinguish between various types of dealers.—The Commissioner shall provide for the issuance of ~~appropriately lettered or numbered, or combinations thereof, of appropriate~~ dealer's license plates so as to distinguish between dealers operating under franchise with a motor vehicle manufacturer; or distributor, dealers in used motor vehicles, and motorcycle dealers.

NOTE: Only the section number has been changed.

§ ~~46.2-1550 46.1-550.5:8~~. Permissible use of dealer's license plates; generally.—A. Dealer's license plates may be used on motor vehicles, trailers, and semitrailers owned by, or assigned to, ~~duly~~ licensed motor vehicle manufacturers, distributors, and dealers ~~of this in the~~ Commonwealth, as defined in § ~~46.1-516 46.2-1500~~, when operated on the highways of Virginia by ~~such~~ dealers, corporate officers, representatives, and salespersons or full-time employees of ~~such~~ manufacturers, distributors, and dealers and any part-time employee, but only while ~~such~~ the part-time employee is moving a motor vehicle from one point to another at the specific direction of the manufacturer, distributor, or dealer. Dealer's license plates shall not be used on motor vehicles such as wrecking cranes or other service motor vehicles for the use or operation of which dealers charge or receive compensation.

B. A dealer may permit ~~such~~ his license plates to be used in the operation of a motor vehicle, trailer, or semitrailer by a bona fide prospective purchaser thereof, and 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, where the dealer issues to ~~such~~ the prospective purchaser a certificate on forms provided by the Department, a copy of which shall be retained by ~~such~~ 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 show the date of issuance, the person to whom issued, the identification number of the vehicle, and the dealer's license number, and shall be in the immediate possession of the person operating or authorized to operate ~~such~~ the vehicle. The certificate shall entitle ~~such~~ the person to operate with dealer's license plates for a period of five days. Not more than two ~~such~~ certificates may be issued by a dealer to the same person for successive periods.

C. The dealer's license plates may be used ~~upon~~ tractor trucks, trucks, trailers or semitrailers for the purpose of delivering the vehicles to another establishment for the purpose of having a fifth wheel, body or special permanent mounted equipment installed ~~upon~~ the vehicles, and for the purpose of returning the vehicles to the dealer, regardless of whether or not titles of the vehicles have been retained by the dealer in the meanwhile, and no other tag or permit from any other agency of the Commonwealth shall be required under such circumstances.

D. The dealer's license plates may be used ~~upon~~ tractor trucks, trucks, trailers or semitrailers which are owned and operated outside this Commonwealth for the purpose of delivering the vehicles into Virginia from without the Commonwealth for the purpose of having a

fifth wheel, body or special permanent mounted equipment installed upon the vehicle and for the purpose of returning the vehicle out of this Commonwealth, regardless of whether or not titles of the vehicles have been retained by the dealer in the meantime, and no other tag or permit from any other agency of the Commonwealth shall be required under such circumstances, but the operator of any vehicle operated under the provisions of this subsection shall carry on his person a bill of sale for the fifth wheel, body or special equipment when so operating.

E. Dealer's license plates may be used on motor vehicles authorized by the dealer for use and used in connection with one or more bona fide driver-education programs in school systems operating such programs under approval of the State Board of Education. In the event of such use of a motor vehicle or vehicles by a school system, any dealer, his employee 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 subsection shall be construed as authorizing the sale of any motor vehicle or vehicles so used in such driver-education program as a demonstrator vehicle.

F. Dealer's license plates may be used on mobile homes which are being transported to or from any dealer's place of business, or being transported pursuant to a sale by ~~such~~ the dealer or other secured party.

NOTE: Subsection C is duplicated in § 46.2-1151. Subsection D has been included in § 46.2-1551 and subsection E has been included in § 46.2-1557.

§ 46.2-1551 ~~46.1-550.5:9~~ . Same; tractor trucks, trailers, etc., Use of dealer's license plates on certain vehicles traveling from one establishment to another for purpose of having special equipment installed.—Dealer's license plates may be used ~~upon~~ on tractor trucks, trucks, trailers, or semitrailers for the purpose of delivering ~~such~~ these vehicles to another establishment for the purpose of having a fifth wheel, body, or any special ~~permanent~~ permanently mounted equipment installed ~~upon such~~ on the vehicles, and for the purpose of returning ~~such~~ the vehicle to the dealer whose plates are attached to ~~such~~ the tractor truck, truck, trailer, or semitrailer, whether or not the title to ~~such~~ the vehicle has been retained by ~~such~~ the dealer, and no other tag license, permit, warrant, exemption card, or classification plate from any other agency of the Commonwealth shall be required under ~~such~~ these circumstances. No other statute or regulation in conflict with the provisions of this section shall be applicable to the extent of ~~such~~ 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.*

NOTE: Subsection D of § 46.1-550.5:8 dealt only with interstate trips while § 46.1-550.5:9 dealt with intrastate trips. Both have been combined here.

§ 46.2-1552 ~~46.1-550.5:10~~ . Same; Use of dealer's license plates on newly purchased vehicles.—
A. Any ~~such~~ 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 ~~such~~ the purchaser is therefore unable to register ~~such~~ the vehicle, may permit ~~such~~ the purchaser to use, for a period not exceeding five days, on the newly purchased vehicle, license plates which have been issued to ~~such~~ the dealer, provided that, at the time of ~~such~~ the purchase, the dealer executes in triplicate, on forms provided by the Commissioner, a certificate bearing the date of issuance, the name and address of the purchaser, the identification number of ~~such~~ the vehicle, the registration number to be used temporarily on ~~such~~ the vehicle, the name of the state in which the vehicle is to be registered, and ~~such~~ whatever other information as may be required by the Commissioner. The original of ~~such~~ the certificate and a bona fide bill of sale shall be delivered to the purchaser and ~~must~~ shall be in the possession of the purchaser at all times when operating ~~such~~ the vehicle under dealer plates; ~~one~~ . 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; ~~and one~~ . One copy of the certificate shall be delivered to the Department on the first regular business day following the issuance of ~~such~~ the certificate if ~~such~~ the vehicle is not to be registered in ~~this~~ the Commonwealth. If ~~such~~ the vehicle is to be titled and registered in ~~this~~ the Commonwealth, application for title and registration shall be made by the purchaser on the first regular business day following issuance of ~~such~~ the certificate and a copy of ~~such~~ the certificate shall accompany ~~such~~ the applications.

B. License plates temporarily used by ~~such~~ the purchaser shall be returned to the dealer by ~~such~~ the purchaser not later than five days after the issuance of ~~such~~ the certificate.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1553 46.1-550.5:11 . Operation without ~~number~~ license plate prohibited.—No manufacturer or distributor of or dealer in motor vehicles, trailers , or semitrailers shall cause or permit any ~~such~~ motor vehicle, trailer , or semitrailer owned by ~~such person~~ him to be operated or moved ~~upon~~ on a public highway without there being displayed ~~upon such~~ on the motor vehicle, trailer , or semitrailer a license plate or plates issued to ~~such person~~ him , either under § 46.1-99 46.2-711 or under § 46.1-550.5:6 46.2-1548 , except as otherwise authorized in §§ 46.1-162 46.2-733 , 46.1-550.5:12 46.2-1554, and 46.1-550.5:13 46.2-1555 .

NOTE: Only minimal changes have been made.

§ 46.2-1554 46.1-550.5:12 . Movement by manufacturer to place of shipment or delivery.—Any manufacturer of motor vehicles, trailers , or semitrailers may operate or move or ~~caused~~ cause to be moved or operated ~~upon~~ on the highways for a distance of ~~not exceeding~~ no more than twenty-five miles ~~such~~ motor vehicles, trailers , or semitrailers, from the factory where manufactured or assembled to a railway depot, vessel , or place of shipment or delivery, without registering ~~the same~~ them and without license plates attached thereto , under a written permit first obtained from the local ~~police~~ law-enforcement authorities having jurisdiction over ~~such~~ the highways and ~~upon~~ on displaying in plain sight ~~upon~~ on each ~~such~~ motor vehicle, trailer , or semitrailer a placard bearing the name and address of the manufacturer authorizing or directing ~~such~~ the movement.

NOTE: Only minimal changes have been made.

§ 46.2-1555 46.1-550.5:13 . Movement by dealers to salesrooms ; etc .—Any dealer in motor vehicles, trailers , or semitrailers may operate or move, or cause to be operated or moved, any ~~such~~ motor vehicle, trailer , or semitrailer ~~upon~~ on the highways for a distance of ~~not exceeding~~ 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 ~~such motor vehicle, trailer or semitrailer~~ them and without license plates attached thereto, under a written permit first obtained from the local ~~police~~ law-enforcement authorities having jurisdiction over ~~such~~ the highways and ~~upon~~ on displaying in plain sight ~~upon~~ on each ~~such~~ motor vehicle, trailer , or semitrailer a placard bearing the name and address of the dealer authorizing or directing ~~such~~ the movement.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1556 46.1-550.5:14 . 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, trailer , or semitrailer or for the owner thereof to permit ~~such~~ a motor vehicle, trailer , or semitrailer to be operated in ~~this~~ the Commonwealth on a foreign dealer's license, unless the operation of ~~such~~ the motor vehicle, trailer , or semitrailer on ~~such~~ the license is specifically authorized by the Commissioner.

NOTE: Only minimal changes have been made.

§ 46.2-1557 46.1-550.5:15 . Use of certain foreign-registered motor vehicles in driver education programs.—Notwithstanding the provisions of §§ 46.1-550.5:8 and 46.1-550.5:14 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 that part of the Commonwealth separated from the larger part of the Commonwealth by the Chesapeake Bay Accomack or Northampton County may use motor vehicles bearing foreign motor vehicles dealer's license plates in connection with their 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.

NOTE: The second paragraph of this section is based on subsection E of § 46.1-550.5:8.

Article 6.

Issuance of Temporary License Plates by Dealers.

§ 46.2-1558 46.1-550.5:16 . Department may issue plates to dealers; applications for plates; fees; issuance by dealers; display subjects vehicles to certain requirements *Issuance of temporary license plates to dealers and vehicle owners* .— ~~A~~ The Department may, subject to the limitations and conditions ~~hereinafter~~ set forth in this article , deliver temporary license plates

designed by the Department to any dealer duly licensed under the provisions of this title chapter who applies for not less than at least ten sets of such plates and who encloses with such his application a fee of one dollar for each set for which application is made applied for . Such The application shall be made upon on a form prescribed and furnished by the Department. Such dealers Dealers , subject to the limitations and conditions hereinafter set forth in this article , may issue such temporary license plates to owners of vehicles. Such The owners shall comply with the applicable provisions of this article and §§ 46.1-167.1 46.2-706 , 46.1-167.2 46.2-705 and 46.1-167.3 46.2-707 . Dealers issuing such temporary license plates may do so free of charge, but if they charge a fee for issuing such temporary plates, the fee shall be no more than the fee charged the dealer by the Department under this section.

B. Display of a temporary license plate or plates upon on a motor vehicle, trailer , or semitrailer shall subject such the vehicle to the requirements of §§ 46.1-293 46.2-1056 and 46.1-298 46.2-1038 .

NOTE: The provisions of this chapter dealing with issuance of temporary license plates by dealers have been grouped in this article.

§ 46.2-1559 46.1-550.5:17 . Records to be kept by dealers; inspection.—Every dealer who has applied for temporary license plates shall maintain in a permanent form a 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 such record shall be kept for at least one year from the date of entry. Every dealer shall allow full and free access to such these records ; during regular business hours ; to duly authorized representatives of the Department and to police law-enforcement officers.

NOTE: Only minimal changes have been made.

§ 46.2-1560 46.1-550.5:18 . Application for temporary license plate.—No dealer shall issue a temporary license plate except upon the on written application therefor by the person entitled to receive the same license plate , which application shall be forwarded by the dealer to the Department on the day of such issuance as provided in § 46.2-1542 .

NOTE: Only minimal changes have been made.

§ 46.2-1561 46.1-550.5:19 . 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 such temporary license plates to other than the bona fide purchaser or owner of a vehicle, whether or not such the vehicle is to be registered in Virginia. If the vehicle is to be registered in Virginia, such 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 therefor . Any dealer who issues such temporary license plates to the a purchaser failing or declining who fails or declines to request that such his application be so forwarded promptly to the Department forthwith shall notify the Department of such the issuance in the manner provided in this article. No dealer shall issue temporary license plates to any person possessing who possesses current license plates for a vehicle that has been sold or exchanged ; , nor shall any dealer lend temporary license plates to any person for use on any vehicle that he may own, temporary license plates . If the dealer does not have in his possession the certificate of title or certificate of origin he must shall issue temporary license plates even though the purchaser has current license plates to be transferred. The dealer must shall present the title or certificate of origin to the customer within thirty 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 within thirty days, a second set of temporary license plates may be issued provided that a temporary certificate of ownership is issued as provided in § 46.1-550.5:1 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 such temporary license plates knowingly to insert any false information upon the on their face thereof .

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1562 46.1-550.5:20 . 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.

NOTE: Only the section number has been changed.

§ 46.2-1563 46.1-550.5:21 . Suspension of right of dealer to issue.—The Commissioner, upon 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.

NOTE: If this section is meant to apply only to noncompliance with provisions of the chapter relating to temporary license plates, the word "chapter" should be changed to "article."

§ 46.2-1564 ~~46.1-550.5:22~~ . Plates to be destroyed upon on expiration.—Every person to whom temporary license plates have been issued shall destroy ~~the same~~ *them* on the thirtieth day after issue or immediately upon on receipt of the ~~current~~ *permanent* license plates from the Department, *whichever occurs first* .

NOTE: Only minimal changes have been made.

§ 46.2-1565 ~~46.1-550.5:23~~ . When plates to expire; refunds or credit.—Temporary license plates shall expire upon on the receipt of the ~~current~~ *permanent* license plates from the Department, or upon on the rescission of a contract to purchase a motor vehicle, or upon on the expiration of thirty days from the date of issuance, ~~depending upon~~ *whichever event* 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 shall ~~discontinue~~ *discontinues* the right of a dealer to issue temporary license plates, ~~sueh~~ *the* dealer, upon on returning temporary license plates to the Department, may receive a refund or a credit ~~therefor~~ *for them* .

NOTE: Only minimal changes have been made.

Article 7.

Franchises.

§ 46.2-1566 ~~46.1-550.5:24~~ . Filing of franchises.— ~~On or before July 1, 1975, each~~ *Each* motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of ~~each basic form of franchise or sales agreement then in effect with motor vehicle dealers in Virginia, and thereafter shall file with the Commissioner~~ a true copy of each new, *amended, modified,* or different form of franchise or sales agreement ~~thereafter to be offered to a motor vehicle dealer or prospective motor vehicle dealer in this~~ *the* Commonwealth no later than sixty days prior to the date ~~sueh~~ *the* franchise or sales agreement is offered; ~~provided that in~~ . In no event shall a new, *amended, modified,* or different form of franchise or sales agreement be offered a motor vehicle dealer in ~~this the~~ *the* Commonwealth until the form has been approved by the Commissioner as not containing terms inconsistent with the provisions of this chapter.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1567 ~~46.1-550.5:25~~ . 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 of Title 13.1 (§ 13.1-557 et seq.) ~~of this Code~~ .

NOTE: Only minimal changes have been made.

§ 46.2-1568 ~~46.1-550.5:26~~ . Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts prohibited.— ~~A.~~ It is *shall be* unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail motor vehicle dealer or prospective retail motor vehicle dealer in ~~this the~~ *the* Commonwealth to sell, assign, or transfer any retail installment sales contract; obtained by ~~sueh~~ *the* dealer in connection with the sale by him in ~~this the~~ *the* Commonwealth of motor vehicles manufactured or sold by ~~sueh~~ *the* manufacturer or distributor, to a specified finance company or class of ~~sueh~~ *finance* companies; or to any other specified persons; by any of the ~~aets or means hereinafter set forth, namely following~~ :

1. By any statement, suggestion, promise, or threat that ~~sueh~~ *the* manufacturer or distributor will in any manner benefit or injure ~~sueh~~ *the* dealer, whether ~~sueh~~ *the* statement, suggestion, threat, or promise is express or implied or made directly or indirectly.

2. By any act that will benefit or injure ~~sueh~~ *the* dealer.

3. By any contract, or any express or implied offer of contract, made directly or indirectly to ~~sueh~~ *the* dealer, for handling ~~sueh~~ *the* motor vehicle on the condition that ~~sueh~~ *the* dealer sell, assign, or transfer his retail installment sales contract ~~thereon on the vehicle~~, in ~~this the~~ *the* Commonwealth, to a specified finance company or class of ~~sueh~~ *finance* companies or to any other specified person.

4. By any express or implied statement or representation made directly or indirectly that ~~sueh~~ *the* dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail

sales contracts ; in ~~this~~ the Commonwealth ; on motor vehicles manufactured or sold by ~~such~~ the manufacturer or distributor to ~~such~~ a finance company, or class of *finance* companies, or other specified person, because of any relationship or affiliation between ~~such~~ the manufacturer or distributor and ~~such~~ the finance company or companies or ~~such~~ the specified person or persons.

B. Any *such* statements, threats, promises, acts, contracts , or offers of contracts, when ~~the~~ their effect ~~thereof~~ 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1569 ~~46.1-550.5:27~~ . Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts , and accessories.—It is *shall* be unlawful for any manufacturer, factory branch, distributor , or distributor branch, or any field representative, officer, agent , or any representative whatsoever of any of them *their* representatives :

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 ~~such~~ the dealer.

2. To coerce ; or attempt to coerce any dealer to enter into an agreement with ~~such~~ the manufacturer, factory branch, distributor , or distributor branch, or representative thereof, or do any other act unfair to ~~such~~ the dealer, by threatening to cancel any franchise existing between ~~such~~ the manufacturer, factory branch, distributor, distributor branch , or representative thereof and ~~such~~ the dealer.

3. Notwithstanding the terms of any franchise, 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 thirty days prior to the proposed effective date of the transfer, sale, assignment , or change ; ~~however, no~~ . 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 thirty 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 ~~such~~ the sale, transfer, assignment , or change is unreasonable under the circumstances. No franchise may be sold ~~or~~ , assigned , or transferred unless (i) the franchisor has been given at least ninety days' prior written notice as required in the franchise or sales agreement 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.

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 ~~such~~ 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 thirty 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 franchise *franchised dealer* in a relevant market area to replace a *franchised dealer* that has not been in operation for more than two years shall be deemed constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchise *franchised dealer* shall begin on the day *the franchise was terminated, or, if a termination hearing was held, on the day* the franchisor is *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 ~~relocated~~ relocation site is to be more than ten miles distant from ~~another~~ any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the ~~relocated~~ 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; (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 sixty days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for such the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within such the sixty-day period and, after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. However, in 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. 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 be deemed to continue in effect on the terms last agreed to by the parties. 6. ~~Notice~~ *Notwithstanding the other provisions of this subsection, notice of termination, cancellation, or non-renewal may be provided to the a dealer by the a franchisor not less than fifteen 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 for 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.

7. ~~6.~~ *Notwithstanding the terms of any franchise, to fail to provide a dealer an opportunity at the time of signing a franchise to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer; and it . 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 thirty 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 such the succession is unreasonable under the circumstances. However, no 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.*

8. ~~7.~~ *To fail to ship monthly to any dealer, if ordered by such the dealer, the number of new vehicles of each make, series, and model needed by such the dealer to receive a percentage of total new vehicle sales of each make, series, and model equitably related to the total new vehicle production or importation currently being achieved nationally by each make, series, and model covered under the franchise.*

9. ~~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.*

10. ~~9.~~ *To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the valid 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 and effect," or words to that effect.*

NOTE: The language of the section has been clarified, but no substantial changes have been made.

§ 46.2-1570 ~~46.1-550.5:20~~ . Discontinuation of distributors.— ~~In the event that~~ *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 such that distributor shall continue in full force and effect and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person which who undertakes*

to distribute motor vehicles of the same line-make or the same motor vehicles of a re-named line-make shall be substituted for the discontinued distributor under the existing motor vehicle dealer franchises and ~~such~~ those franchises shall be modified accordingly.

NOTE: Only minimal changes have been made.

§ 46.2-1571 ~~46.1-550.5:30~~ . Warranty obligations of ~~manufacturer, etc., and dealer~~ .—A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall specify in writing to each of its motor vehicle dealers licensed in ~~this the~~ Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products; shall compensate the dealer for warranty service required of the dealer by the manufacturer; and shall provide the dealer the schedule of compensation to be paid ~~such~~ dealers for parts, work , and service in connection with warranty service, and the time allowances for the performance of such work and service. In no event shall ~~such the~~ schedule of compensation fail to include reasonable compensation for diagnostic work as well as repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates being paid by the dealer, and the prevailing labor rate being charged by the dealer, in the community in which the dealer is doing business ; ~~and in~~ . In no event shall ~~such~~ compensation of a dealer for warranty service be less than the rates charged by ~~such the~~ dealer for like service to retail customers for nonwarranty service and repairs as long as ~~such the~~ rates are reasonable. 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.

B. It is a violation of this chapter ~~It shall be unlawful~~ for any motor vehicle manufacturer, factory branch, distributor , or distributor branch to :

~~fail~~ 1. ~~Fail~~ to perform any of its warranty obligations , including tires , with respect to a motor vehicle; ~~to~~

~~fail~~ 2. ~~Fail~~ to assume all responsibility for any liability resulting from structural or production defects; ~~or to~~

~~fail~~ 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 ~~such~~ defects; ~~to~~

~~fail~~ 4. ~~Fail~~ to compensate any of the motor vehicle dealers licensed in ~~this the~~ Commonwealth for repairs effected by ~~such 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; ~~or to~~

~~fail~~ 5. ~~Fail~~ to compensate its motor vehicle dealers licensed in ~~this the~~ Commonwealth for warranty parts, work , and service in accordance with the schedule of compensation provided the dealer pursuant to subdivision ~~1~~ A of this section, 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 which the manufacturer, factory branch, distributor , or distributor branch imposes upon the dealer; ~~to~~

~~misrepresent~~ 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; ~~or to~~

~~require~~ 7. ~~Require~~ the dealer to make warranties to customers in any manner related to the manufacture, performance , or design of the vehicle.

C. Notwithstanding the terms of any franchise, it shall be a violation of this chapter ~~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 ~~give notice to~~ ~~notify~~ the manufacturer of pending suits in which

allegations are made which 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 on or after July 1, 1978, shall be deemed 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 six 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 is excluded from the six 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 ~~such~~ the damage within three business days from the date of delivery of ~~such~~ the new motor vehicle to the new motor vehicle dealership or within ~~such~~ the additional time as specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise ~~repair~~ correct the damage, unless the damage to the vehicle exceeds the six 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 ~~repair~~ correction of such damage within ten days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the six 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 ~~repair~~ ~~such~~ correct the damage or any other damage exceeding the six 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 six percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. ~~Repaired~~ Corrected damage to a buyer-ordered new motor vehicle, not exceeding the six percent rule, shall not constitute grounds for revocation of the buyer order. ~~The buyer's right of revocation ceases upon his acceptance of delivery of the vehicle.~~

~~E. In the event~~ 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 subsections A, B and, or C of this section, either party may petition the Commissioner in writing, within thirty days after either party has given written notice of the dispute to the other, for a hearing on the subject and the. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. However, nothing contained ~~herein~~ in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

NOTE: The provisions within subsection B have been numbered for greater ease of reading.

§ 46.2-1572 ~~46.1-550.5:31~~. Operation of dealership by manufacturer; etc.—It is 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 this the Commonwealth; provided that this. However, this section shall not be construed to prohibit:

(i) ~~the~~ 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; or;

(ii) ~~the~~ 2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, during a period while ~~such~~ the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership; or;

(iii) ~~the~~ 3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, if ~~such~~ the manufacturer, factory branch, distributor, distributor branch, or subsidiary has been engaged in the retail sale of motor vehicles through ~~such~~ 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 ; or ;

(iv) ~~the~~ 4. *The ownership, operation , or control of a dealership by manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof 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 or trade area to own and operate the franchise in a manner consistent with the public interest ; ; or

(v) ~~the~~ 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.*

NOTE: The various provisions of this section have been broken out as paragraphs for ease of reading.

§ 46.2-1573 ~~46.1-550.5:32~~ . *Hearings before Commissioner; when Commissioner to initiate investigations, etc.; and other remedies.*—A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each ~~such~~ 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 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia .

B. Notwithstanding any *contrary* provision of this article ~~to the contrary~~ , 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 Dealers' Advisory Board or any ~~party~~ *other person* indicating a possible violation of any provision of this article. Before rendering any *hearing* decision under this article, the Commissioner shall request recommendations on the subject from ~~only~~ those six members of the Motor Vehicle Dealers' Advisory Board who were selected by the Commissioner in accordance with § ~~46.1-517.1~~ 46.2-1502 to attend the hearing, ~~such and these~~ recommendations ~~to~~ shall be provided within fifteen days after the Commissioner's request for recommendations.

C. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, and 7 6 of § ~~46.1-550.5:27~~ 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 ; ~~among other factors, to the extent they are relevant to the matter, the following :~~

(i) ~~the~~ 1. *The volume of the affected dealer's business in the relevant market area;*

(ii) ~~the~~ 2. *The nature and extent of the dealer's investment in its business;*

(iii) ~~the~~ 3. *The adequacy of the dealer's service facilities, equipment, parts, supplies , and personnel;*

(iv) ~~the~~ 4. *The effect of the proposed action on the community;*

(v) ~~the~~ 5. *The extent and quality of the dealer's service under motor vehicle warranties;*

(vi) ~~the~~ 6. *The dealer's performance under the terms of its franchise; and*

(vii) ~~the~~ 7. *The recommendations , if any, from only those six members of the Motor Vehicle Dealers' Advisory Board who were selected by the Commissioner in accordance with § ~~46.1-517.1~~ 46.2-1502 to attend the hearing.*

NOTE: The provisions of subsection C have been broken out as paragraphs for ease of reading.

Article 8.

Denial, Suspension, and Revocation of Dealer Licenses.

§ 46.2-1574 ~~46.1-550.5:33~~ . *Acts of officers, directors, partners , and salesmen 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 such party 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 such the licensee approved of those acts or had knowledge of such those acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits , or advantages accruing from such those acts or otherwise ratified the those acts.

NOTE: Only minimal changes have been made.

§ 46.2-1575 ~~46.1-550.5:34~~ . Grounds for denying, suspending , or revoking licenses or certificates of dealer registration.—A license or certificate of dealer registration issued under this subtitle may be denied, suspended , or certificate of vehicle registration revoked on any one or more of the following grounds:

A. 1. Material misstatement or omission in application for license, certificate of dealer registration , or certificate of title ; ;

B. 2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with any provision of this chapter or any lawful regulation promulgated by the Commissioner under this chapter ; ;

C. 3. Failure to have an established place of business as defined in § ~~46.1-525.01~~ 46.2-1510 or failure to have as the dealer-operator an individual who holds a valid certificate of qualification ; ;

D. 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 ; ;

E. 5. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this the Commonwealth with respect to the retaking of vehicles under retail installment contracts and the redemption and resale of such those vehicles ; ;

F. 6. Having used unfair methods of competition or deceptive acts or practices ; ;

G. 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 ; ;

H. 8. Having been convicted of any fraudulent act in connection with the business of selling vehicles or any consumer-related fraud ; ;

I. 9. Having been convicted of any criminal act involving the business of selling vehicles ; ;

J. 10. Willfully retaining in his possession title to a motor vehicle that has not been completely and legally assigned to him ; ;

K. 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 ; ;

L. 12. Leasing, renting, lending , or otherwise allowing the use of a dealer license plate by persons not specifically authorized under this title ; ;

M. 13. Having been convicted of any a felony ; ;

N. 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 ; ;

O. 15. Having been convicted of larceny of a vehicle or receipt or sale of a stolen vehicle ; ;

P. 16. Having been convicted of odometer tampering or any related violation ; ; or

Q. 17. If a salvage dealer, salvage pool , or rebuilder, failure failing to comply with any provision of Chapter ~~7.1~~ (§ ~~46.1-550.6~~ et seq.) of this title chapter or any lawful regulation promulgated by the Commissioner under that chapter.

NOTE: The provisions of this section have been renumbered to conform to standard format.

§ 46.2-1576 ~~46.1-550.5:35~~ . Suspension, revocation , and refusal to renew licenses or certificate of dealer registration; notice and hearing.—A. Except as provided in § ~~46.1-544.5~~ 46.2-1526 and subsection B of this section, no license or certificate of dealer registration 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 or registrant against whom the same is directed and a public hearing thereon has been had before the Commissioner. At least ten days' written notice of the time and place of ~~such~~ *the* hearing shall be given to the licensee or registrant 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 Commissioner. At ~~any~~ *such* ~~the~~ hearing the licensee or registrant shall have the right to be heard personally or by counsel. After hearing, the Commissioner ~~shall have power to~~ *may* suspend, revoke, or refuse to renew the license or certificate in question. Immediate notice of any ~~such action~~ *suspension, revocation, or refusal* shall be given to the licensee or registrant in the manner ~~herein~~ provided *in this section* in the case of notices of hearing.

B. Should a dealer fail to maintain an established place of business, the Commissioner 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.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1577 ~~46.1-550.5:36~~ . Appeals from actions of the Commissioner.— A. Any person aggrieved by the action of the Commissioner in refusing to grant or renew a license or certificate of *dealer* registration issued under this chapter or in suspending or revoking a license or certificate of *dealer* registration issued under this chapter, or by any other action of the Commissioner 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 (§ 9-6.14:1 et seq.).

NOTE: Only minimal changes have been made.

§ 46.2-1578 ~~46.1-550.5:37~~ . Appeals to Court of Appeals; bond.— A. Either party may appeal from the decision of the court under § 46.2-1576 to the Court of Appeals. ~~Such~~ *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.

B. No appeal shall be taken on behalf of the person whose license or certificate of registration was suspended or revoked, until ~~such~~ *the* person enters into a proper bond with surety approved by the trial court in an amount determined by the trial court, not to exceed \$5,000, to observe the motor vehicle laws of ~~this~~ *the* Commonwealth, including the provisions of Chapter 7 (§ 46.1-515 et seq.), of Title 46.1 of the Code of Virginia *this chapter*, until final judgment of the Court of Appeals.

NOTE: Only minimal changes have been made.

§ 46.2-1579 ~~46.1-550.5:38~~ . Equitable remedies not impaired.—The remedy at law provided by §§ ~~46.1-550.5:36~~ 46.2-1577 and ~~46.1-550.5:37~~ 46.2-1578 shall not in any manner impair the right to applicable equitable relief; ~~and such~~ . *That* right to equitable relief is hereby preserved, notwithstanding the provisions of ~~such sections~~ §§ 46.2-1577 and 46.2-1578 .

NOTE: Only minimal changes have been made.

Chapter 16.

Salvage Motor Vehicles.

§ 46.2-1600 ~~46.1-550.6~~ . 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 clearly indicates otherwise:

“Certificate” ~~shall mean~~ *means* a certificate of registration issued by the Department to a demolisher;

“Demolisher” ~~shall mean~~ *means* any person, firm, or corporation whose business is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle;

“Late model vehicle” ~~shall mean~~ *means* any current-year vehicle and any of the five immediately preceding model years;

“Major component” ~~shall mean~~ *means* any one of the following subassemblies of a motor

vehicle: (i) front clip assembly ~~{ , including fenders, grille, hood, bumper, and related parts }~~ , (ii) engine, (iii) transmission, (iv) rear clip assembly ~~{ , including quarter panels, floor panel assembly }~~ , or (v) doors;

"Rebuilder" ~~shall mean means~~ any person ; ~~firm, or corporation~~ who purchases a salvage vehicle and repairs or replaces any major component with the intent to resell the vehicle;

"Salvage dealer" ~~shall mean means~~ any person ; ~~firm, or corporation~~ who purchases a salvage vehicle or parts of a salvage vehicle for purposes of resale as parts or as salvage only. This definition shall not apply to any insurance company which holds a certificate of title in its name by virtue of the insurance ~~company~~ ~~company's~~ having paid to the previous owner a total loss claim, nor shall it apply to any scrap metal processor;

"Scrap metal processor" ~~shall mean means~~ any person engaged in the business of buying vehicles to process into scrap metal for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous or nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap . ~~No scrap metal processor shall sell vehicle components or parts ;~~

"Salvage pool" ~~shall mean means~~ any person ; ~~firm, or corporation~~ providing a storage service for salvage vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles for other owners. This definition shall not apply to an insurance company which stores and displays salvage vehicles for resale if the vehicles are acquired by virtue of the insurance company's having paid to the previous owner a total loss claim; however, any two or more insurance companies who display salvage vehicles for resale, using the same facilities, shall be considered a salvage pool . ~~No salvage pool shall sell a salvage motor vehicle to any person who is not a licensed salvage dealer, licensed rebuilder, licensed motor vehicle dealer or scrap metal processor ;~~

"Salvage vehicle" ~~shall mean means~~ any vehicle which either (i) has been crushed, flattened, or otherwise reduced to such a state that its restoration would require the replacement of three or more major component parts, or (ii) has been acquired by an insurance company as the result of the vehicle's being damaged, and for which an insurance company has paid a total loss claim, or (iii) any other vehicle that has been purchased either by a salvage dealer for use as parts only or by a demolisher for scrap only ;

"Wrecker" ~~shall mean any vehicle which is constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles .~~

NOTE: Substantive provisions in the definitions of "scrap metal processor" and "salvage pool" have been set out as a separate section. See § 46.2-1602. The term "wrecker" is defined in § 46.1-550.6 but never used in the chapter to which the definition applies.

§ 46.2-1601 ~~46.1-550.7-1~~ . Licensing or registration of dealers of salvage vehicles.— A. It is ~~shall be~~ unlawful for any person to engage in business in ~~this the~~ Commonwealth as a salvage dealer, salvage pool, rebuilder , or rebuilder salesperson without first obtaining a license as provided in Chapter 7 15 of this title. In addition to the requirements of this chapter, any person so licensed shall comply with all the provisions of Chapter 7 15 (~~§ 46.1-515 et seq.~~) as if licensed as a motor vehicle dealer or salesperson, except the provisions of § ~~46.1-525.02~~ 46.2-1511 are not applicable to a salvage dealer or salvage pool ; ~~however, only~~ . ~~Only one license fee is shall be~~ required for any combination of salvage dealer, salvage pool, rebuilder , or motor vehicle dealer. Nothing in this section is ~~intended to shall~~ authorize any person to act as a motor vehicle dealer or salesperson without being so licensed.

B. It is ~~shall be~~ unlawful for any person to engage in business in ~~this the~~ Commonwealth as a demolisher without first obtaining a certificate of registration from the Department. All ~~such~~ certificates shall be issued for a period of twelve consecutive months, and shall be renewed annually ~~upon~~ on application. The fee for each license year or part thereof shall be \$100. ~~Upon~~ On due notice and hearing, the Commissioner may suspend or revoke a certificate or deny an application for ~~same upon~~ a certificate on a violation of any provision of this chapter, a violation of § ~~46.1-82~~ 46.2-1074 or § ~~46.1-83~~ 46.2-1075 or other reasonable grounds.

NOTE: The language of this section has been simplified, but no significant changes have been made.

§ 46.2-1602. Certain sales by scrap metal processors and salvage pools prohibited.—It shall be unlawful:

1. For any scrap metal processor to sell vehicle components or parts; or

2. For any salvage pool to sell a salvage motor vehicle to any person who is not a licensed salvage dealer, licensed rebuilder, licensed motor vehicle dealer, or scrap metal processor.

NOTE: This section is derived from the final sentences of the definitions of "scrap metal processor" and "salvage pool" contained in § 46.1-550.6 (proposed § 46.2-1600). These provisions have been set out as a separate section in order to remove substantive provisions from these definitions.

§ 46.2-1603 ~~46.1-550.8~~ . Insurance company or salvage dealer required to obtain certificate of title; duties of demolisher with regard to identification numbers.— ~~A.~~ Every insurance company or its authorized agent shall apply to the Department and obtain a certificate of title for each vehicle declared a salvage vehicle in ~~this~~ the Commonwealth. Application for title ~~must~~ shall be made within fifteen days after payment for the total loss has been made to the registered owner of the salvage vehicle. The application shall be accompanied by the title issued to the owner and shall contain any other reasonable information the Commissioner may require. The fee for issuance of ~~such~~ the title shall be six dollars. Should the insurance company sell the vehicle after a salvage title has been issued, it shall make proper assignment of title to the purchaser. Each certificate of title issued for a salvage vehicle shall clearly indicate the vehicle has been declared a total loss by an insurance company.

~~B.~~ Should a salvage vehicle be purchased by a salvage dealer and the vehicle is to be sold as a unit to anyone other than a demolisher or scrap metal processor, the salvage dealer shall apply to and obtain from the Department a certificate of title and pay all appropriate fees. Should a salvage vehicle be purchased by a salvage dealer to be used for parts only, or to be processed by a demolisher or scrap metal processor, the salvage dealer shall immediately and conspicuously indicate on the certificate of title that it will be sold as parts only and immediately forward the certificate of title to the Department for cancellation.

~~C.~~ Should a demolisher acquire a late model vehicle to be processed, he shall immediately, before processing, 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 receipt for title of the vehicle to be destroyed. After the vehicle has been processed, the demolisher shall, within five working days, deliver to the Department the certificate of title or receipt for title, certifying on the face of the title or receipt for title that the vehicle has been destroyed, that the vehicle identification number has been destroyed, and that the vehicle identification number did agree with the identification number shown on the title or receipt for title and the date on which the vehicle was destroyed. If a late model vehicle is received to be processed and the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher shall not process the vehicle and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the demolisher whether the vehicle can ~~or cannot~~ be processed. In no event will the vehicle be processed prior to authorization by the Department. If the vehicle to be processed is a motorcycle, the demolisher shall cause to be noted on the title, or receipt for title, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

NOTE: Only minimal changes have been made.

§ 46.2-1604 ~~46.1-550.9~~ . Rebuilders required to possess certificate of title.—All motor vehicle rebuilders shall have in their possession a certificate of title ~~properly~~ assigned to them for each vehicle in their inventory for resale, except for those certificates of title which have been forwarded to the Department for cancellation. Should a rebuilder purchase a salvage vehicle to be used or sold as parts, he shall conspicuously indicate on the certificate of title that the vehicle will be sold or used as parts only and immediately forward the certificate of title to the Department for cancellation.

NOTE: Except for the deletion of the word "properly," only the section number has been changed.

§ 46.2-1605 ~~46.1-550.10~~ . Inspection of rebuilt salvage vehicle identification number prior to issuance of title; rebuilt vehicles subject to safety equipment requirements.—The Department may inspect each salvage vehicle which has been rebuilt before a title is issued. The inspection of the vehicle shall include verification of the identification number or motor number and bills of sale or title for major components used to rebuild the vehicle. All vehicles which have been declared salvage vehicles and have been rebuilt shall be subject to all safety equipment requirements as determined by the Superintendent of State Police.

NOTE: Only the section number has been changed.

§ 46.2-1606 ~~46.1-550.11~~ . Certificates of title issued by other states.—The Commissioner may accept certificates of titles for salvage vehicles or other documents deemed appropriate by the Department issued by other ~~jurisdictions~~ states indicating a vehicle has been declared salvage, provided the certificate of title issued by the Department plainly indicates that the owner

complies with the inspection requirements as indicated in § ~~46.1-550.10~~ 46.2-1605 . If the vehicle has not been rebuilt and cannot comply with the requirements of § ~~46.1-550.10~~ 46.2-1605 , the certificate of title issued by the Department shall indicate ~~thereon~~ that the vehicle has been declared a salvage vehicle.

NOTE: Only minimal changes have been made.

§ 46.2-1607 ~~46.1-550.12~~ . Inspection of records and examination of inventory.—The Commissioner or any person authorized by him, or any ~~police~~ 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, automotive parts recycler, rebuilder, salvage pool, demolisher , or scrap metal processor to ensure compliance with this chapter.

NOTE: Only minimal changes have been made.

§ 46.2-1608 ~~46.1-550.13~~ . Maintenance and contents of records.—Each dealer of salvage vehicles shall maintain a record of the receipt of any late model salvage vehicle, as defined in § ~~46.1-550.6~~ 46.2-1600 . The record shall contain the date of receipt of the vehicle, its make, year , model, identification number, stock number, name and address of the person from whom it was acquired, ~~such~~ the vehicle's title number, state of issuance, and motor number, if applicable. Should a major component of ~~such~~ the vehicle be sold, the salvage dealer shall record the name and address of the purchaser and the identification number of the vehicle from which the major component was taken and deliver to the purchaser a bill of sale describing the vehicle and giving ~~the~~ identification number of the vehicle from which the major component was taken.

NOTE: Only minimal changes have been made.

§ 46.2-1609 ~~46.1-550.14~~ . Penalties.— ~~It shall be unlawful and Violation of any provision of this chapter shall constitute a Class 2 misdemeanor for any person, firm, or corporation to violate any provision of this chapter .~~

NOTE: This section has been shortened but not changed.

§ 46.2-1610 ~~46.1-550.15~~ . Disposition of fees.—All fees collected under the provisions of 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 Department.

NOTE: Only minimal changes have been made.

APPENDIX I
OUTLINE OF PROPOSED TITLE 46.2

TITLE 46.2.
MOTOR VEHICLES.

SUBTITLE I: GENERAL PROVISIONS; DEPARTMENT OF MOTOR VEHICLES.

CHAPTER 1: GENERAL PROVISIONS (§§46.2-100 through 46.2-114).

CHAPTER 2: DEPARTMENT OF MOTOR VEHICLES.

Article 1: Powers and Duties of Department, Generally (§§46.2-200 through 46.2-221).

Article 2: Powers and Duties of Department Related to Transportation Safety (§§46.2-222 through 46.2-224).

SUBTITLE II: TITLING, REGISTRATION, AND LICENSURE.

CHAPTER 3: LICENSURE OF DRIVERS.

Article 1: Licensure of Drivers (§§46.2-300 through 46.2-302).

Article 2: When License Not Required (§§46.2-303 through 46.2-310).

Article 3: Persons Not to be Licensed (§§46.2-311 through 46.2-322).

Article 4: Obtaining Licenses, Generally (§§46.2-323 through 46.2-333).

Article 5: Licensure of Minors, Student Drivers, School Bus Drivers, and Motorcyclists (§§46.2-334 through 46.2-340).

Article 6: Licensure of Commercial Vehicle Drivers (§46.2-341).

Article 7: Form of Licenses; Identity Documents Issued by Department (§§46.2-342 through 46.2-345).

Article 8: Prohibited Uses of Driver's Licenses (§§46.2-346 through 46.2-350).

Article 9: Habitual Offenders (§§46.2-351 through 46.2-363).

Article 10: Driver Responsibilities, Generally (§§46.2-364 through 46.2-370).

Article 11: Accident Reports (§§46.2-371 through 46.2-388).

Article 12: Suspension and Revocation of Licenses, Generally; Additional Penalties (§§46.2-389 through 46.2-416).

Article 13: Suspension of Licenses for Unsatisfied Judgments and After Certain Accidents (§§46.2-417 through 46.2-429).

Article 14: Suspension of Licenses of Nonresidents or for Accidents in Other States (§§46.2-430 through 46.2-434).

Article 15: Proof of Financial Responsibility (§§46.2-435 through 46.2-463).

Article 16: Assignment of Insurance Risks (§§46.2-464 through 46.2-471).

Article 17: Motor Vehicle Liability Insurance Policies (§§46.2-472 through 46.2-482).

Article 18: Driver License Compact (§§46.2-483 through 46.2-488).

Article 19: Driver Improvement Program (§§46.2-489 through 46.2-506).

CHAPTER 4: RESERVED

CHAPTER 5: RESERVED

CHAPTER 6: TITLING AND REGISTRATION OF MOTOR VEHICLES.

Article 1: Titling and Registration, Generally (§§46.2-600 through 46.2-615).

Article 2: Titling Vehicles (§§46.2-616 through 46.2-644).

Article 3: Registration of Vehicles (§§46.2-645 through 46.2-649).

Article 4: Temporary Registration (§§46.2-650 through 46.2-654).

Article 5: Reciprocity for Nonresidents (§§46.2-655 through 46.2-661).

Article 6: Exemptions from Registration (§§46.2-662 through 46.2-684).

Article 7: Fees for Registration (§§46.2-685 through 46.2-704).

Article 8: Registration of Uninsured Motor Vehicles (§§46.2-705 through 46.2-710).

Article 9: License Plates, Generally (§§46.2-711 through 46.2-724).

Article 10: Special License Plates (§§46.2-725 through 46.2-749).

Article 11: State and Local Motor Vehicle Registration (§§46.2-750 through 46.2-756).

CHAPTER 7: RESERVED

SUBTITLE III: OPERATION.

CHAPTER 8: REGULATION OF TRAFFIC.

Article 1: General and Miscellaneous (§§46.2-800 through 46.2-819).

Article 2: Right-of-Way (§§46.2-820 through 46.2-829).

Article 3: Traffic Signs, Lights, and Markings (§§46.2-830 through 46.2-836).

Article 4: Passing (§§46.2-837 through 46.2-844).

Article 5: Turning (§§46.2-845 through 46.2-847).

Article 6: Signals by Drivers (§§46.2-848 through 46.2-851).

Article 7: Reckless and Improper Driving (§§46.2-852 through 46.2-867).

Article 8: Speed (§§46.2-870 through 46.2-883).

Article 9: Railroad Crossings (§§46.2-884 through 46.2-887).

Article 10: Stopping on Highways (§§46.2-888 through 46.2-893).

Article 11: Accidents (§§46.2-894 through 46.2-902).

Article 12: Bicycles (§§46.2-903 through 46.2-908).

Article 13: Mopeds and Motorcycles (§§46.2-909 through 46.2-916)

Article 14: School Buses (§§46.2-917 through 46.1-919).

Article 15: Emergency Vehicles (§§46.2-920 through 46.2-922).

Article 16: Pedestrians (§§46.2-923 through 46.2-935).

Article 17: Legal Procedures and Processes (§§46.2-936 through 46.1-943).

Article 18: Arrests of Nonresidents (§§46.2-944 through 46.2-946).

CHAPTER 9: RESERVED

CHAPTER 10: MOTOR VEHICLE EQUIPMENT AND SAFETY.

Article 1: Vehicle and Equipment Safety, Generally (§§46.2-10000 through 46.2-1004).

Article 2: Testing, Evaluation, and Approval of Equipment (§§46.2-1005 through 46.2-1009).

Article 3: Lights and Turn Signals (§§46.2-1010 through 46.2-1040).

Article 4: Tires (§§46.2-1041 through 46.2-1046).

Article 5: Exhaust Systems (§§46.2-1047 through 46.2-1051).

Article 6: Windshields and Windows (§§46.2-1052 through 46.2-1058).

Article 7: Horns, Sirens, and Whistles (§§46.2-1059 through 46.2-1-62).

Article 8: Steering and Suspension Systems (§§46.2-1063 through 46.2-1065).

Article 9: Brakes (§§46.2-1066 through 46.2-1071).

Article 10: Miscellaneous Equipment (§§46.2-1072 through 46.2-1088).

Article 11: Paint, Letting, and Special Equipment for School Buses (§§46.2-1089 through 46.2-1090).

Article 12: Safety Belts (§§46.2-1091 through 46.2-1094).

Article 13: Child Restraints (§§46.2-1095 through 46.2-1100).

Article 14: Vehicle Size, Generally (§§46.2-1101 through 46.2-1104).

Article 15: Maximum Widths and Heights (§§46.2-1105 through 46.2-1111).

Article 16: Maximum Lengths (§§46.2-1112 through 46.2-1121).

Article 17: Maximum Weights (§§46.2-1122 through 46.2-1138).

Article 18: Excessive Size and Weight Permits (§§46.2-1139 through 46.2-1149).

Article 19: Towing and Towed Vehicles (§§46.2-1150 through 46.2-1154).

Article 20: Vehicle Loads and Cargoes (§§46.2-1155 through 46.2-1156).

Article 21: Safety Inspections (§§46.2-1157 through 46.2-1175).

Article 22: Emissions Inspections (§§46.2-1176 through 46.2-1187).

Article 23: Motorcycle Rider Safety (§§46.2-1188 through 46.2-1192).

CHAPTER 11: RESERVED

CHAPTER 12: ABANDONED, IMMOBILIZED, UNATTENDED, AND TRESPASSING VEHICLES; PARKING.

Article 1: Abandoned Vehicles (§§46.2-1200 through 46.2-1208).

Article 2: Immobilized and Unattended Vehicles (§§46.2-1209 through 46.2-1215).

Article 3: Trespassing Vehicles, Parking, and Towing (§§46.2-1216 through 46.2-1239).

CHAPTER 13: POWERS OF LOCAL GOVERNMENTS (§§46.2-1300 through 46.2-1314).

CHAPTER 14: RIDESHARING (§§46.2-1400 through 46.2-1407).

SUBTITLE IV: DEALERS.

CHAPTER 15: MOTOR VEHICLE DEALERS

Article 1: Motor Vehicle Dealers, Generally (§§46.2-1500 through 46.2-1507).

Article 2: Motor Vehicle Dealer Licenses (§§46.2-1508 through 46.2-1521).

Article 3: Motor Vehicle Transaction Recovery Fund (§§46.2-1522 through 46.2-1527).

Article 4: Conduct of Business (§§46.2-1528 through 46.2-1545).

Article 5: Dealer License Plates (§§46.2-1546 through 46.2-1557).

Article 6: Issuance of Temporary License Plates by Dealers (§§46.2-1558 through 46.2-1565).

Article 7: Franchises (§§46.2-1566 through 46.2-1573).

Article 8: Denial, Suspension, and Revocation of Dealer Licenses (§§46.2-1574 through 46.2-1579).

CHAPTER 16: SALVAGE MOTOR VEHICLE DEALERS §§46.2-1600 through 46.2-1610).

APPENDIX II

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#

APPENDIX III

COMMISSION MEMBERS

Dudley J. Emick, Jr. (Chairman)

J. Samuel Glasscock (Vice Chairman)

E. M. Miller, Jr. (Secretary)

Russell M. Carneal

Joseph V. Gartlan, Jr.

H. Lane Kneeder

John Wingo Knowles

Theodore V. Morrison, Jr.

William F. Parkerson, Jr.

A. L. Philpott

COMMISSION STAFF

Research and Drafting
Division of Legislative Services

Jane C. Lewis, Secretary
Alan B. Wambold, Research Associate

Administrative and Clerical

Joan W. Smith, Virginia Code Commission Staff
Sandra Levin, Virginia Code Commission Staff

