

Non-Conventional Vehicles Study 2012 Report

November 2012
Virginia Department of Motor Vehicles

Table of Contents

Executive Summary 2

1. Introduction 3

2. Low-Speed Vehicles 3

 Background 3

 Recommendation 4

3. Three-Wheeled Motorcycles 4

 Background 4

 Recommendation 5

4. Mopeds 6

 Background 6

 Recommendations 8

5. All-Terrain Vehicles 12

 Background 12

 Recommendations 12

6. Conclusion 13

Appendices 14

 A. Project Structure and Stakeholder List

 B. Letters from Delegate May and Senators Y.B Miller and Newman

 C. 2012 Legislation Referred to Study

 D. Proposed Legislation

 E. Written Responses to Report

Executive Summary

In September 2011, Chairman Joe May, House Transportation Committee, and Chairwoman Yvonne Miller, Senate Transportation Committee, called upon the Department of Motor Vehicles to establish an ongoing work group to address the increasing consumer demand for vehicles that do not fit into the current motor vehicle definitions provided in the *Code of Virginia*. Working in close consultation with numerous stakeholders, the work group looked at current titling, registration, and licensing issues relating to certain vehicles. During this first year of the non-conventional vehicles study, the work group focused on low-speed vehicles, three-wheeled motorcycles, mopeds, and all-terrain vehicles, and made the following recommendations:

- Low-speed vehicles should display low-speed license plates on both the front and back of the vehicle.
- DMV should issue motorcycle classifications with restrictions to either a two-wheeled or three-wheeled motorcycle. Drivers who qualify for both will receive a motorcycle classification authorizing them to operate both a two-wheeled and a three-wheeled motorcycle.
- Mopeds:
 - Mopeds should be titled and registered
 - Mopeds should display a moped license plate
 - Moped operators should carry a government issued photo ID
 - There should be a statewide requirement for use of helmet and eye-protection
 - Mopeds should be assessed the motor vehicle sales and use tax only if there is no evidence of payment of a retail tax
 - The statutory definition of moped should be revised

Moped operators would still not be required to carry liability insurance or submit the moped to a state safety inspection.

- The statutory definition of all-terrain vehicles should be amended to accommodate the wide variety of new vehicles on the market. All-terrain vehicles and off-road motorcycles will be assessed the motor vehicle sales and use tax only if there is no evidence of payment of a retail tax.

While the work group believes that it has made good progress on low-speed vehicles, three-wheeled motorcycles, mopeds, and all-terrain vehicles, we also understand that there is much work to be done and will continue to meet with the stakeholders on other issues and vehicles as needed.

1. Introduction

Seeing an increase in consumer demand for vehicles that do not fit into the current motor vehicle definitions provided in the *Code of Virginia*, in September 2011, Chairman Joe May, House Transportation Committee, and Chairwoman Yvonne Miller, Senate Transportation Committee, called upon the Department of Motor Vehicles (DMV) to establish an ongoing work group to address these non-conventional vehicles. The charge was to meet no fewer than two times a year and to propose legislation as needed regarding the definition, titling and registration, and licensing of drivers of these vehicles. The work group was also asked to take into account the statutes and regulations governing these non-conventional vehicles in other states, particularly those that border Virginia, with the goal of promoting cross-border standardization.

During the 2012 General Assembly Session, Chairman Steve Newman referred Senate Bill 333 and Senate Bill 336, and Chairman May referred House Bill 1070 to this work group for further review. Senate Bill 333 would restrict the operation of mopeds on highways with speed limits exceeding 35 miles per hour. Senate Bill 336 and House Bill 1070 would revise the current definitions for all-terrain and utility vehicles.

The work group is led by DMV staff and includes, among others, representatives from the Virginia Automobile Dealers Association, Virginia Independent Automobile Dealers Association, Virginia Motorcycle Dealers Association, Virginia Coalition of Motorcyclists, the insurance industry, Virginia State Police, Virginia Department of Environmental Quality, Virginia Department of Transportation, Virginia Department of Aviation, Virginia Department of Game and Inland Fisheries, Virginia Sheriff's Association, Virginia Association of Chiefs of Police, Motor Vehicle Dealer Board, American Automobile Association, Motorcycle Safety League of Virginia, Farm Bureau, and the Virginia Municipal League. Specific stakeholders were included on an as needed basis depending on the issues under discussion.

The work group initially focused on low-speed vehicles, three-wheeled motorcycles, mopeds, and all-terrain vehicles. This report summarizes the recommendations of the work group relating to these vehicles.

2. Low-Speed Vehicles

Background

Section 46.2-100 of the *Code of Virginia* defines a "low-speed vehicle" as:

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

In 2011, according to DMV records, low-speed vehicle titles and registrations were distributed as follows:

Low-speed vehicles titled:	443
Low-speed vehicles registered:	288
With regular license plates:	205
With special license plates:	83

Recommendation

At its initial meeting in November 2011, the work group identified the immediate need for development of a low-speed vehicle license plate to assist the law-enforcement community. It was proposed that low-speed vehicles driven on Virginia roadways display low-speed license plates on both the front and back of the vehicle. This would allow law-enforcement to easily identify these vehicles on the roads. The proposed legislation provides that low-speed vehicles will need to begin displaying these plates by October 1, 2013.

3. Three-Wheeled Motorcycles

Background

In order to operate a motorcycle in Virginia, a person must possess a driver's license with a motorcycle classification or a motorcycle driver's license. Persons wishing to obtain a driver's license with a motorcycle classification or a motorcycle driver's license must successfully complete the Virginia Rider Training Program or must pass the motorcycle knowledge and road skills tests conducted by DMV. DMV administers the Virginia Rider Training Program, which focuses on operator licensing, rider training and public awareness of motorcycles on the road. Classes are designed for both beginning riders and experienced riders and are taught by certified motorcycle safety instructors. In Virginia, there are currently 196,793 active registered motorcycles, 379,586 drivers with a motorcycle classification, and 62 people whose privilege to drive is restricted to motorcycles only.

At this time, there is no distinction in the *Code of Virginia* for specifying whether the motorcycle classification allows operation of a two-wheeled or three-wheeled motorcycle. However, there are safety issues and technical differences associated with the operation of these vehicles. They handle very differently, in part because three-wheeled motorcycles are heavier and more stable than two-wheeled motorcycles. Each requires unique operating techniques. Drivers need instruction tailored to the specific vehicle type and sufficient practice time, particularly in cornering and braking maneuvers, to be able to safely operate these vehicles.

DMV has developed training and testing modules specifically addressing three-wheeled motorcycles. Three-wheeled training is now offered at ten Virginia Rider Training Program sites, with many other sites inquiring about it for 2013. Additionally, a three-wheeled motorcycle road skills test has been developed. DMV employees conducting the road skills tests are trained by personnel from the Motorcycle Safety League of Virginia to administer the new road skills test.

In Virginia, the motorcycle classification on a driver's license currently authorizes the holder to operate any two-wheeled or three-wheeled motorcycle, regardless of the actual type of vehicle used in the motorcycle training course and road skills test. Safety issues arise when a driver acts on the assumption that operation of one type of motorcycle is the same as operation of the other.

Recommendation

The work group recommends that DMV issue motorcycle classifications with restrictions to either a two-wheeled or three-wheeled motorcycle. Drivers who qualify for both will receive a motorcycle classification authorizing them to operate both a two-wheeled and a three-wheeled motorcycle.

Those licensees who currently hold a motorcycle classification will be grandfathered in and asked at their next driver's license renewal to self-certify the type of motorcycle (two-wheeled, three-wheeled, or both) that the licensee operates. The cost to DMV to ask that current licensees self-certify would be negligible. Those asked to self-certify would not be required to come to DMV to take any additional road skills tests. However, new applicants (i.e. those seeking a motorcycle classification on and after July 1, 2013) who wish to qualify for both two-wheeled and three-wheeled motorcycle operation will be required to take and pass both road skills tests.

Currently, a motorcycle classification costs \$2 per year. There would be no change in fee for those seeking a motorcycle restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only.

As this report was being circulated for final review, concerns were raised by the motorcycle dealer community about issuing motorcycle classifications with restrictions to either two-wheeled or three-wheeled motorcycles. Unlike the motorcycle safety and rider groups, some motorcycle dealers believe that a person qualified to operate a two-wheeled motorcycle is also qualified to operate a three-wheeled motorcycle. They do not see the need for a two-wheeled motorcycle classification that limits the person to only two-wheeled motorcycles. However, if someone trains or tests on a three-wheeled motorcycle, they agree that a motorcycle classification which restricts the operator to a three-wheeled motorcycle is appropriate. This report reflects the initial agreement of the entire stakeholder group to have motorcycle classifications with restrictions to two-wheeled motorcycles, three-wheeled motorcycles, or a

classification authorizing operation of both. We have included the concerns raised by the Virginia Motorcycle Dealers Association under Appendix E.

As a way to begin tracking the number of two-wheeled and three-wheeled motorcycles operated on Virginia roads, DMV plans to ask owners to identify their motorcycle type at initial registration and renewal. Such an inquiry will not be included on the motorcycle’s registration record, will not impact registration fees, and will not be connected to the type of motorcycle classification the operator holds. It is simply a way for DMV to begin tracking the number of two-wheeled and three-wheeled motorcycles in Virginia.

4. Mopeds

Background

The number of mopeds on Virginia roads has increased significantly as a result of the rising cost of gas, along with the affordability and availability of mopeds. With the increased number of mopeds sharing our roads, there has been an increase in the number of concerns expressed from the public, law-enforcement, General Assembly members, and traffic safety advocates. Concerns have been raised about the proper use of mopeds, their safety on the roads, and the existing laws surrounding the operation of mopeds on public streets.

In numerous meetings with impacted stakeholders, including moped dealers and moped rider groups, the work group looked at all aspects of moped use and operation in Virginia and in other states. The group also reviewed statistics from moped-related crashes and fatalities on Virginia roads. In order to operate a moped on a Virginia roadway, the operator must be at least 16-years-old. Virginia does not require a valid driver's license to operate a moped.

Moped Crashes, Fatalities and Injuries in Virginia 2008-2012*

Calendar Year	Crashes	% Change	Fatalities	% Change	Injuries	% Change
2008	349		10		338	
2009	330	-5%	7	-30%	323	-4%
2010	399	21%	6	-14%	400	24%
2011	422	6%	5	-17%	417	4%
2012*	353		5		334	

*2012 data is preliminary (January 1 – September 15)

**Driver's License Status of Moped Drivers at the Time of Crash
2008-2012***

Driver's License Status	Moped Drivers Involved in Crashes	% of Total Moped Drivers
Driver's License Active	182	10%
ID Card	205	11%
Driver's License Suspended/Revoked/Restricted	806	43%
No Driver's License Found On Driver File	692	36%
Total	1,885	

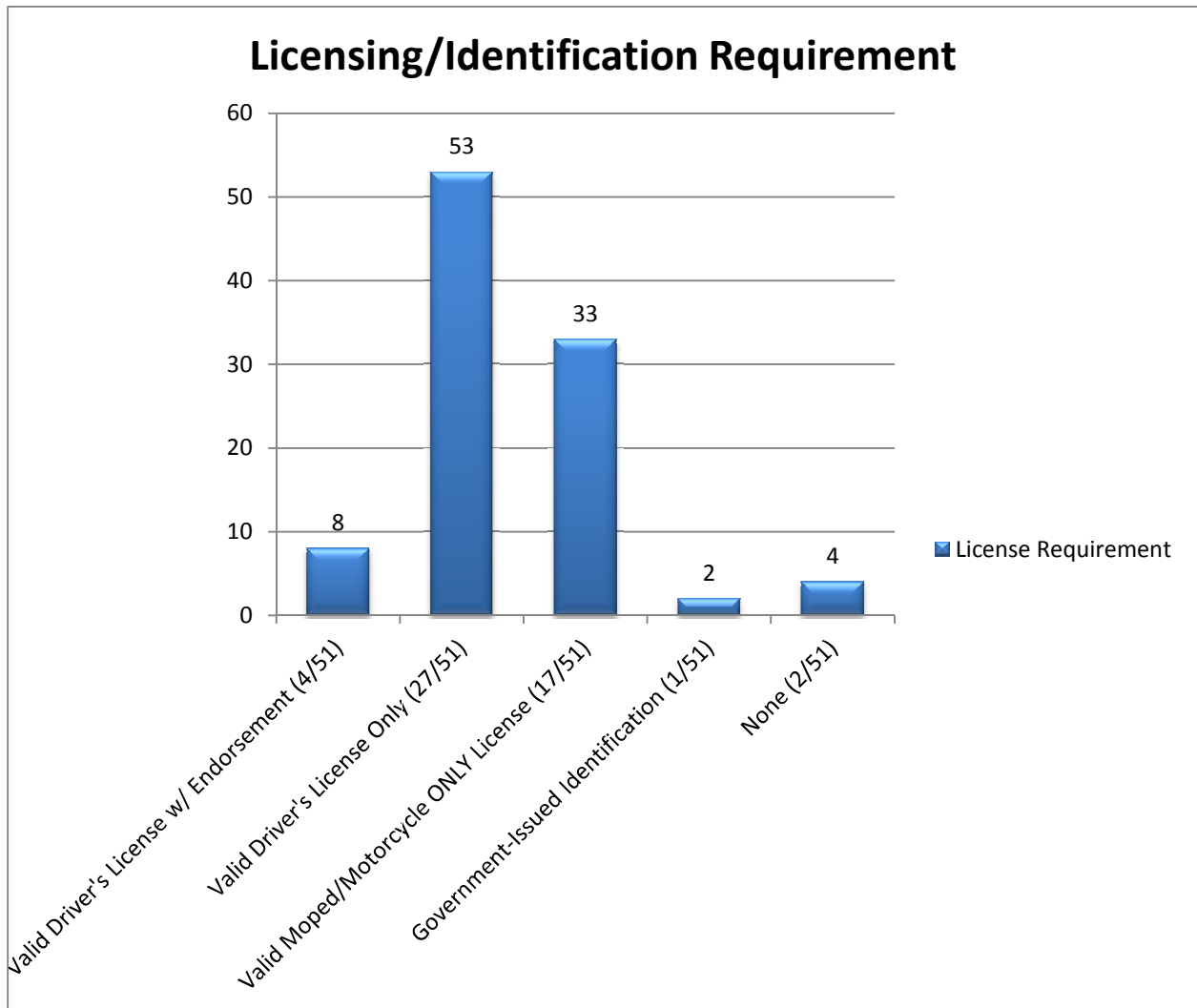
*2012 data is preliminary (January 1 – September 15)

Since mopeds are not required to be titled or registered in Virginia, crash data is the only information that DMV can use to attempt to quantify moped use. However, even with this data, it is impossible to know if moped crashes are a big concern because we simply do not know what percentage of the entire moped population these crashes represent. We need to know how many mopeds are being operated on Virginia's roads so that we can determine if the number of crashes is a high percentage of that total.

In keeping with the work group's charge to take into account statutes and regulations from other states, the group looked at other state requirements regarding mopeds. After reviewing those other state moped requirements, it became clear that Virginia is one of the few states imposing no requirements on moped operators in terms of licensing of the operator, titling and registration of the moped, and/or liability insurance. As shown on the chart on the following page, a breakdown of the state requirements for all 50 states and the District of Columbia shows that 75% of states require some type of valid driver's license, 73% of states require that the moped be registered, 47% of states require that the moped be titled, and 47% of states require liability insurance on the moped. Currently, Virginia and North Carolina are the only two states that do not require that the moped operator carry some form of official identification.

Looking at other surrounding states, Maryland law requires that moped operators possess a valid driver's license or moped operator's permit. As of October 1, 2012, Maryland also requires that mopeds be titled, registered, and insured, and that moped operators wear a helmet and, if the moped does not have a windscreen, some form of eye protection. West Virginia requires that mopeds be registered and that the operator carry a license. Tennessee requires that the operator be licensed and that the moped be registered and titled. Pennsylvania requires that the operator be licensed and that the moped be titled, registered, and insured. The District of Columbia requires that mopeds be titled, registered, and insured and has recently begun looking

at requiring helmet use and imposing parking guidelines. Like Virginia, North Carolina does not have any specific moped requirements in terms of licensing, registration, titling, and insurance.



Recommendations

The work group made the following recommendations relating to mopeds:

Moped Definition. Mopeds are commonly referred to as scooters. However, the term "scooter" is also used in the *Code of Virginia*:

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. The

term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not include "electric personal assistive mobility devices." See Va. Code § 46.2-100.

In order to avoid confusion, the work group recommends that "scooter" be changed to "foot-scooter" throughout the *Code of Virginia*.

The work group also recommends that the definition of moped under § 46.2-100 be amended to state that the moped displaces 50 cubic centimeters or less or has an input of 1500 watts or less; is power-driven, with or without pedals that allow propulsion by human power; and is not operated at speeds in excess of 35 miles per hour. The new definition would then read as follows:

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

Titling and Registration. Section 15.2-1720 authorizes localities to license resident owners of mopeds and to require that a plate, tag, or decal be attached to that moped. However, only a handful of localities actually require that mopeds be licensed. There is no statewide requirement in the *Code of Virginia* that mopeds be titled or registered. The work group recommends that mopeds be both titled and registered by DMV.

Requiring titling and registration would allow law-enforcement to better track mopeds that are stolen and to more effectively deal with moped crashes. It would also provide a more definitive measure of the number of mopeds being operated on Virginia's roads. Right now, there is simply no way to effectively track their use, but it is clear that they are growing in popularity. In looking at other states with similar demographics to Virginia that do register mopeds, DMV's best estimate of the number of mopeds in Virginia is 10,000-15,000. However, we simply will not know the final number until the registration figures are counted.

Taking into account the moped registration fees charged by other states, which range from \$3 to \$60 per year, and the \$28.75 total fee for motorcycle registration in Virginia, the work group proposes that the base registration fee for a moped be set at \$14 per year. Such fee would be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department. The total fee for moped registration would end up being \$20.25 because § 46.2-694 requires that an additional fee be paid into a special fund and used only for emergency

medical service purposes. The mopeds would also need to display a license plate affixed to the rear of the moped. It would look similar to plates issued to motorcycles, but with MOPED stated on the plate. The proposed legislation gives current and new moped owners until July 1, 2014 to have their mopeds properly titled and registered.

The work group also recommends that moped owners be exempt from paying personal property tax on the moped. By allowing mopeds to be exempt from personal property taxes, it would prevent a cost-shift in the Car Tax Relief Fund, which is statutorily capped at \$950 million. Adding another vehicle class into the category of vehicles that qualify for the capped relief, which operates at the cap on an annual basis, in effect causes non-moped drivers to have less of that relief by increasing the pool of “qualified” vehicles that have access to the fund.

Moped owners will be assessed the motor vehicles sales and use tax only if there is no evidence of payment of the Virginia retail tax or payment of taxes out-of-state within the prior twelve months of application for title or if the applicant has owned the moped for longer than twelve months. In this way, the taxes paid on mopeds will be in line with how this legislation proposes that sales of all-terrain vehicles and off-road motorcycles be treated.

Identification. Currently, the *Code of Virginia* only requires that a moped operator "carry with him some form of identification that includes his name, address, and date of birth." See Va. Code § 46.2-914. There is no requirement that this identification be an official document. It could in fact just be the person's information written on a piece of paper.

Due to concern over this lack of official identification, the work group looked at whether a moped operator should be required to hold a driver's license. There was concern that requiring a license would impact the livelihood of those individuals who use mopeds as their main source of transportation to and from work. Currently, a person may operate a moped if he has a suspended driver's license or is unable to drive a vehicle due to a medical condition. However, if an individual has had his license suspended due to a DUI, he is not allowed to operate a moped. After much discussion, it was determined that the work group would not pursue the requirement that moped operators be licensed at this time.

However, the work group did recommend that moped operators be required to carry a government issued photo identification that states the holder's name, address, and date of birth. Such a requirement would aid law-enforcement in traffic stops and identifying moped operators involved in traffic crashes. Since many operators will likely carry a DMV-issued form of identification to satisfy this new requirement, DMV can begin to better track operator activity.

Travel Restrictions. The work group looked at the language proposed by Senate Bill 333, which would prohibit the operation of mopeds on highways with speed limits exceeding 35 miles per hour. Similar restrictions were also introduced through legislation in 2005 (House Bill 2334) and in 2010 (House Bill 1083, which would prohibit moped operations on highways with

speed limits greater than 45 miles per hour). Prohibiting moped use to roads with posted speeds exceeding 35 miles per hour would greatly restrict the mobility of moped operators. Discussions with localities and State Police led to a determination that any prohibition would essentially make it impossible for people to use mopeds as an effective way to get to their destination. Mopeds are currently prohibited from being operated on any Interstate Highway System component. See Va. Code § 46.2-914. In addition, § 46.2-905 requires that any person operating a moped at less than the normal speed of traffic shall ride as close as safely practicable to the right curb or edge of the roadway. Section 46.2-877 provides that no person shall operate a vehicle “at such a slow speed as to impede the normal and reasonable movement of traffic.” Therefore, there are provisions in the *Code of Virginia* that are applicable to vehicles driving too slowly and impeding traffic.

Section 46.2-877 also allows the Commissioner of Highways or local authorities "to 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." If there is concern about a particular highway within a jurisdiction being too dangerous for use by vehicles that cannot maintain a minimum speed limit, then there is the option to post a minimum speed on that highway.

Taking all of these considerations into account, the work group did not recommend prohibiting moped use on roads with speed limits exceeding 35 miles per hour.

Helmets and Eye-Protection. The requirement that moped operators wear helmets and use some form of eye protection, whether it be by wearing safety goggles or having the moped equipped with a windshield, is currently left up to the localities. At least 34 Virginia localities require helmets and windshield/eye-protection use for moped operators. The work group recommends that this important safety requirement become statewide.

Moped Dealers. Under current law, sellers of mopeds are not required to be licensed dealers. While the group does see a benefit to licensing moped dealers, at this time, we do not know how many moped dealers are currently operating in Virginia. We simply need more time to get a better handle on the universe of Virginia moped dealers and to bring them into the discussions before any legislation is recommended. We anticipate looking at this issue as we continue with the Non-Conventional Vehicles Study next year.

Insurance. The work group discussed whether moped operators should be required to carry vehicle liability insurance. The insurance industry expressed concern that if mopeds are classified as “motor vehicles” for insurance purposes, then they would need to assume the state’s minimum financial responsibilities. Insurance companies would be unlikely to insure anyone

operating with a suspended license or with no license at all. This would essentially force moped operators to hold a valid driver's license, which the work group is not recommending. As a result, moped operators will still not be required to hold insurance on their mopeds.

Safety Inspections. The work group also discussed whether mopeds should be required to undergo annual safety inspections. Vehicle safety inspections are based on federal regulation of vehicle types. Currently, there are no federal safety standards for mopeds. At this time, it is recommended that mopeds continue to be exempted from the safety inspection requirements under § 46.2-1000 et seq. of the *Code of Virginia*. Section 46.2-1168 requires that, for motor vehicles required to be registered, an additional registration fee of \$1.50 be paid into the official motor vehicle safety inspection program. However, since mopeds will still not be required to undergo safety inspections, none of their registration fee will be paid into the official motor vehicle safety inspection program.

5. All-Terrain Vehicles

Background

Senate Bill 336 and House Bill 1070, which would revise the current definition for all-terrain and utility vehicles, were both referred to this work group for further review. Due to the sharp increase in the types of all-terrain vehicles being manufactured, it is recommended that the definition be updated to accommodate the wide variety of new vehicles on the market.

Recommendations

Definition. After meeting with the impacted stakeholders, the group recommends that the definitions for all-terrain vehicle, utility vehicle, and farm utility vehicle be revised as follows:

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

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

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

While the work group did agree on the above amended definitions, there was also an understanding that these definitions may be revisited in the next year in order to take into account further differentiations in all-terrain vehicles with bench seats versus those that are straddled by the operator.

Taxes. An additional issue that was brought to the attention of the work group concerns the taxes paid by purchasers of all-terrain vehicles and off-road motorcycles. Currently, all-terrain vehicles and off-road motorcycles sold in Virginia pay the retail tax. However, if a neighboring state, such as Maryland, does not have a retail tax on purchases of these vehicles, then there is an incentive for Virginians to buy an all-terrain vehicle or off-road motorcycle in Maryland (where they do not pay a retail tax), bring it back to Virginia to be titled and pay no taxes on that vehicle. This can place Virginia sellers of all-terrain vehicles and off-road motorcycles at a disadvantage because it is possible for them to go to another state, bring it back to Virginia, and pay no taxes at all on that vehicle.

Though it was not a part of the initial meetings with the work group, this issue was discussed during a meeting of the stakeholders on November 15. They agreed with the concept that owners of all-terrain vehicles and off-road motorcycles pay the motor vehicle sales and use tax only if there is no evidence of payment of the Virginia retail tax or payment of taxes out-of-state within the prior twelve months of application for title or if the applicant has owned the all-terrain vehicle or off-road motorcycle for longer than twelve months. In this way, the taxes paid on all-terrain vehicles and off-road motorcycles will be in line with how this legislation proposes that sales of mopeds be treated.

6. Conclusion

While the non-conventional vehicles work group has made numerous recommendations relating to low-speed vehicles, three-wheeled motorcycles, mopeds, and all-terrain vehicles, we also recognize that this is an ongoing study and there is still work to be done. Among other issues we intend to focus on as this study continues is defining three-wheeled motorcycles versus three-wheeled vehicles. Three-wheeled vehicles are typically treated as motorcycles, yet many look and handle more like a passenger car. While the work group did touch on defining these types of vehicles, it became apparent that more stakeholders need to be brought to the table. We look forward to discussing this issue over the next year of the study.

DMV is especially thankful for the time and hard work that the participants dedicated to this study. We look forward to our continued cooperation as we study other non-conventional vehicles.

Appendices

Appendix A:

Project Structure and Stakeholder List

Non-Conventional Vehicles Study Project Structure

Executive Oversight Team

Rick Holcomb (DMV)
 EllenMarie Hess (DMV)
 Ryan Kelly (Office of the Secretary of Transportation)
 Lt. Col. Robert Northern (Virginia State Police)
 Matt Koch (Department of Game and Inland Fisheries)

Karen Grim (DMV)
 Tom Ballou (Department of Environmental Quality)
 Rick Walton (Department of Transportation)
 Randall Burdette (Department of Aviation)
 Don Guillory (Virginia Correctional Enterprises)

DMV Core Team

Janet Smoot (Project Coordinator)
 Rachel Kerns (BAS)
 Bruce Biondo (Motorcycle Program)
 Brenda Scaife (Customer Service)
 Barbara Klotz (Legislative Resource)

Richard Lampman (BAS)
 Caroline Stalker(Legislative Resource)
 William Childress (Vehicle Resource)
 Myrt Quinlan (Customer Service)
 Don Boswell (Law Enforcement Resource)

Lynwood Butner (Government Affairs)
 Sharon Brown (Driver Resource)
 Sheila Stephens (Vehicle Resource)
 John Saunders (Highway Safety)

Stakeholders

Anne Gambardella (Virginia Automobile Dealers Association)
 Jim Cannon (Virginia Coalition of Motorcyclists)
 Chris LaGow (Insurance Industry)
 Lt. Dan Glick (Virginia State Police)
 Charlie Finley (Virginia Motorcycle Dealers Association)
 Mike Fagin (Insurance Institute for Highway Safety)
 Lt. Lee Bailey (Virginia Sheriff's Association)
 Joe Lerch (Virginia Municipal League)
 Janet Brooking (Drive Smart)
 Cundiff Simmons (Motorcycle Safety League of Virginia)
 Keith McCrea (Department of Aviation)

David Boling (Virginia Independent Automobile Dealers Association)
 Pete Iaricci (Virginia Independent Automobile Dealers Association)
 Vicki Harris (State Farm Insurance)
 Dana Schrad (Virginia Association of Chiefs of Police)
 Raymond Khoury (Department of Transportation)
 Richard Olin (Department of Environmental Quality)
 Bruce Gould (Motor Vehicle Dealer Board)
 Martha Meade (AAA)
 Andrew Smith (Virginia Farm Bureau)
 Capt. Milt Robinson (Department of Game and Inland Fisheries)

Vehicle Review

3 Wheel Vehicles

Vehicle Review

All Terrain Vehicles (ATV's)

Vehicle Review

Mopeds
& Scooters

Vehicle Review

Low Speed Vehicles

Executive Oversight Team

Richard D. Holcomb

Commissioner

Department of Motor Vehicles

Ryan Kelly

Office of the Secretary of Transportation

Matthew H. Koch

Chief Operating Officer

Department of Game and Inland Fisheries

Thomas R. Ballou

Director of Data Analysis and Planning

Department of Environmental Quality

Richard L. Walton

Chief of Policy and Environment

Virginia Department of Transportation

Randall P. Burdette

Director

Department of Aviation

Donald R. Guillory

Virginia Correctional Enterprises

Virginia Department of Corrections

Lieutenant Colonel Robert B. Northern

Deputy Superintendent

Virginia State Police

Karen Grim

Assistant Commissioner for Driver, Vehicle & Data

Management Services

Department of Motor Vehicles

Ellen Marie Hess

Assistant Commissioner for Government Affairs

Department of Motor Vehicles

Joseph Hill

Assistant Commissioner of the Office of Enforcement &

Compliance

Department of Motor Vehicles

Project Staff

Janet Smoot

Department of Motor Vehicles

Project Coordinator

Bruce Biondo

Department of Motor Vehicles

Tonya Blaine

Department of Motor Vehicles

Don Boswell

Department of Motor Vehicles

Sharon Brown

Department of Motor Vehicles

Lynwood Butner

Department of Motor Vehicles

William Childress

Department of Motor Vehicles

Nancy Joyce

Department of Motor Vehicles

Rachel Kerns

Department of Motor Vehicles

Barbara Klotz

Department of Motor Vehicles

Richard Lampman
Department of Motor Vehicles

John Mohrmann
Department of Motor Vehicles

Myrt Quinlan
Department of Motor Vehicles

John Saunders
Department of Motor Vehicles

Brenda Scaife
Department of Motor Vehicles

Caroline Stalker
Department of Motor Vehicles

Sheila Stephens
Department of Motor Vehicles

Stakeholders and Other Participants

Raul Arbelaez
Insurance Institute for Highway
Safety

Lieutenant Lee Bailey
New Kent Sheriff's Office
Virginia Sheriffs' Association

Robert Baratta
Polaris

Burt Boehling
Virginia Department of
Transportation

David Boling
Virginia Independent Automobile
Dealers Association

Janet Brooking
Drive Smart

Senior Officer Wayne
Brumbaugh
Chesterfield County Police
Department
Virginia Association of Chiefs of
Police

Jim Cannon
Virginia Coalition of Motorcyclists

Prin Cowan
Motor Vehicle Dealer Board

Patrick Cushing
American Automobile Association

Matthew Danielson
Virginia Coalition of Motorcyclists

Sergeant Robert Evans
Virginia State Police

Charlie Finley
Virginia Motorcycle Dealers
Association

Anne Gambardella
Virginia Automobile Dealers
Association

Ken Germain
Virginia Motorcycle Dealers
Association

Officer Rob Gibson
Henrico Division of Police
Virginia Association of Chiefs of
Police

Lieutenant Dan Glick
Virginia State Police

Lieutenant Anthony Gordon
Henrico Division of Police
Virginia Association of Chiefs of
Police

Bruce Gould
Motor Vehicle Dealer Board

Bernard Gratzl
Moped Land, Inc.

Vicki Harris
State Farm Insurance

Pete Iaricci
Virginia Independent Automobile
Dealers Association

Raymond Khoury
Virginia Department of
Transportation

Chris LaGow
Insurance Industry

Chelsea Lahmers
Scoot Richmond

John Lawson
Virginia Department of
Transportation

Joe Lerch
Virginia Municipal League

Keith McCrea
Department of Aviation

Martha Mitchell Meade
American Automobile Association

Mitch Nuckles
Commissioners of the Revenue

Richard Olin
Department of Environmental
Quality

Bil Parrish
Virginia Independent Automobile
Dealers Association

Hung Pham
H P Mopeds

Sergeant Jim Profita
Chesterfield County Police
Department
Virginia Association of Chiefs of
Police

Hank Ramsey
Virginia Motorcycle Dealers
Association

Captain Milt Robinson
Department of Game and Inland
Fisheries

Dana Schrad
Virginia Association of Chiefs of
Police

Stu Seigel
National Highway Traffic Safety
Administration

Cundiff Simmons
Motorcycle Safety League of Virginia

Andrew Smith
Virginia Farm Bureau

Windy VanCuren
American Automobile Association

Ed Willeman
7 Hills Scooter Club

Austin Wilson
American Automobile Association

Allen Young
H P Mopeds

Sergeant David Zeheb
Chesterfield County Police
Department
Virginia Association of Chiefs of
Police

Appendix B:

**Letters from Delegate May and
Senators Y.B. Miller and Newman**

SENATE OF VIRGINIA

YVONNE B. MILLER
5TH SENATORIAL DISTRICT
PART OF THE CITIES OF CHESAPEAKE, NORFOLK
AND VIRGINIA BEACH
POST OFFICE BOX 452
NORFOLK, VIRGINIA 23501



COMMITTEE ASSIGNMENTS:
TRANSPORTATION, CHAIR
COMMERCE AND LABOR
FINANCE
REHABILITATION AND SOCIAL SERVICES
RULES

September 2, 2011

Mr. Richard D. Holcomb
Commissioner
Department of Motor Vehicles
2300 West Broad Street
Richmond, Virginia 23220

Dear Commissioner Holcomb:

As you are aware Virginia has begun to see an increase in demand by its citizens for so-called "non-conventional vehicles." These are vehicles which can be operated on the highways of the Commonwealth, yet do not cleanly fit into the current motor vehicle definitions provided by the code, and which require specialized legislation regarding definition, titling and registration, safety, title authority, and licensing of the driver.

Delegate May and I have agreed that in order to accommodate what is certain to be an ever-changing marketplace, we are directing you to establish a work group, to meet no fewer than two times a year, to propose legislation as needed regarding the definition, titling and registration, safety, title authority, and licensing of drivers for any vehicles introduced to the roadways of the Commonwealth which do not fit into current statutes. This would include, but not be limited to, three-wheeled motorcycles, three-wheeled automobiles, mopeds, and ATVs. The work group should be headed by you or your designee, and should include representatives from the Department of Motor Vehicles, the Virginia Department of Transportation, Virginia State Police, local law enforcement, the Virginia Auto Dealers Association, the Virginia Motorcycle Dealers Association, the insurance industry, safety groups, and others, as you may see fit.

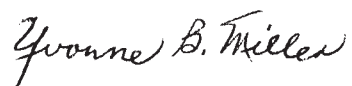
In addition to the considerations listed above, the work group should take into account the statutes and regulations governing these non-conventional vehicles in other states, particularly those that border Virginia, with the goal of promoting cross-border standardization.

The work group should submit a report to the Chairs of the House and Senate Transportation Committees in November of each year in which it details proposed legislation.

Page 2
DMV

I anticipate you will receive a similar charge from Delegate May in his role as Chair of House Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne B. Miller". The signature is written in black ink and is positioned below the word "Sincerely,".

Yvonne B. Miller



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

JOE T. MAY
POST OFFICE BOX 2146
LEESBURG, VIRGINIA 20177-7538
THIRTY-THIRD DISTRICT

COMMITTEE ASSIGNMENTS:
TRANSPORTATION (CHAIRMAN)
APPROPRIATIONS
SCIENCE AND TECHNOLOGY

September 6, 2011

Mr. Richard D. Holcomb
Commissioner
Department of Motor Vehicles
2300 West Broad Street
Richmond, Virginia 23220

Dear Commissioner Holcomb:

As you are aware Virginia has begun to see an increase in demand by its citizens for so-called "non-conventional vehicles." These are vehicles which can be operated on the highways of the Commonwealth, yet do not cleanly fit into the current motor vehicle definitions provided by the code, and which require specialized legislation regarding definition, titling and registration, safety, title authority, and licensing of the driver.

Senator Yvonne Miller and I have agreed that in order to accommodate what is certain to be an ever-changing marketplace, we are directing you to establish a work group, to meet no fewer than two times a year, to propose legislation as needed regarding the definition, titling and registration, safety, title authority, and licensing of drivers for any vehicles introduced to the roadways of the Commonwealth which do not fit into current statutes. This would include, but not be limited to, three-wheeled motorcycles, three-wheeled automobiles, mopeds, and ATVs. The work group should be headed by you or your designee, and should include representatives from the Department of Motor Vehicles, the Virginia Department of Transportation, Virginia State Police, local law enforcement, the Virginia Auto Dealers Association, the Virginia Motorcycle Dealers Association, the insurance industry, safety groups, and others, as you may see fit.

In addition to the considerations listed above, the work group should take into account the statutes and regulations governing these

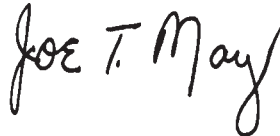
Mr. Richard Holcomb
Commissioner, DMV
September 6, 2011
Page -2-

non-conventional vehicles in other states, particularly those that border Virginia, with the goal of promoting cross-border standardization.

The work group should submit a report to the Chairs of the House and Senate Transportation Committees in November of each year in which it details proposed legislation.

I anticipate you will receive a similar charge from Senator Miller in her role as Chair of Senate Transportation.

Sincerely,

A handwritten signature in black ink that reads "Joe T. May". The signature is written in a cursive style with a large, looping "M" at the end.

Joe T. May

SENATE OF VIRGINIA



COMMITTEE ASSIGNMENTS:
TRANSPORTATION, CHAIR
COMMERCE AND LABOR
EDUCATION AND HEALTH
FINANCE
RULES

STEPHEN D. NEWMAN

23RD SENATORIAL DISTRICT
ALL OF BOTETOURT AND CRAIG COUNTIES;
ALL OF THE CITY OF BEDFORD; PART OF BEDFORD,
CAMPBELL, AND ROANOKE COUNTIES;
AND PART OF THE CITY OF LYNCHBURG
POST OFFICE BOX 480
FOREST, VIRGINIA 24551
EMAIL: SNEWMAN@SENATORNEWMAN.COM
(434) 385-1065
(434) 485-8111 FAX

January 25, 2012

Mr. Richard D. Holcomb
Commissioner
Virginia Department of Motor Vehicles
P.O. Box 27412
2300 West Broad Street
Richmond, VA 23269

Dear Commissioner Holcomb,

As you know, the citizens of Virginia are looking increasingly for more efficient modes of transportation, spurring the growth of so-called "non-conventional vehicles" and "small task-oriented vehicles" on the highways of the Commonwealth. Many of these vehicles fall outside the boundaries of current definitions in code and require specialized legislation regarding the definition, titling and registration, safety, title authority, and licensing of the driver.

Senate Bill 333 would restrict moped operation from highways with speed limits exceeding 35 miles per hour and Senate Bill 336 would revise current definitions for all-terrain and utility vehicles. It seems prudent that all-terrain vehicles and mopeds be reviewed as part of the larger group of non-conventional vehicles. Since DMV has convened an ongoing work group focusing on Non-Conventional Vehicles, as directed by the Chairs of the House and Senate Transportation Committees, I am requesting Senate Bill 333 and Senate bill 336 be carried over, with the issues raised therein to be folded into DMV's work group on Non-Conventional Vehicles.

I look forward to hearing from you with the outcome of the study.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Newman", written over a horizontal line.

Stephen D. Newman



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

JOE T. MAY
POST OFFICE BOX 2146
LEESBURG, VIRGINIA 20177-7538

THIRTY-THIRD DISTRICT

January 26, 2012

COMMITTEE ASSIGNMENTS:
TRANSPORTATION (CHAIRMAN)
APPROPRIATIONS
SCIENCE AND TECHNOLOGY

Mr. Richard D. Holcomb
Commissioner
Virginia Department of Motor Vehicles
P.O. Box 27412
2300 West Broad Street
Richmond, VA 23269

Hick
Dear Commissioner Holcomb,

As you know, the citizens of Virginia are looking increasingly for more efficient modes of transportation, spurring the growth of so-called "non-conventional vehicles" and "small task-oriented vehicles" on the highways of the Commonwealth. Many of these vehicles fall outside the boundaries of current definitions in code and require specialized legislation regarding the definition, titling and registration, safety, title authority, and licensing of the driver.

House Bill 1070, introduced in the General Assembly by Delegate Hugo, would revise current definitions for all-terrain and utility vehicles. It seems prudent that all-terrain vehicles be reviewed as part of the larger group of non-conventional vehicles. Since DMV has convened an ongoing work group focusing on Non-Conventional Vehicles, as directed by the Chair of the Senate Transportation Committee and myself, I am requesting House Bill 1070 be carried over, with the issues raised therein to be folded into DMV's work group on Non-Conventional Vehicles.

I look forward to hearing from you with the outcome of the study.

Sincerely,

A handwritten signature in black ink that reads "Joe".

Joe T. May

Appendix C:
2012 Legislation Referred to Study

12103267D

HOUSE BILL NO. 1070

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact § 46.2-100 of the Code of Virginia, relating to the definition of all-terrain and utility vehicles.

Patron—Hugo

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-100 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-100. Definitions.

The following words and phrases when As 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, unless the context clearly indicates requires a different meaning:

"All-terrain vehicle" means (i) a three-wheeled or, four-wheeled, or six-wheeled motor vehicle powered by a gasoline or diesel an engine and generally characterized by large, low-pressure with nonhighway tires; a seat designed to be straddled by the operator, and handlebars for steering and with a width not greater than 50 inches or (ii) a vehicle with four or more nonhighway tires and with a width greater than 50 inches but not greater than 65 inches, that is intended for off-road use by an individual rider on various types of unpaved terrain and that can carry passengers if designed by the manufacturer for passengers. The term does not include four-wheeled vehicles; commonly known as "go-carts," that which have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower, any "utility vehicle" as defined in this section, or any "farm utility vehicle" as defined in this section.

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

INTRODUCED

HB1070

59 surface.

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

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

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

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

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

76 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
77 that is designed to transport only one person and powered by an electric propulsion system that limits
78 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title
79 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a
80 highway.

81 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
82 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
83 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
84 rider. For the purposes of Chapter 8 of this title (§ 46.2-800 et seq.), an electric power-assisted bicycle
85 shall be a vehicle when operated on a highway.

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

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

91 "Farm utility vehicle" means a vehicle that is designed for off-road use and is used as a farm,
92 agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more
93 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
94 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, riding
95 lawn mowers, or all-terrain vehicles.

96 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
97 administrative regulations and policies adopted pursuant thereto.

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

101 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
102 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and
103 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

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

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

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

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

113 "Highway" means the entire width between the boundary lines of every way or place open to the use
114 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
115 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
116 or private streets that have been specifically designated "highways" by an ordinance adopted by the
117 governing body of the county, city, or town in which such private roads or streets are located and (ii)
118 the entire width between the boundary lines of every way or place used for purposes of vehicular travel
119 on any property owned, leased, or controlled by the United States government and located in the
120 Commonwealth.

121 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
 122 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one
 123 another at, or approximately at, right angles, or the area within which vehicles traveling on different
 124 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
 125 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting
 126 highway shall be regarded as a separate intersection, in the event such intersecting highway also
 127 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways
 128 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of
 129 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

130 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
 131 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
 132 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
 133 include city and county commissioners of the revenue and treasurers, together with their duly designated
 134 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,
 135 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

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

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

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

145 "Manufactured home" means a structure subject to federal regulation, transportable in one or more
 146 sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in
 147 length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis
 148 and designed to be used as a dwelling with or without a permanent foundation when connected to the
 149 required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained
 150 therein.

151 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground
 152 that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat
 153 perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50
 154 cubic centimeters. For purposes of this title, a moped shall be a motorcycle when operated at speeds in
 155 excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle
 156 while operated on a highway.

157 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than
 158 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat
 159 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

173 "Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in
 174 contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has
 175 no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having
 176 an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters.
 177 The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not
 178 include "electric personal assistive mobility devices."

179 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any
 180 foreign corporation that is authorized to do business in the Commonwealth by the State Corporation
 181 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of

182 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only
183 such principal place of business or branches located within the Commonwealth shall be dealt with as
184 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the
185 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except
186 for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident
187 student as defined in this section, who has actually resided in the Commonwealth for a period of six
188 months, whether employed or not, or who has registered a motor vehicle, listing an address in the
189 Commonwealth in the application for registration shall be deemed a resident for the purposes of this
190 title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

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

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

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

209 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
210 an agreement for its conditional sale or lease with the right of purchase on performance of the
211 conditions stated in the agreement and with an immediate right of possession vested in the conditional
212 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
213 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
214 paid by the lessee includes charges for services of any nature or when the lease does not provide that
215 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
216 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
217 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
218 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
219 private carriers.

220 "Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for
221 the transportation of no more than 10 persons including the driver.

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

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

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

230 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
231 materially altered from its original construction by the removal, addition, or substitution of new or used
232 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle
233 identification number, line-make, and model year.

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

241 "Residence district" means the territory contiguous to a highway, not comprising a business district,
242 where 75 percent or more of the property abutting such highway, on either side of the highway, for a
243 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is

244 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of
 245 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200
 246 et seq.) of Title 15.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles

305 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached
306 thereto.

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

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

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

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

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

323 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an
324 engine of ~~no more than 25 horsepower~~, and (iii) used for general maintenance, security, agricultural, or
325 horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in this section,
326 riding lawn mowers, or any other vehicle whose definition is included in this section.

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

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

12102626D

SENATE BILL NO. 333

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 46.2-914 of the Code of Virginia, relating to the operation of mopeds on highways.

Patron—Carrico (By Request)

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-914 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-914. Limitations on operation of mopeds.

A. No moped shall be driven on any highway or public vehicular area faster than 35 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed, for all the purposes of this title, to be operating a motorcycle.

B. No moped shall be driven on any highway by any person under the age of 16, and every person driving a moped shall carry with him some form of identification that includes his name, address, and date of birth.

C. Operation of mopeds is prohibited on any Interstate Highway System component.

D. *Operation of mopeds is prohibited on any highway where the posted speed limit is in excess of 35 miles per hour.*

E. Violation of this subsection shall constitute a traffic infraction punishable by a fine of no more than \$50.

INTRODUCED

SB333

12102892D

SENATE BILL NO. 336

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 46.2-100 of the Code of Virginia, relating to the definition of all-terrain and utility vehicles.

Patron—Newman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-100 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-100. Definitions.

The following words and phrases when *As* 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, unless the context clearly indicates requires a different meaning:

"All-terrain vehicle" means (i) a three-wheeled or, four-wheeled, or six-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure with nonhighway tires; a seat designed to be straddled by the operator, and handlebars for steering and with a width not greater than 50 inches or (ii) a vehicle with four or more nonhighway tires and with a width greater than 50 inches but not greater than 65 inches that is intended for off-road use by an individual rider on various types of unpaved terrain and that can carry passengers if designed by the manufacturer for passengers. The term does not include four-wheeled vehicles, commonly known as "go-carts," that which have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower, any "utility vehicle" as defined in this section, or any "farm utility vehicle" as defined in this section.

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

INTRODUCED

SB336

59 surface.

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

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

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

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

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

76 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
77 that is designed to transport only one person and powered by an electric propulsion system that limits
78 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title
79 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a
80 highway.

81 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
82 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
83 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
84 rider. For the purposes of Chapter 8 of this title (§ 46.2-800 et seq.), an electric power-assisted bicycle
85 shall be a vehicle when operated on a highway.

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

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

91 "Farm utility vehicle" means a vehicle that is designed for off-road use and is used as a farm,
92 agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more
93 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
94 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, riding
95 lawn mowers, or all-terrain vehicles.

96 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
97 administrative regulations and policies adopted pursuant thereto.

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

101 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
102 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and
103 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

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

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

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

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

113 "Highway" means the entire width between the boundary lines of every way or place open to the use
114 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
115 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
116 or private streets that have been specifically designated "highways" by an ordinance adopted by the
117 governing body of the county, city, or town in which such private roads or streets are located and (ii)
118 the entire width between the boundary lines of every way or place used for purposes of vehicular travel
119 on any property owned, leased, or controlled by the United States government and located in the
120 Commonwealth.

121 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
 122 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one
 123 another at, or approximately at, right angles, or the area within which vehicles traveling on different
 124 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
 125 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting
 126 highway shall be regarded as a separate intersection, in the event such intersecting highway also
 127 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways
 128 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of
 129 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

130 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
 131 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
 132 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
 133 include city and county commissioners of the revenue and treasurers, together with their duly designated
 134 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,
 135 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

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

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

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

145 "Manufactured home" means a structure subject to federal regulation, transportable in one or more
 146 sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in
 147 length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis
 148 and designed to be used as a dwelling with or without a permanent foundation when connected to the
 149 required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained
 150 therein.

151 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground
 152 that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat
 153 perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50
 154 cubic centimeters. For purposes of this title, a moped shall be a motorcycle when operated at speeds in
 155 excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle
 156 while operated on a highway.

157 "Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than
 158 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat
 159 perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

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

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

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

173 "Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in
 174 contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has
 175 no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having
 176 an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters.
 177 The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not
 178 include "electric personal assistive mobility devices."

179 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any
 180 foreign corporation that is authorized to do business in the Commonwealth by the State Corporation
 181 Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of

182 corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only
183 such principal place of business or branches located within the Commonwealth shall be dealt with as
184 residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the
185 Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except
186 for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident
187 student as defined in this section, who has actually resided in the Commonwealth for a period of six
188 months, whether employed or not, or who has registered a motor vehicle, listing an address in the
189 Commonwealth in the application for registration shall be deemed a resident for the purposes of this
190 title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

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

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

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

209 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
210 an agreement for its conditional sale or lease with the right of purchase on performance of the
211 conditions stated in the agreement and with an immediate right of possession vested in the conditional
212 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
213 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
214 paid by the lessee includes charges for services of any nature or when the lease does not provide that
215 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
216 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
217 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
218 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
219 private carriers.

220 "Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for
221 the transportation of no more than 10 persons including the driver.

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

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

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

230 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title
231 materially altered from its original construction by the removal, addition, or substitution of new or used
232 essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle
233 identification number, line-make, and model year.

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

241 "Residence district" means the territory contiguous to a highway, not comprising a business district,
242 where 75 percent or more of the property abutting such highway, on either side of the highway, for a
243 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is

244 occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of
 245 territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200
 246 et seq.) of Title 15.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles

305 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached
306 thereto.

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

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

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

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

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

323 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an
324 engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or
325 horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in this section,
326 riding lawn mowers, or any other vehicle whose definition is included in this section.

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

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

Appendix D:
Proposed Legislation

**Non-Conventional Vehicles Study
Draft Legislation**

1 § 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or ~~scooter~~foot-
2 scooter noise.

3 Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized
4 skateboard or ~~scooter~~ foot-scooter, as defined in § 46.2-100, which is not equipped with a
5 muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be
6 hazardous to the health and well-being of its citizens.

7 § 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles,
8 mopeds, and electric personal assistive mobility devices; disposition of unclaimed bicycles,
9 electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices.

10 Any locality may, by ordinance, (i) provide for the public sale or donation to a charitable
11 organization of any bicycle, electric personal assistive mobility device, electric power-assisted
12 bicycle, or moped that has been in the possession of the police or sheriff's department,
13 unclaimed, for more than thirty days; (ii) require every resident owner of a bicycle, electric
14 power-assisted bicycle, electric personal assistive mobility device, or moped to obtain a license
15 therefor and a license plate, tag, ~~and, in the case of an electric personal assistive mobility device,~~
16 ~~an~~ or adhesive license decal of such design and material as the ordinance may prescribe, to be
17 substantially attached to the bicycle, electric personal assistive mobility device, electric power-
18 assisted bicycle, or moped; (iii) prescribe the license fee, the license application forms and the
19 license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive
20 mobility device, electric power-assisted bicycle, or moped on public roads or streets within the
21 locality without an attached license plate, tag, or adhesive license decal. The ordinance shall
22 require the license plates, tags, or adhesive license decals to be provided by and at the cost of the

**Non-Conventional Vehicles Study
Draft Legislation**

23 locality. Any locality may provide that the license plates, tags, or adhesive license decals shall be
24 valid for the life of the bicycles, electric personal assistive mobility devices, electric power-
25 assisted bicycles, and mopeds to which they are attached or for such other period as it may
26 prescribe and may prescribe such fee therefor as it may deem reasonable. When any town license
27 is required as provided for herein, the license shall be in lieu of any license required by any
28 county ordinance. Any bicycle, electric personal assistive mobility device, electric power-
29 assisted bicycle, or moped found and delivered to the police or sheriff's department by a private
30 person that thereafter remains unclaimed for thirty days after the final date of publication as
31 required herein may be given to the finder; however, the location and description of the bicycle,
32 electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be
33 published at least once a week for two successive weeks in a newspaper of general circulation
34 within the locality. In addition, if there is a license, tag, or adhesive license decal affixed to the
35 bicycle, electric personal assistive mobility device, ~~or~~ electric power-assisted bicycle, or moped,
36 the record owner shall be notified directly.

37 § 46.2-100. Definitions.

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

41 "All-terrain vehicle" means a three-or more wheeled ~~or four wheeled~~ motor vehicle that
42 is powered by a ~~gasoline or diesel engine~~ motor and ~~generally characterized by large, low-~~
43 ~~pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is~~
44 ~~intended for off road use by an individual rider on various types of unpaved terrain~~ is

**Non-Conventional Vehicles Study
Draft Legislation**

45 manufactured for off-highway use. The term does not include four-wheeled vehicles, commonly
46 known as "go-carts," that have low centers of gravity and are typically used in racing on
47 relatively level surfaces, nor does the term include any ~~"utility vehicle" as defined in this section~~
48 ~~or any "farm utility vehicle" as defined in this section~~ riding lawn mower.

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

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

57 "Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or
58 combination, including vehicles or combinations that transport motor vehicles or watercraft on
59 their power unit, designed and used exclusively for the transportation of motor vehicles or
60 watercraft.

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

**Non-Conventional Vehicles Study
Draft Legislation**

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

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

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

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

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

81 "Commission" means the State Corporation Commission.

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

84 "Converted electric vehicle" means any motor vehicle, other than a motorcycle, that has
85 been modified subsequent to its manufacture to replace an internal combustion engine with an

**Non-Conventional Vehicles Study
Draft Legislation**

86 electric propulsion system. Such vehicles shall retain their original vehicle identification number,
87 line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed
88 vehicle" as defined in this section unless it has been materially altered from its original
89 construction by the removal, addition, or substitution of new or used essential parts other than
90 those required for the conversion to electric propulsion.

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

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

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

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

102 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm,
103 or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Veterans
104 Administration. A veteran shall be considered blind if he has a permanent impairment of both
105 eyes to the following extent: (i) central visual acuity of 20/200 or less in the better eye, with
106 corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which

**Non-Conventional Vehicles Study
Draft Legislation**

107 the peripheral field has contracted to such an extent that the widest diameter of visual field
108 subtends an angular distance no greater than 20 degrees in the better eye.

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

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

117 "Electric power-assisted bicycle" means a vehicle that travels on not more than three
118 wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by
119 human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces
120 the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an
121 electric power-assisted bicycle shall be a vehicle when operated on a highway.

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

128 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-
129 road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a
130 ~~gasoline or diesel engine~~, four or more wheels, bench seating for the operator and a passenger, a
131 steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or
132 panel trucks, golf carts, low-speed vehicles, or riding lawn mowers, ~~or all-terrain vehicles~~.

133 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq.
134 and all administrative regulations and policies adopted pursuant thereto.

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

138 "Foreign market vehicle" means any motor vehicle originally manufactured outside the
139 United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the
140 policies and regulations adopted pursuant to that Act, and for which a Virginia title or
141 registration is sought.

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

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

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

151 "Highway" means the entire width between the boundary lines of every way or place
152 open to the use of the public for purposes of vehicular travel in the Commonwealth, including
153 the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the
154 boundary lines of all private roads or private streets that have been specifically designated
155 "highways" by an ordinance adopted by the governing body of the county, city, or town in which
156 such private roads or streets are located and (ii) the entire width between the boundary lines of
157 every way or place used for purposes of vehicular travel on any property owned, leased, or
158 controlled by the United States government and located in the Commonwealth.

159 "Intersection" means (i) the area embraced within the prolongation or connection of the
160 lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that
161 join one another at, or approximately at, right angles, or the area within which vehicles traveling
162 on different highways joining at any other angle may come in conflict; (ii) where a highway
163 includes two roadways 30 feet or more apart, then every crossing of each roadway of such
164 divided highway by an intersecting highway shall be regarded as a separate intersection, in the
165 event such intersecting highway also includes two roadways 30 feet or more apart, then every
166 crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii)
167 for purposes only of authorizing installation of traffic-control devices, every crossing of a
168 highway or street at grade by a pedestrian crosswalk.

**Non-Conventional Vehicles Study
Draft Legislation**

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

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

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

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

185 "Manufactured home" means a structure subject to federal regulation, transportable in
186 one or more sections, which in the traveling mode is eight body feet or more in width or 40 body
187 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on
188 a permanent chassis and designed to be used as a dwelling with or without a permanent

**Non-Conventional Vehicles Study
Draft Legislation**

189 foundation when connected to the required utilities, and includes the plumbing, heating, air
190 conditioning, and electrical systems contained therein.

191 "Moped" means every vehicle that travels on not more than three wheels in contact with
192 the ground that ~~has~~ (i) has a seat that is no less than 24 inches in height, measured from the
193 middle of the seat perpendicular to the ground ~~and~~; (ii) has a gasoline, electric, or hybrid motor
194 that (a) displaces less than 50 cubic centimeters or less or (b) has an input of 1500 watts or less;
195 (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is
196 not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be
197 a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8
198 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

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

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

206 "Motor vehicle" means every vehicle as defined in this section that is self-propelled or
207 designed for self-propulsion except as otherwise provided in this title. Any structure designed,
208 used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile
209 dwelling, sleeping place, office, or commercial space shall be considered a part of a motor

**Non-Conventional Vehicles Study
Draft Legislation**

210 vehicle. ~~For~~ Except as otherwise provided, for the purposes of this title, any device herein
211 defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
212 or moped shall be deemed not to be a motor vehicle.

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

219 "Motorized skateboard or ~~seoter~~ foot-scooter" means every vehicle, regardless of the
220 number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood
221 upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is
222 powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine
223 that displaces less than 36 cubic centimeters. The term "motorized skateboard or ~~seoter~~ foot-
224 scooter" includes vehicles with or without handlebars, but does not include "electric personal
225 assistive mobility devices."

226 "Nonresident" means every person who is not domiciled in the Commonwealth, except:
227 (i) any foreign corporation that is authorized to do business in the Commonwealth by the State
228 Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in
229 the case of corporations incorporated in the Commonwealth but doing business outside the
230 Commonwealth, only such principal place of business or branches located within the
231 Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who

**Non-Conventional Vehicles Study
Draft Legislation**

232 becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days
233 shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300
234 et seq.); (iii) a person, other than a nonresident student as defined in this section, who has
235 actually resided in the Commonwealth for a period of six months, whether employed or not, or
236 who has registered a motor vehicle, listing an address in the Commonwealth in the application
237 for registration shall be deemed a resident for the purposes of this title, except for the purposes of
238 the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

254 substantial portion of its income from the transportation of persons or property except as part of a
255 sales transaction.

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

259 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the
260 subject of an agreement for its conditional sale or lease with the right of purchase on
261 performance of the conditions stated in the agreement and with an immediate right of possession
262 vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession,
263 then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title.
264 In all such instances when the rent paid by the lessee includes charges for services of any nature
265 or when the lease does not provide that title shall pass to the lessee on payment of the rent
266 stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be
267 subject to such requirements of this title as are applicable to vehicles operated for compensation.
268 A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall
269 be subject to such requirements of this title as are applicable to vehicles of private carriers.

270 "Passenger car" means every motor vehicle other than a motorcycle designed and used
271 primarily for the transportation of no more than 10 persons including the driver.

272 "Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any
273 "accepted card or other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of

**Non-Conventional Vehicles Study
Draft Legislation**

274 this title, this definition shall also include a card that enables a person to pay for transactions
275 through the use of value stored on the card itself.

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

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

281 "Reconstructed vehicle" means every vehicle of a type required to be registered under
282 this title materially altered from its original construction by the removal, addition, or substitution
283 of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain
284 their original vehicle identification number, line-make, and model year. Except as otherwise
285 provided in this title, this definition shall not include a "converted electric vehicle" as defined in
286 this section.

287 "Replica vehicle" means every vehicle of a type required to be registered under this title
288 not fully constructed by a licensed manufacturer but either constructed or assembled from
289 components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or
290 fabricated components. The kit may be made up of "major components" as defined in § 46.2-
291 1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a
292 vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or
293 manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as
294 herein defined.

**Non-Conventional Vehicles Study
Draft Legislation**

295 "Residence district" means the territory contiguous to a highway, not comprising a
296 business district, where 75 percent or more of the property abutting such highway, on either side
297 of the highway, for a distance of 300 feet or more along the highway consists of land improved
298 for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for
299 business purposes, or consists of territory zoned residential or territory in residential subdivisions
300 created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

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

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

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

315 provided such vehicle is painted in accordance with regulations promulgated by the Department
316 of Education.

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

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

324 "Shoulder" means that part of a highway between the portion regularly traveled by
325 vehicular traffic and the lateral curblines or ditches.

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

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

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

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

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

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

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

352 "Towing and recovery operator" means a person engaged in the business of (i) removing
353 disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or
354 safekeeping and (ii) restoring to the highway or other location where they either can be operated

**Non-Conventional Vehicles Study
Draft Legislation**

355 or removed to other locations for repair or safekeeping vehicles that have come to rest in places
356 where they cannot be operated.

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

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

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

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

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

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

**Non-Conventional Vehicles Study
Draft Legislation**

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

384 "Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered
385 by ~~an engine of no more than 25 horsepower~~ a motor, and (iii) used for general maintenance,
386 security, agricultural, or horticultural purposes. "Utility vehicle" does not include ~~all-terrain~~
387 ~~vehicles as defined in this section, riding lawn mowers, or any other vehicle whose definition is~~
388 ~~included in this section.~~

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

394 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels,
395 typically used to provide mobility for persons who, by reason of physical disability, are
396 otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-

**Non-Conventional Vehicles Study
Draft Legislation**

397 wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel
398 chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

399 § 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions
400 authorizing operation of certain vehicles.

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

404 1. To operate a motorcycle as defined in § 46.2-100, or

405 2. To operate a school bus as defined in § 46.2-100, or

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

408 B. Every applicant intending to operate one or more of the motor vehicles described in
409 subsection A of this section, when applying for a driver's license, shall state in his application the
410 classification of the vehicle or vehicles that he intends to operate and for which he seeks to be
411 licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§
412 46.2-337 and 46.2-341.14, using the type of vehicle or vehicles for which he seeks to be
413 licensed.

414 C. Every applicant intending to drive a motorcycle, when applying for a classification to
415 authorize the driving of a motorcycle, shall submit to and pass the examination provided for in §
416 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is

**Non-Conventional Vehicles Study
Draft Legislation**

417 classified for the purpose of authorizing the licensee to drive only motorcycles and shall indicate
418 as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled
419 motorcycle only. However, if the applicant has a valid license at the time of application for a
420 classification to drive a motorcycle, or if the applicant, at the time of such application, applies for
421 a regular driver's license and submits to and passes the examination provided for in § 46.2-325,
422 he shall be granted a classification on his license to drive motorcycles based on the applicable
423 restrictions, in addition to any other vehicles his driver's license or commercial driver's license
424 may authorize him to operate.

425 A valid Virginia driver's license issued to a person 19 years of age or older accompanied
426 by documentation verifying his successful completion of a motorcycle rider safety training
427 course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 shall
428 constitute a driver's license with a temporary motorcycle classification for the purposes of
429 driving a motorcycle. The temporary motorcycle classification shall only be valid for 30 days
430 from the date of successful completion of the motorcycle rider safety training course as shown
431 on the documentation evidencing completion of such course. The temporary motorcycle
432 classification shall indicate whether the license holder is authorized to operate any motorcycle, or
433 is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.

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

**Non-Conventional Vehicles Study
Draft Legislation**

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

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

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

447 § 46.2-337. Examination and road test required for license to operate motorcycle;
448 regulations.

449 No person shall drive any motorcycle on a highway in the Commonwealth unless he has
450 passed a special examination, including written material and a road test, pertaining to his ability
451 to drive a motorcycle with reasonable competence and with safety to other persons using the
452 highways. The Department ~~shall~~ may adopt regulations as may be necessary to provide for the
453 special examination under § 46.2-325 of persons desiring to qualify to drive motorcycles in the
454 Commonwealth and for the granting of licenses or permits suitably endorsed for qualified
455 applicants. The road test for two-wheeled motorcycles and the road test for three-wheeled
456 motorcycles shall be separate and distinct examinations emphasizing the skills and maneuvers
457 necessary to operate each type of motorcycle.

458 No person applying for a classification to authorize the driving of a motorcycle who fails
459 the road test portion of the special examination two times shall be eligible for such classification

**Non-Conventional Vehicles Study
Draft Legislation**

460 until he successfully completes a motorcycle rider safety training course offered by a provider
461 licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10.

462 If the Commissioner is satisfied that a person intending to operate a motorcycle has
463 demonstrated the same proficiency as required by the special examination through successful
464 completion of a motorcycle rider safety training course offered by a provider licensed under
465 Article 23 (§ 46.2-1188 et seq.) of Chapter 10, he may waive the written material or road test
466 portion or both portions of the special examination.

467 § 46.2-600. Owner to secure registration and certificate of title or certificate of
468 ownership.

469 Except as otherwise provided in this chapter every person who owns a motor vehicle,
470 trailer or semitrailer, or his authorized attorney-in-fact, shall, before it is operated on any
471 highway in the Commonwealth, register with the Department and obtain from the Department
472 the registration card and certificate of title for the vehicle. Individuals applying for registration
473 shall provide the Department with the residence address of the owner of the vehicle being
474 registered. A business applying for registration shall provide the Department with the street
475 address of the owner or lessee of the vehicle being registered.

476 At the option of the applicant for registration, the address shown on the title and
477 registration card may be either a post office box or the business or residence address of the
478 applicant.

479 Unless he has previously applied for registration and a certificate of title or he is
480 exempted under §§ 46.2-619, 46.2-631, and 46.2-1206, every person residing in the

**Non-Conventional Vehicles Study
Draft Legislation**

481 Commonwealth who owns a motor vehicle, trailer, or semitrailer, or his duly authorized
482 attorney-in-fact, shall, within 30 days of the purchase or transfer, apply to the Department for a
483 certificate of ownership.

484 Nothing in this chapter shall be construed to require titling or registration in the
485 Commonwealth of any farm tractor or special construction and forestry equipment, as defined in
486 § 46.2-100.

487 Notwithstanding the foregoing provisions of this section, provided such vehicle is
488 registered and titled elsewhere in the United States, nothing in this chapter shall be construed to
489 require titling or registration in the Commonwealth of any vehicle located in the Commonwealth
490 if that vehicle is registered to a non-Virginia resident active duty military service member,
491 activated reserve or national guard member, or mobilized reserve or national guard member
492 living in Virginia.

493 Except as otherwise provided, for the purposes of this chapter, a moped shall be deemed
494 a motor vehicle.

495 § 46.2-613. Offenses relating to registration, licensing, and certificates of title; penalty.

496 No person shall:

497 1. Operate or permit the operation of a motor vehicle, trailer, or semitrailer owned,
498 leased, or otherwise controlled by him to be operated on a highway unless (i) it is registered, (ii)
499 a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or
500 plates and decal or decals, if any, assigned to it by the Department for the current registration

**Non-Conventional Vehicles Study
Draft Legislation**

501 period, subject to the exemptions mentioned in Article 5 (§ 46.2-655 et seq.) and Article 6 (§
502 46.2-662 et seq.) of this chapter. The provisions of this subdivision shall apply to the
503 registration, licensing, and titling of mopeds on or after July 1, 2014.

504 2. Display, cause or permit to be displayed, any registration card, certificate of title, or
505 license plate or decal which he knows is fictitious or which he knows has been cancelled,
506 revoked, suspended, or altered; or display or cause or permit to be displayed on any motor
507 vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for
508 another vehicle. Violation of this subdivision shall constitute a Class 2 misdemeanor.

509 3. Possess or lend or knowingly permit the use of any registration card, license plate, or
510 decal by anyone not entitled to it.

511 4. Fail or refuse to surrender to the Department or the Department of State Police, on
512 demand, any certificate of title, registration card, or license plate or decal which has been
513 suspended, cancelled, or revoked. Violation of this subdivision shall constitute a Class 2
514 misdemeanor.

515 5. Use a false name or address in any application for the registration of any motor
516 vehicle, trailer, or semitrailer or for a certificate of title or for any renewal or duplicate
517 certificate, or knowingly to make a false statement of a material fact or to conceal a material fact
518 or otherwise commit a fraud in any registration application. Violation of this subdivision shall
519 constitute a Class 1 misdemeanor.

520 § 46.2-629. Odometer reading to be reported on certificate of title, application, or power
521 of attorney.

**Non-Conventional Vehicles Study
Draft Legislation**

522 A. Every owner or transferor of any motor vehicle, including a dealer, shall, at the time of
523 transfer of ownership of any motor vehicle by him, record on the certificate of title, if one is
524 currently issued on the vehicle in the Commonwealth, and on any application for certificate of
525 title the reading on the odometer or similar device plus any known additional distance traveled
526 not shown by the odometer or similar device of the motor vehicle at the time of transfer. If,
527 however, a transferor gives his power of attorney to a dealer or other person for the purpose of
528 assigning the transferor's interest in a motor vehicle, the transferor shall conspicuously record on
529 the power of attorney the reading on the odometer or similar device at the time of the
530 assignment. The owner or transferor of a motor vehicle may electronically provide, in a form and
531 format prescribed by the Commissioner, the reading on the odometer or similar device at the
532 time of transfer if a paper certificate of title was not issued by the Department in accordance with
533 § 46.2-603.1 and electronic provision of odometer readings is permitted under the Federal
534 Odometer Act (49 U.S.C. § 32701 et seq.) or any federal regulations promulgated thereunder.

535 B. The Department shall not issue to any transferee any new certificate of title to a motor
536 vehicle unless subsection A has been complied with.

537 C. It shall be unlawful for any person knowingly to record an incorrect odometer or
538 similar device reading plus any known additional distance not shown by the odometer or similar
539 device on any certificate of title or application for a title, or on any power of attorney as
540 described in subsection A.

541 D. Notwithstanding other provisions of this section, an owner or transferor, including a
542 dealer, of any of the following types of motor vehicles need not disclose the vehicle's odometer
543 reading:

**Non-Conventional Vehicles Study
Draft Legislation**

544 1. Vehicles having gross vehicle weight ratings of more than 16,000 pounds; and

545 2. Vehicles that were manufactured for a model year at least 10 years earlier than the
546 calendar year in which the sale or transfer occurs and were previously exempt from recording an
547 odometer reading on the certificate of title in another state, provided that the Department shall
548 brand the titles of all such vehicles to indicate this exemption.

549 E. Violation of this section shall constitute a Class 1 misdemeanor.

550 F. The provisions of subsections A and B shall not apply to transfers under § 46.2-633.

551 G. This section shall not apply to transfers or application for certificates of title of all-
552 terrain vehicles, mopeds, or off-road motorcycles as defined in § 46.2-100.

553 § 46.2-662. Temporary exemption for new resident operating vehicle registered in
554 another state or country.

555 A resident owner of any passenger car, pickup or panel truck, moped, or motorcycle,
556 other than those provided for in § 46.2-652, which has been duly registered for the current
557 calendar year in another state or country and which at all times when operated in the
558 Commonwealth displays the license plate or plates issued for the vehicle in the other state or
559 country, may operate or permit the operation of the passenger car, pickup or panel truck, moped, or
560 or motorcycle within or partly within the Commonwealth for the first thirty days of his residency
561 in the Commonwealth without registering the passenger car, pickup or panel truck, moped, or
562 motorcycle or paying any fees to the Commonwealth.

**Non-Conventional Vehicles Study
Draft Legislation**

563 § 46.2-694. (Contingent expiration date - see Editor's note) Fees for vehicles designed
564 and used for transportation of passengers; weights used for computing fees; burden of proof.

565 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and
566 used for the transportation of passengers on the highways in the Commonwealth are:

567 1. Thirty-three dollars for each private passenger car or motor home if the passenger car
568 or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of
569 passengers for compensation and is not kept or used for rent or for hire, or is not operated under
570 a lease without a chauffeur.

571 2. Thirty-eight dollars for each passenger car or motor home which weighs more than
572 4,000 pounds, provided that it is not used for the transportation of passengers for compensation
573 and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

574 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other
575 than a motorcycle with a normal seating capacity of more than 10 adults including the driver if
576 the private motor vehicle is not used for the transportation of passengers for compensation and is
577 not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no
578 case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle
579 weighs more than 4,000 pounds.

580 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall
581 the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs
582 more than 4,000 pounds.

**Non-Conventional Vehicles Study
Draft Legislation**

583 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters
584 for human beings.

585 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor
586 vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate
587 or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay
588 the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a
589 declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged
590 if the motor vehicle weighs more than 4,000 pounds.

591 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor
592 vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is
593 made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle
594 weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor
595 carrier of passengers, operating two or more vehicles both within and outside the Commonwealth
596 and registered for insurance purposes with the Surface Transportation Board of the United States
597 Department of Transportation, Federal Highway Administration, may apply to the Commissioner
598 for prorated registration. Upon the filing of such application, in such form as the Commissioner
599 may prescribe, the Commissioner shall apportion the registration fees provided in this subsection
600 so that the total registration fees to be paid for such vehicles of such carrier shall be that
601 proportion of the total fees, if there were no apportionment, that the total number of miles
602 traveled by such vehicles of such carrier within the Commonwealth bears to the total number of
603 miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
604 each instance is the estimated total mileage to be traveled by such vehicles during the license

**Non-Conventional Vehicles Study
Draft Legislation**

605 year for which such fees are paid, subject to the adjustment in accordance with an audit to be
606 made by representatives of the Commissioner at the end of such license year, the expense of such
607 audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall
608 be registered and licensed in Virginia and the annual registration fee to be paid for each such
609 vehicle shall not be less than \$33. For the purpose of determining such apportioned registration
610 fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the
611 Commonwealth shall be subject to inclusion in determining the apportionment provided for
612 herein.

613 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor
614 vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a
615 chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the
616 vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as
617 common carriers.

618 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire
619 operated with a chauffeur for the transportation of passengers, and which operates or should
620 operate under permits issued by the Department as required by law. An additional fee of \$5 shall
621 be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to
622 vehicles used as common carriers.

623 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be
624 added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

**Non-Conventional Vehicles Study
Draft Legislation**

625 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a
626 special fund to be used to meet the expenses of the Department.

627 11. Twenty-three dollars for a bus used exclusively for transportation to and from church
628 school, for the purpose of religious instruction, or church, for the purpose of divine worship. If
629 the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

630 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other
631 passenger-carrying vehicles.

632 13. An additional fee of \$4.25 per year shall be charged and collected at the time of
633 registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through
634 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state
635 treasury and shall be set aside as a special fund to be used only for emergency medical service
636 purposes. The moneys in the special emergency medical services fund shall be distributed as
637 follows:

638 a. Two percent shall be distributed to the State Department of Health to provide funding
639 to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of
640 conducting volunteer recruitment, retention and training activities;

641 b. Thirty percent shall be distributed to the State Department of Health to support (i)
642 emergency medical services training programs (excluding advanced life support classes); (ii)
643 advanced life support training; (iii) recruitment and retention programs (all funds for such
644 support shall be used to recruit and retain volunteer emergency medical services personnel only,
645 including public awareness campaigns, technical assistance programs, and similar activities); (iv)

**Non-Conventional Vehicles Study
Draft Legislation**

646 emergency medical services system development, initiatives, and priorities based on needs
647 identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and
648 statewide performance contracts for emergency medical services to meet the objectives
649 stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii)
650 improved emergency preparedness and response. Any funds set aside for distribution under this
651 provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue
652 Squad Assistance Fund;

653 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

654 d. Ten percent shall be available to the State Department of Health's Office of Emergency
655 Medical Services for use in emergency medical services; and

656 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such
657 vehicle is registered, to provide funding for training of volunteer or salaried emergency medical
658 service personnel of licensed, nonprofit emergency medical services agencies and for the
659 purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit
660 emergency medical and rescue services.

661 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008
662 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and
663 used only to pay for the costs associated with the certification and recertification training of
664 emergency medical services personnel.

665 The Comptroller shall clearly designate on the warrant, check, or other means of
666 transmitting these funds that such moneys are only to be used for purposes set forth in this

**Non-Conventional Vehicles Study
Draft Legislation**

667 subdivision. Such funds shall be in addition to any local appropriations and local governing
668 bodies shall not use these funds to supplant local funds. Each local governing body shall report
669 annually to the Board of Health on the use of the funds returned to it pursuant to this section. In
670 any case in which the local governing body grants the funds to a regional emergency medical
671 services council to be distributed to the licensed, nonprofit emergency medical and rescue
672 services, the local governing body shall remain responsible for the proper use of the funds. If, at
673 the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this
674 section for that year has not been received from a local governing body, any funds due to that
675 local governing body for the next fiscal year shall be retained until such time as the report has
676 been submitted to the Board.

677 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of
678 § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of
679 this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest
680 cent, multiplied by the number of months in the registration period for such motor vehicles,
681 trailers, and semitrailers.

682 C. The manufacturer's shipping weight or scale weight shall be used for computing all
683 fees required by this section to be based upon the weight of the vehicle.

684 D. The applicant for registration bears the burden of proof that the vehicle for which
685 registration is sought is entitled by weight, design, and use to be registered at the fee tendered by
686 the applicant to the Commissioner or to his authorized agent.

**Non-Conventional Vehicles Study
Draft Legislation**

687 § 46.2-694. (Contingent effective date - see Editor's note) Fees for vehicles designed and
688 used for transportation of passengers; weights used for computing fees; burden of proof.

689 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and
690 used for the transportation of passengers on the highways in the Commonwealth are:

691 1. Twenty-three dollars for each private passenger car or motor home if the passenger car
692 or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of
693 passengers for compensation and is not kept or used for rent or for hire, or is not operated under
694 a lease without a chauffeur.

695 2. Twenty-eight dollars for each passenger car or motor home which weighs more than
696 4,000 pounds, provided that it is not used for the transportation of passengers for compensation
697 and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

698 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other
699 than a motorcycle with a normal seating capacity of more than 10 adults including the driver if
700 the private motor vehicle is not used for the transportation of passengers for compensation and is
701 not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no
702 case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle
703 weighs more than 4,000 pounds.

704 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall
705 the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs
706 more than 4,000 pounds.

**Non-Conventional Vehicles Study
Draft Legislation**

707 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters
708 for human beings.

709 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor
710 vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate
711 or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay
712 the fees prescribed in subdivision 7 of this subsection on submission to the Commissioner of a
713 declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged
714 if the motor vehicle weighs more than 4,000 pounds.

715 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor
716 vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is
717 made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle
718 weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor
719 carrier of passengers, operating two or more vehicles both within and outside the Commonwealth
720 and registered for insurance purposes with the Surface Transportation Board of the United States
721 Department of Transportation, Federal Highway Administration, may apply to the Commissioner
722 for prorated registration. Upon the filing of such application, in such form as the Commissioner
723 may prescribe, the Commissioner shall apportion the registration fees provided in this subsection
724 so that the total registration fees to be paid for such vehicles of such carrier shall be that
725 proportion of the total fees, if there were no apportionment, that the total number of miles
726 traveled by such vehicles of such carrier within the Commonwealth bears to the total number of
727 miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
728 each instance is the estimated total mileage to be traveled by such vehicles during the license

**Non-Conventional Vehicles Study
Draft Legislation**

729 year for which such fees are paid, subject to the adjustment in accordance with an audit to be
730 made by representatives of the Commissioner at the end of such license year, the expense of such
731 audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall
732 be registered and licensed in Virginia and the annual registration fee to be paid for each such
733 vehicle shall not be less than \$33. For the purpose of determining such apportioned registration
734 fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the
735 Commonwealth shall be subject to inclusion in determining the apportionment provided for
736 herein.

737 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor
738 vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a
739 chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the
740 vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as
741 common carriers.

742 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire
743 operated with a chauffeur for the transportation of passengers, and which operates or should
744 operate under permits issued by the Department as required by law. An additional fee of \$5 shall
745 be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to
746 vehicles used as common carriers.

747 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be
748 added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

**Non-Conventional Vehicles Study
Draft Legislation**

749 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a
750 special fund to be used to meet the expenses of the Department.

751 11. Twenty-three dollars for a bus used exclusively for transportation to and from church
752 school, for the purpose of religious instruction, or church, for the purpose of divine worship. If
753 the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

754 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other
755 passenger-carrying vehicles.

756 13. An additional fee of \$4.25 per year shall be charged and collected at the time of
757 registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through
758 12 of this subsection. All funds collected from \$4 of the \$4.25 fee shall be paid into the state
759 treasury and shall be set aside as a special fund to be used only for emergency medical service
760 purposes. The moneys in the special emergency medical services fund shall be distributed as
761 follows:

762 a. Two percent shall be distributed to the State Department of Health to provide funding
763 to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of
764 conducting volunteer recruitment, retention and training activities;

765 b. Thirty percent shall be distributed to the State Department of Health to support (i)
766 emergency medical services training programs (excluding advanced life support classes); (ii)
767 advanced life support training; (iii) recruitment and retention programs (all funds for such
768 support shall be used to recruit and retain volunteer emergency medical services personnel only,
769 including public awareness campaigns, technical assistance programs, and similar activities); (iv)

**Non-Conventional Vehicles Study
Draft Legislation**

770 emergency medical services system development, initiatives, and priorities based on needs
771 identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and
772 statewide performance contracts for emergency medical services to meet the objectives
773 stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii)
774 improved emergency preparedness and response. Any funds set aside for distribution under this
775 provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue
776 Squad Assistance Fund;

777 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

778 d. Ten percent shall be available to the State Department of Health's Office of Emergency
779 Medical Services for use in emergency medical services; and

780 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such
781 vehicle is registered, to provide funding for training of volunteer or salaried emergency medical
782 service personnel of licensed, nonprofit emergency medical services agencies and for the
783 purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit
784 emergency medical and rescue services.

785 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008
786 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and
787 used only to pay for the costs associated with the certification and recertification training of
788 emergency medical services personnel.

789 The Comptroller shall clearly designate on the warrant, check, or other means of
790 transmitting these funds that such moneys are only to be used for purposes set forth in this

**Non-Conventional Vehicles Study
Draft Legislation**

791 subdivision. Such funds shall be in addition to any local appropriations and local governing
792 bodies shall not use these funds to supplant local funds. Each local governing body shall report
793 annually to the Board of Health on the use of the funds returned to it pursuant to this section. In
794 any case in which the local governing body grants the funds to a regional emergency medical
795 services council to be distributed to the licensed, nonprofit emergency medical and rescue
796 services, the local governing body shall remain responsible for the proper use of the funds. If, at
797 the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this
798 section for that year has not been received from a local governing body, any funds due to that
799 local governing body for the next fiscal year shall be retained until such time as the report has
800 been submitted to the Board.

801 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of
802 § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of
803 this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest
804 cent, multiplied by the number of months in the registration period for such motor vehicles,
805 trailers, and semitrailers.

806 C. The manufacturer's shipping weight or scale weight shall be used for computing all
807 fees required by this section to be based upon the weight of the vehicle.

808 D. The applicant for registration bears the burden of proof that the vehicle for which
809 registration is sought is entitled by weight, design, and use to be registered at the fee tendered by
810 the applicant to the Commissioner or to his authorized agent.

811 § 46.2-705. Definitions.

**Non-Conventional Vehicles Study
Draft Legislation**

812 For the purposes of this article, the following terms shall have the meanings respectively
813 ascribed to them in this section:

814 "Motor vehicle" means a vehicle capable of self-propulsion which is either (i) required to
815 be titled and licensed and for which a license fee is required to be paid by its owner, or (ii)
816 owned by or assigned to a motor vehicle manufacturer, distributor, or dealer licensed in the
817 Commonwealth. For purposes of this article, the term "motor vehicle" does not include
818 "moped," as defined in § 46.2-100.

819 "Insured motor vehicle" means a motor vehicle as to which there is bodily injury liability
820 insurance and property damage liability insurance, both in the amounts specified in § 46.2-472,
821 issued by an insurance carrier authorized to do business in the Commonwealth, or as to which a
822 bond has been given or cash or securities delivered in lieu of the insurance; or as to which the
823 owner has qualified as a self-insurer in accordance with the provisions of § 46.2-368.

824 "Uninsured motor vehicle" means a motor vehicle as to which there is no such bodily
825 injury liability insurance and property damage liability insurance, or no such bond has been
826 given or cash or securities delivered in lieu thereof, or the owner of which has not so qualified as
827 a self-insurer.

828 § 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

829 A. The Department shall furnish one license plate for every registered motorcycle,
830 moped, tractor truck, semitrailer, or trailer, and two license plates for every other registered
831 motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles
832 who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial

**Non-Conventional Vehicles Study
Draft Legislation**

833 vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent
834 removal without mutilating some part of the indicia forming a part of the license plate, when
835 secured to the bracket.

836 B. The Department shall issue appropriately designated license plates for:

837 1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for
838 private trips;

839 2. Taxicabs;

840 3. Passenger-carrying vehicles operated by common carriers or restricted common
841 carriers;

842 4. Property-carrying motor vehicles to applicants who operate as private carriers only;

843 5. Applicants who operate motor vehicles as carriers for rent or hire;

844 6. Vehicles operated by nonemergency medical transportation carriers as defined in §
845 46.2-2000; and

846 7. Trailers and semitrailers.

847 C. The Department shall issue appropriately designated license plates for motor vehicles
848 held for rental as defined in § 58.1-1735.

849 D. The Department shall issue appropriately designated license plates for low-speed
850 vehicles.

**Non-Conventional Vehicles Study
Draft Legislation**

851 E. No vehicles shall be operated on the highways in the Commonwealth without
852 displaying the license plates required by this chapter. The provisions of this subsection shall not
853 apply to vehicles used to collect and deliver the United States mail to the extent that their rear
854 license plates may be covered by the “CAUTION, FREQUENT STOPS, U.S. MAIL” sign when
855 the vehicle is engaged in the collection and delivery of the United States mail.

856 ~~E~~F. Pickup or panel trucks are exempt from the provisions of subsection B with reference
857 to displaying for-hire license plates when operated as a carrier for rent or hire. However, this
858 exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§
859 46.2-2100 et seq.) of this title.

860 § 46.2-714. Permanent license plates.

861 Notwithstanding the provisions of §§ 46.2-711 and 46.2-712 the Department may, in its
862 discretion, issue a type of license plate suitable for permanent use on motor vehicles, trailers,
863 semitrailers, and motorcycles, together with decals, unless decals are not required under § 46.2-
864 712, to be attached to the license plates to indicate the registration period for which such vehicles
865 have been properly licensed. The design of the license plates and decals, when required, shall be
866 determined by the Commissioner.

867 Every permanent license plate and decal, when required, shall be returned to the
868 Department whenever the owner of a vehicle disposes of it by sale or otherwise and when not
869 actually in use on a motor vehicle, except dealer's plates temporarily not in use. The person in
870 whose name the license plate is registered may apply, during the registration period for which it

**Non-Conventional Vehicles Study
Draft Legislation**

871 is issued, for the return thereof if the license plate is intended to be used on a subsequently
872 acquired motor vehicle.

873 Every permanent license plate and decal, when issued, shall be returned to the
874 Department whenever the owner of a vehicle elects to garage the vehicle and discontinue the use
875 of it on the highway. The person in whose name the license plate is registered may apply, during
876 the registration period for which it is issued, for the return thereof if the vehicle is to be returned
877 to use on the highway.

878 For purposes of this section, the term “motor vehicle” does not include “moped.”

879 § 46.2-715. Display of license plates.

880 License plates assigned to a motor vehicle, other than a moped, motorcycle, tractor truck,
881 trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen
882 vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a
883 moped, motorcycle, trailer, or semitrailer shall be attached to the rear of the vehicle. The license
884 plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates
885 issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen
886 vehicles shall consist of one plate for each set issued and shall be attached to the rear of the
887 vehicle to which it is assigned.

888 § 46.2-720. Use of license plates from another vehicle in certain circumstances.

889 The owner of a motor vehicle to which license plates have been assigned by the
890 Department may remove the license plates from the motor vehicle and use them on another

**Non-Conventional Vehicles Study
Draft Legislation**

891 motor vehicle owned by a person operating a garage or owned by a motor vehicle dealer
892 provided such use does not extend for more than five days and provided the use is limited to the
893 time during which the first motor vehicle is being repaired or while the second motor vehicle is
894 loaned to him for demonstration, as provided by § 46.2-719.

895 For purposes of this section, the term “motor vehicle” does not include “moped.”

896 § 46.2-721. Application of liability insurance policy to vehicle carrying plates from
897 insured vehicle.

898 The policy of liability insurance issued to the owner of a motor vehicle and covering the
899 operation thereof shall extend to and be the primary insurance applicable to his operation of a
900 motor vehicle on which he has placed license tags from another motor vehicle as provided in §
901 46.2-720.

902 For purposes of this section, the term “motor vehicle” does not include “moped.”

903 § 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths;
904 operation of bicycles, motorized skateboards or ~~seoters~~ foot-scooters, motor-driven cycles,
905 electric power-assisted bicycles, and electric personal assistive mobility devices on sidewalks
906 and crosswalks and shared-use paths; local ordinances.

907 The governing body of any county, city, or town may by ordinance prohibit the use of
908 roller skates and skateboards and/or the riding of bicycles, electric personal assistive mobility
909 devices, motorized skateboards or ~~seoters~~ foot-scooters, motor-driven cycles, or electric power-
910 assisted bicycles on designated sidewalks or crosswalks, including those of any church, school,

**Non-Conventional Vehicles Study
Draft Legislation**

911 recreational facility, or any business property open to the public where such activity is
912 prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas
913 where use of roller skates and skateboards, and/or bicycle, electric personal assistive mobility
914 devices, motorized skateboards or ~~seooters~~ foot-scooters, motor-driven cycles, or electric power-
915 assisted bicycle riding is prohibited.

916 A person riding a bicycle, electric personal assistive mobility device, motorized
917 skateboard or ~~seooter~~ foot-scooter, motor-driven cycle, or an electric power-assisted bicycle on a
918 sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to
919 any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

920 No person shall ride a bicycle, electric personal assistive mobility device, motorized
921 skateboard or ~~seooter~~ foot-scooter, motor-driven cycle, or an electric power-assisted bicycle on a
922 sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal
923 assistive mobility devices, motorized skateboards or ~~seooters~~ foot-scooters, motor-driven cycles,
924 or electric power-assisted bicycles is prohibited by official traffic control devices.

925 A person riding a bicycle, electric personal assistive mobility device, motorized
926 skateboard or ~~seooter~~ foot-scooter, motor-driven cycle, or an electric power-assisted bicycle on a
927 sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and
928 duties of a pedestrian under the same circumstances.

929 A violation of any ordinance adopted pursuant to this section shall be punishable by a
930 civil penalty of not more than \$50.

**Non-Conventional Vehicles Study
Draft Legislation**

931 § 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-
932 assisted bicycles, motor-driven cycles, and mopeds on roadways and bicycle paths.

933 Any person operating a bicycle, electric personal assistive mobility device, electric
934 power-assisted bicycle, or moped on a roadway at less than the normal speed of traffic at the
935 time and place under conditions then existing shall ride as close as safely practicable to the right
936 curb or edge of the roadway, except under any of the following circumstances:

937 1. When overtaking and passing another vehicle proceeding in the same direction;

938 2. When preparing for a left turn at an intersection or into a private road or driveway;

939 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or
940 moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard
941 width lanes that make it unsafe to continue along the right curb or edge;

942 4. When avoiding riding in a lane that must turn or diverge to the right; and

943 5. When riding upon a one-way road or highway, a person may also ride as near the left-
944 hand curb or edge of such roadway as safely practicable.

945 For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle,
946 electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard
947 or ~~scooter~~ foot-scooter, or moped and another vehicle to pass safely side by side within the lane.

948 Persons riding bicycles, electric personal assistive mobility devices, or electric power-
949 assisted bicycles on a highway shall not ride more than two abreast. Persons riding two abreast

**Non-Conventional Vehicles Study
Draft Legislation**

950 shall not impede the normal and reasonable movement of traffic, shall move into a single file
951 formation as quickly as is practicable when being overtaken from the rear by a faster moving
952 vehicle, and, on a laned roadway, shall ride in a single lane.

953 Notwithstanding any other provision of law to the contrary, the Department of
954 Conservation and Recreation shall permit the operation of electric personal assistive mobility
955 devices on any bicycle path or trail designated by the Department for such use.

956 § 46.2-907. Overtaking and passing vehicles.

957 A person riding a bicycle, electric personal assistive mobility device, electric power-
958 assisted bicycle, motorized skateboard or ~~seoter~~ foot-scooter, or moped may overtake and pass
959 another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle,
960 or changing to a different lane, or riding off the roadway as necessary to pass with safety.

961 A person riding a bicycle, electric personal assistive mobility device, electric power-
962 assisted bicycle, motorized skateboard or ~~seoter~~ foot-scooter, or moped may overtake and pass
963 another vehicle only under conditions that permit the movement to be made with safety.

964 A person riding a bicycle, electric personal assistive mobility device, electric power-
965 assisted bicycle, motorized skateboard or ~~seoter~~ foot-scooter, or moped shall not travel between
966 two lanes of traffic moving in the same direction, except where one lane is a separate turn lane or
967 a mandatory turn lane.

968 Except as otherwise provided in this section, a person riding a bicycle, electric personal
969 assistive mobility device, electric power-assisted bicycle, motorized skateboard or ~~seoter~~ foot-

**Non-Conventional Vehicles Study
Draft Legislation**

970 scooter, or moped shall comply with all rules applicable to the driver of a motor vehicle when
971 overtaking and passing.

972 § 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy
973 vehicles, and electric power-assisted bicycles.

974 All electric personal assistive mobility devices, electrically powered toy vehicles, and
975 electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte
976 batteries. No person shall at any time or at any location drive an electric personal assistive
977 mobility device, or an electric power-assisted bicycle faster than twenty-five miles per hour. No
978 person less than fourteen years old shall drive any electric personal assistive mobility device,
979 motorized skateboard or ~~scooter~~ foot-scooter, or electric power-assisted bicycle unless under the
980 immediate supervision of a person who is at least eighteen years old.

981 An electric personal assistive mobility device or motorized skateboard or ~~scooter~~ foot-
982 scooter may be operated on any highway with a maximum speed limit of twenty-five miles per
983 hour or less. An electric personal assistive mobility device shall only operate on any highway
984 authorized by this section if a sidewalk is not provided along such highway or if operation of the
985 electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904.
986 Nothing in this section shall prohibit the operation of an electric personal assistive mobility
987 device or motorized skateboard or ~~scooter~~ foot-scooter in the crosswalk of any highway where
988 the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted
989 bicycles.

**Non-Conventional Vehicles Study
Draft Legislation**

990 Operation of electric personal assistive mobility devices, electrically powered toy
991 vehicles, bicycles and electric power-assisted bicycles is prohibited on any Interstate Highway
992 System component except as provided by the section.

993 The Commonwealth Transportation Board may authorize the use of bicycles on an
994 Interstate Highway System Component provided the operation is limited to bicycle or pedestrian
995 facilities that are barrier separated from the roadway and automobile traffic and such component
996 meets all applicable safety requirements established by federal and state law.

997 § 46.2-908.3. Low-speed vehicles; operation on highways; license required; registration
998 required; safety and emissions inspections not required.

999 Low-speed vehicles may be operated on public highways where the maximum speed
1000 limit is no greater than 35 miles per hour, but this limitation shall not prohibit the operation of
1001 low-speed vehicles across intersections with highways whose maximum speed limits are greater
1002 than 35 miles per hour. Operation of low-speed vehicles shall be prohibited on any highway
1003 where the Department of Transportation or the local governing body of the locality having
1004 control of the highway, as the case may be, has prohibited their operation in the interest of safety
1005 and such prohibition is indicated by conspicuously posted signs.

1006 Low-speed vehicles shall be operated on public highways only by persons who hold
1007 driver's licenses or learner's permits issued as provided in Chapter 3 (§ 46.2-300 et seq.).

1008 Low-speed vehicles shall be titled and registered as provided in Chapter 6 (§ 46.2-600 et
1009 seq.) ~~of this title~~ and shall be subject to the same requirements as to insurance applicable to other
1010 motor vehicles under that chapter.

**Non-Conventional Vehicles Study
Draft Legislation**

1011 On or after October 1, 2013, low-speed vehicles titled and registered as provided in
1012 Chapter 6 (§ 46.2-600 et seq.) shall display license plates as provided under subsection D of §
1013 46.2-711.

1014 The operator of any low-speed vehicle being operated on the highways in the
1015 Commonwealth shall have in his possession: (i) the registration card issued by the Department or
1016 the registration card issued by the state or country in which the low-speed vehicle is registered,
1017 and (ii) his driver's license, learner's permit, or temporary driver's permit.

1018 The provisions of Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title shall not
1019 apply to low-speed vehicles.

1020 § 46.2-914. Limitations on operation of mopeds.

1021 A. No moped shall be driven on any highway or public vehicular area faster than 35
1022 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed,
1023 for all the purposes of this title, to be operating a motorcycle.

1024 B. No moped shall be driven on any highway by any person under the age of 16, and
1025 every person driving a moped shall carry with him ~~some~~ a government issued form of photo
1026 identification that includes his name, address, and date of birth.

1027 C. Operation of mopeds is prohibited on any Interstate Highway System component.

1028 Violation of ~~this subsection~~ any provision of this section shall constitute a traffic
1029 infraction punishable by a fine of no more than \$50.

**Non-Conventional Vehicles Study
Draft Legislation**

1030 § 46.2-915. Stickers required on mopeds.

1031 Any dealer who sells any moped at retail shall affix to any such moped, or verify that
1032 there is affixed thereto a permanent decal or sticker which states (i) that the operation of mopeds
1033 on highways and public vehicular areas by persons under the age of sixteen is prohibited by
1034 Virginia law, (ii) the maximum ~~horsepower~~ engine displacement or wattage of the moped, and
1035 (iii) the maximum speed at which the moped may be ridden.

1036 Any dealer who sells any such moped which does not have affixed thereto such a
1037 permanent decal or sticker ~~or who sells a motorcycle with such a sticker or decal attached thereto~~
1038 ~~indicating that its motor is rated at no more than two brake horsepower producing only ordinary~~
1039 ~~speeds up to a maximum of 35 miles per hour~~ shall be guilty of a Class 1 misdemeanor.

1040 § 46.2-915.2. ~~Ordinances providing for certain safety~~ Safety equipment for mopeds;
1041 effect of violation; penalty.

1042 ~~The governing body of any county, city, or town may, by ordinance, provide that every~~
1043 Every person operating a moped, as defined in § 46.2-100, on a public street or highway shall
1044 wear a face shield, safety glasses, or goggles of a type approved by the Superintendent or have
1045 his moped equipped with safety glass or a windshield at all times while operating such vehicle,
1046 and operators and passengers thereon, if any, shall wear protective helmets of a type approved by
1047 the Superintendent. A violation of ~~any such ordinance~~ this section shall not constitute
1048 negligence, be considered in mitigation of damages of whatever nature, be admissible in
1049 evidence or be the subject of comment by counsel in any action for the recovery of damages
1050 arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall

**Non-Conventional Vehicles Study
Draft Legislation**

1051 anything in this section change any existing law, rule, or procedure pertaining to any such civil
1052 action. Any person who knowingly violates ~~any such ordinance~~ this section shall be guilty of a
1053 traffic infraction and be subject to a fine of not more than ~~fifty dollars~~ \$50.

1054 § 46.2-1047. Muffler cutout, etc., illegal.

1055 It shall be unlawful to sell or offer for sale any (i) muffler without interior baffle plates or
1056 other effective muffling device or (ii) gutted muffler, muffler cutout, or straight exhaust. It shall
1057 be unlawful for any person to operate on the highways in the Commonwealth a motor vehicle,
1058 moped, or motorized skateboard or ~~seoter~~ foot-scooter equipped with a gutted muffler, muffler
1059 cutout, or straight exhaust.

1060 § 58.1-2401. Definitions.

1061 As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

1062 “All-terrain vehicle” shall have the meaning ascribed in § 46.2-100.

1063 "Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of
1064 the Commonwealth.

1065 "Department" shall mean the Department of Motor Vehicles of this Commonwealth,
1066 acting through its duly authorized officers and agents.

1067 "Mobile office" shall mean an industrialized building unit not subject to the federal
1068 regulation, which may be constructed on a chassis for the purpose of towing to the point of use
1069 and designed to be used with or without a permanent foundation, for commercial use and not for

**Non-Conventional Vehicles Study
Draft Legislation**

1070 residential use; or two or more such units separately towable, but designed to be joined together
1071 at the point of use to form a single commercial structure, and which may be designed for removal
1072 to, and installation or erection on other sites.

1073 “Moped” shall have the meaning ascribed in § 46.2-100.

1074 "Motor vehicle" shall mean every vehicle, except for mobile office as herein defined,
1075 which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to
1076 be drawn by a motor vehicle, including manufactured homes as defined in § 46.2-100 and every
1077 device in, upon and by which any person or property is, or can be, transported or drawn upon a
1078 highway, but excepting devices moved by human or animal power, devices used exclusively
1079 upon stationary rails or tracks and vehicles, other than manufactured homes, used in this
1080 Commonwealth but not required to be licensed by the Commonwealth.

1081 “Off-road motorcycle” shall have the meaning ascribed in § 46.2-100.

1082 "Sale" shall mean any transfer of ownership or possession, by exchange or barter,
1083 conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle, all-
1084 terrain vehicle, off-road motorcycle, or moped. The term shall also include a transaction whereby
1085 possession is transferred but title is retained by the seller as security. The term shall not include a
1086 transfer of ownership or possession made to secure payment of an obligation, nor shall it include
1087 a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the
1088 Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the
1089 replacement motor vehicle is of greater value than the motor vehicle replaced, only the
1090 difference in value shall constitute a sale.

**Non-Conventional Vehicles Study
Draft Legislation**

1091 "Sale price" shall mean the total price paid for a motor vehicle, all-terrain vehicle, off-
1092 road motorcycle, or moped and all attachments thereon and accessories thereto, as determined by
1093 the Commissioner, exclusive of any federal manufacturers' excise tax, without any allowance or
1094 deduction for trade-ins or unpaid liens or encumbrances. However, "sale price" shall not include
1095 the cost of controls, lifts, automatic transmission, power steering, power brakes or any other
1096 equipment installed in or added to a motor vehicle which is required by law or regulation as a
1097 condition for operation of a motor vehicle by a handicapped person.

1098 § 58.1-2402. Levy.

1099 A. There is hereby levied, in addition to all other taxes and fees of every kind now
1100 imposed by law, a tax upon the sale or use of motor vehicles, all-terrain vehicles, off-road
1101 motorcycles, or mopeds in Virginia, other than a sale to or use by a person for rental as an
1102 established business or part of an established business or incidental or germane to such business.

1103 The amount of the tax to be collected shall be determined by the Commissioner by the
1104 application of the following rates against the gross sales price:

1105 1. Three percent of the sale price of each motor vehicle, all-terrain vehicle, off-road
1106 motorcycle, or moped sold in Virginia. If such ~~motor~~ vehicle is a manufactured home as defined
1107 in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold
1108 in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall
1109 be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle
1110 has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more
1111 and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in

**Non-Conventional Vehicles Study
Draft Legislation**

1112 § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or
1113 used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero
1114 percent of the sale price of each such vehicle sold in the Commonwealth.

1115 2. Three percent of the sale price of each motor vehicle, all-terrain vehicle, off-road
1116 motorcycle, or moped or three percent of the sale price of each manufactured home as defined in
1117 § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not
1118 sold in Virginia but used or stored for use in the Commonwealth. If such vehicle has a gross
1119 vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither
1120 (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401,
1121 (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry
1122 property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale
1123 price of each such vehicle not sold in the Commonwealth but used or stored for use in the
1124 Commonwealth. When any motor vehicle, all-terrain vehicle, off-road motorcycle, moped or
1125 manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six
1126 months or more after its acquisition, the tax shall be based on its current market value.

1127 3. The minimum tax levied on the sale of any motor vehicle, all-terrain vehicle, off-road
1128 motorcycle, or moped in the Commonwealth that is subject to taxation at a rate exceeding zero
1129 percent shall be \$35, except as provided by those exemptions defined in § 58.1-2403.

1130 4 through 7. [Repealed.]

1131 B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A
1132 2, nor shall the same transaction be taxed more than once under either subdivision.

**Non-Conventional Vehicles Study
Draft Legislation**

1133 C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2
1134 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is
1135 no longer owned or used by the United States government or any governmental agency, or the
1136 Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then
1137 rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions
1138 provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax
1139 imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674
1140 shall be subject to the tax, based on the current market value, when such vehicle is subsequently
1141 licensed to operate on the highways of the Commonwealth.

1142 D. Any person who with intent to evade or to aid another person to evade the tax
1143 provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of
1144 title, application for title, or any other document or paper submitted to the Commissioner
1145 pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

1146 E. Effective January 1, 1997, any amount designated as a "processing fee" and any
1147 amount charged by a dealer for processing a transaction, which is required to be included on a
1148 buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

1149 § 58.1-2404. Time for payment of tax on sale or use of a motor vehicle, all-terrain
1150 vehicle, off-road motorcycle, or moped.

1151 The tax on the sale or use of a motor vehicle, all-terrain vehicle, off-road motorcycle, or
1152 moped shall be paid by the purchaser or user of such ~~motor~~ vehicle and collected by the
1153 Commissioner at the time the owner applies to the Department of Motor Vehicles for, and

**Non-Conventional Vehicles Study
Draft Legislation**

1154 obtains, a certificate of title. No tax shall be levied or collected under this chapter upon the sale
1155 or use of a motor vehicle, all-terrain-vehicle, off-road motorcycle, or moped for which no
1156 certificate of title is required by this Commonwealth.

1157 No tax shall be levied or collected under this chapter for any all-terrain vehicle, off-road
1158 motorcycle, or moped being titled for the first time in the Commonwealth if the applicant has
1159 owned such vehicle for at least 12 months or has owned such vehicle for less than 12 months and
1160 provides evidence of a tax paid under Chapter 6 (§ 58.1-600 et seq.).

1161 § 58.1-2424. Credits against tax.

1162 Credit shall be granted for the amount of tax paid to another state on a motor vehicle, all-
1163 terrain vehicle, off-road motorcycle, or moped purchased in another state at the time such vehicle
1164 is first registered or titled in the Commonwealth, provided the purchaser provides proof of
1165 payment of such tax. However, no credit shall be granted for any tax paid to another state if that
1166 state exempts from the tax vehicles sold to residents of a state which does not give credit for the
1167 tax. Credit for taxes collected under the Virginia retail sales and use tax (§ 58.1-600 et seq.) shall
1168 be allowed against the tax levied for specially constructed or reconstructed vehicles and other
1169 motor vehicles subject to such tax.

1170 § 58.1-3503. General classification of tangible personal property.

1171 A. Tangible personal property is classified for valuation purposes according to the
1172 following separate categories which are not to be considered separate classes for rate purposes:

1173 1. Farm animals, except as exempted under § 58.1-3505.

**Non-Conventional Vehicles Study
Draft Legislation**

1174 2. Farm machinery, except as exempted under § 58.1-3505.

1175 3. Automobiles, except those described in subdivisions 7, 8 and 9 of this subsection and
1176 in subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide
1177 or if the model and year of the individual automobile are not listed in the recognized pricing
1178 guide, the individual vehicle may be valued on the basis of percentage or percentages of original
1179 cost. In using a recognized pricing guide, the commissioner shall use either of the following two
1180 methods. The commissioner may use all applicable adjustments in such guide to determine the
1181 value of each individual automobile, or alternatively, if the commissioner does not utilize all
1182 applicable adjustments in valuing each automobile, he shall use the base value specified in such
1183 guide which may be either average retail, wholesale, or loan value, so long as uniformly applied
1184 within classifications of property. If the model and year of the individual automobile are not
1185 listed in the recognized pricing guide, the taxpayer may present to the commissioner proof of the
1186 original cost, and the basis of the tax for purposes of the motor vehicle sales and use tax as
1187 described in § 58.1-2405 shall constitute proof of original cost. If such percentage or percentages
1188 of original cost do not accurately reflect fair market value, or if the taxpayer does not supply
1189 proof of original cost, then the commissioner may select another method which establishes fair
1190 market value.

1191 4. Trucks of less than two tons, which may be valued by means of a recognized pricing
1192 guide or, if the model and year of the individual truck are not listed in the recognized pricing
1193 guide, on the basis of a percentage or percentages of original cost.

1194 5. Trucks and other vehicles, as defined in § 46.2-100, except those described in
1195 subdivisions 4, and 6 through 10 of this subsection, which shall be valued by means of either a

**Non-Conventional Vehicles Study
Draft Legislation**

1196 recognized pricing guide using the lowest value specified in such guide or a percentage or
1197 percentages of original cost.

1198 6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of
1199 square footage of living space.

1200 7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general
1201 transportation purposes as provided in subsection C of § 46.2-730.

1202 8. Taxicabs.

1203 9. Motor vehicles with specially designed equipment for use by the handicapped, which
1204 shall not be valued in relation to their initial cost, but by determining their actual market value if
1205 offered for sale on the open market.

1206 10. Motorcycles, mopeds, all-terrain vehicles and off-road motorcycles as defined in §
1207 46.2-100, campers and other recreational vehicles, which shall be valued by means of a
1208 recognized pricing guide or a percentage or percentages of original cost.

1209 11. Boats weighing under five tons and boat trailers, which shall be valued by means of a
1210 recognized pricing guide or a percentage or percentages of original cost.

1211 12. Boats or watercraft weighing five tons or more, which shall be valued by means of a
1212 percentage or percentages of original cost.

1213 13. Aircraft, which shall be valued by means of a recognized pricing guide or a
1214 percentage or percentages of original cost.

**Non-Conventional Vehicles Study
Draft Legislation**

1215 14. Household goods and personal effects, except as exempted under § 58.1-3504.

1216 15. Tangible personal property used in a research and development business, which shall
1217 be valued by means of a percentage or percentages of original cost.

1218 16. Programmable computer equipment and peripherals used in business which shall be
1219 valued by means of a percentage or percentages of original cost to the taxpayer, or by such other
1220 method as may reasonably be expected to determine the actual fair market value.

1221 17. All tangible personal property employed in a trade or business other than that
1222 described in subdivisions 1 through 16 of this subsection, which shall be valued by means of a
1223 percentage or percentages of original cost.

1224 18. All other tangible personal property.

1225 B. Methods of valuing property may differ among the separate categories, so long as each
1226 method used is uniform within each category, is consistent with requirements of this section and
1227 may reasonably be expected to determine actual fair market value as determined by the
1228 commissioner of revenue or other assessing official; however, assessment ratios shall only be
1229 used with the concurrence of the local governing body. A commissioner of revenue shall upon
1230 request take into account the condition of the property. The term "condition of the property"
1231 includes, but is not limited to, technological obsolescence of property where technological
1232 obsolescence is an appropriate factor for valuing such property. The commissioner of revenue
1233 shall make available to taxpayers on request a reasonable description of his valuation methods.
1234 Such commissioner, or other assessing officer, or his authorized agent, when using a recognized

**Non-Conventional Vehicles Study
Draft Legislation**

1235 pricing guide as provided for in this section, may automatically extend the assessment if the
1236 pricing information is stored in a computer.

1237 § 58.1-3504. Classification of certain household goods and personal effects for taxation;
1238 governing body may exempt.

1239 A. Notwithstanding any provision of § 58.1-3503, household goods and personal effects
1240 are hereby defined as separate items of taxation and classified as follows:

1241 1. Bicycles.

1242 2. Household and kitchen furniture, including gold and silver plates, plated ware, watches
1243 and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type,
1244 vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

1245 3. Pianos, organs, and all other musical instruments; phonographs, record players, and
1246 records to be used therewith; and radio and television instruments and equipment.

1247 4. Oil paintings, pictures, statuary, curios, articles of virtu and works of art.

1248 5. Diamonds, cameos or other precious stones and all precious metals used as ornaments
1249 or jewelry.

1250 6. Sporting and photographic equipment.

1251 7. Clothing and objects of apparel.

**Non-Conventional Vehicles Study
Draft Legislation**

1252 8. Antique motor vehicles as defined in § 46.2-100 which may not be used for general
1253 transportation purposes.

1254 9. All-terrain vehicles, mopeds, and off-road motorcycles as defined in § 46.2-100.

1255 10. All other tangible personal property used by an individual or a family or household
1256 incident to maintaining an abode.

1257 The classification above set forth shall apply only to such property owned and used by an
1258 individual or by a family or household incident to maintaining an abode.

1259 The governing body of any county, city or town may, by ordinance duly adopted, exempt
1260 from taxation all of the above classes of household goods and personal effects.

1261 B. Notwithstanding any provision set forth above, household appliances in residential
1262 rental property used by an individual or by a family or household incident to maintaining an
1263 abode shall be deemed to be fixtures and shall be assessed as part of the real property in which
1264 they are located.

1265 For purposes of this subsection, "household appliances" shall mean all major appliances
1266 customarily used in a residential home and which are the property of the owner of the real estate,
1267 including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash
1268 compactors, clothes dryers, garbage disposals and air conditioning units.

1269 § 58.1-3523. Definitions.

1270 As used in this chapter:

**Non-Conventional Vehicles Study
Draft Legislation**

1271 "Commissioner of the revenue" means the same as that set forth in § 58.1-3100. For
1272 purposes of this chapter, in a county or city which does not have an elected commissioner of the
1273 revenue, "commissioner of the revenue" means the officer who is primarily responsible for
1274 assessing motor vehicles for the purposes of tangible personal property taxation.

1275 "Department" means the Department of Motor Vehicles.

1276 "Effective tax rate" means the tax rate imposed by a locality on tangible personal
1277 property multiplied by any assessment ratio in effect.

1278 "Leased" means leased by a natural person as lessee and used for nonbusiness purposes.

1279 "Privately owned" means owned by a natural person and used for nonbusiness purposes.

1280 "Qualifying vehicle" means any passenger car, motorcycle, and pickup or panel truck, as
1281 those terms are defined in § 46.2-100, that is determined by the commissioner of the revenue of
1282 the county or city in which the vehicle has situs as provided by § 58.1-3511 to be (i) privately
1283 owned; (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal
1284 property tax on such vehicle; or (iii) held in a private trust for nonbusiness purposes. In
1285 determining whether a vehicle is a qualifying vehicle, the commissioner of revenue must rely on
1286 the registration of such vehicle with the Department pursuant to Chapter 6 (§ 46.2-600 et seq.) of
1287 Title 46.2 or, for leased vehicles, the information of the Department pursuant to subsections B
1288 and C of § 46.2-623, unless the commissioner of the revenue has information that the
1289 Department's information is incorrect, or to the extent that the Department's information is
1290 incomplete. For purposes of this chapter, all-terrain vehicles, mopeds, and off-road motorcycles
1291 titled with the Department of Motor Vehicles shall not be deemed qualifying vehicles.

**Non-Conventional Vehicles Study
Draft Legislation**

1292 "Tangible personal property tax" means the tax levied pursuant to Article 1 (§ 58.1-3500
1293 et seq.) of Chapter 35 of Title 58.1.

1294 "Tax year" means the 12-month period beginning in the calendar year for which tangible
1295 personal property taxes are imposed.

1296 "Treasurer" means the same as that set forth in § 58.1-3123, when used herein with
1297 respect to a county or city. When used herein with respect to a town, "treasurer" means the
1298 officer who is primarily responsible for the billing and collection of tangible personal property
1299 taxes levied upon motor vehicles by such town, and means the treasurer of the county or counties
1300 in which such town is located if such functions are performed for the town by the county
1301 treasurer or treasurers.

1302 "Used for nonbusiness purposes" means the preponderance of use is for other than
1303 business purposes. The preponderance of use for other than business purposes shall be deemed
1304 not to be satisfied if: (i) the motor vehicle is expensed on the taxpayer's federal income tax return
1305 pursuant to Internal Revenue Code § 179; (ii) more than 50 percent of the basis for depreciation
1306 of the motor vehicle is depreciated for federal income tax purposes; or (iii) the allowable expense
1307 of total annual mileage in excess of 50 percent is deductible for federal income tax purposes or
1308 reimbursed pursuant to an arrangement between an employer and employee.

1309 "Value" means the fair market value determined by the method prescribed in § 58.1-3503
1310 and used by the locality in valuing the qualifying vehicle.

1311

Appendix E:
Written Responses to Report

From: Kim Harrison [<mailto:skpah@aol.com>]
Sent: Monday, November 26, 2012 8:32 AM
To: Smoot, Janet (DMV)
Cc: charfinley@mindspring.com; michele@fmscopyes.com
Subject: VMDA - Response to Non-Conventional Study

Janet, I am forwarding this for Charlie as he is out of the office this morning.

To All It May Concern:

The Virginia Motorcycle Dealers Association appreciates being a part of the Non-conventional vehicle study this past year. Many good things have come from this cooperative effort, especially the new guidelines for owning and operating a moped. However, the motorcycle dealers collectively and individually oppose the proposed M, M2, & M3 endorsement changes as drafted in the study. We strongly feel a more in-depth study would be beneficial in this specific area to assure all aspects of 3 wheel definition, licensing, training and safety are taken into account since we are not able to come to an agreement in such short time.

Our lingering concern is with the insistence to impose more restraints on motorcyclists who wish to change from riding a two-wheeler to a three-wheeler, or to even be able to take a test ride on one without first passing a test. It is evident in all our study discussions that no safety or accident statistics exist to justify such a regulation.

Three wheeled motorcycles have been around for approximately 30 years. As with any vehicle that you hop in or on there are differences in controls, suspension, and handling. This includes two-wheeled, three-wheeled, and 4-wheeled vehicles. When you get on, or into, a vehicle for the first time there is an adjustment period. You need to acclimate yourself to the controls, suspension, and handling of the vehicle. As our president, Michele Schmitt (owner of Fredericksburg Motorsports) said, "In any given week I can be on a motorcycle (two or three-wheeled), in an Audi A4 with a stick shift, in one of two F150s, an Expedition, a Corolla, an Accord, an Acura, or a Camry. Some have clutches, some do not. Some take a turn and/or curve at higher speeds than others, and some stop much quicker than others. Regardless of which vehicle I happen to be riding or driving, I have to adjust to that vehicle and its handling and controls. If you go from an Acura TL type S and hop into a Ford Expedition and try to drive it like the Acura, it will be a losing proposition. If you are riding a Honda CBR1000 Sportbike and jump onto a Honda VT600 Shadow and think that it is going to ride the same—that is another losing proposition. Whether you are using hand controls or foot controls or a combination of both, acclimating yourself is the name of the game. They don't have different classifications for automobile drivers. Should they?"

Our stance is that if you can ride a two-wheeled motorcycle you can acclimate to a three-wheeled motorcycle. If you want to ride a three-wheeled motorcycle (trike, motorcycle with side car, or Can Am Spyder) and have no interest in a two-wheeled motorcycle then an M3 endorsement is important and appropriate. Both Harley-Davidson and Can-Am provide videos to all clients stating the differences between a two-wheeled ride and a three-wheeled ride. There are rider safety courses available to all motorcycles in the State of Virginia. M endorsement motorcyclists have been taking the three-wheeled courses of their own volition. "This shows me

that motorcyclists are self-policing themselves. As a dealer selling two and three-wheeled motorcycles we have found that approximately 98% of the people that have been purchasing our Can-Am Spyders are either my generation (baby boomers or older) who no longer want to handle a two-wheeled motorcycle or someone totally new to the motorcycle family of riders and wants the security of three-wheels," said Michele Schmitt.

According to the study proposals, in the future, if a rider has an M2 endorsement and wants to ride a trike, Spyder, or motorcycle with a sidecar they will be required to get an M3 endorsement prior to being able to demo ride a three-wheeled motorcycle. And the implication is that the same rider will need an M-2 endorsement if he takes the sidecar off.

The Virginia Motorcycle Dealers Association does support M and M3 endorsements (only) for motorcycle licenses. This will permit 2-wheeled motorcycles to move to a 3-wheeled motorcycle if they choose too. This will also prevent M3 motorcyclists from hopping on a 2-wheeled motorcycle. As stated before, M endorsement motorcyclists are self-policing themselves by taking the Rider Safety Courses offered by both the Department of Motor Vehicles and private companies offering the same course.

We believe our case for only the M and M-3 endorsements is further strengthened by the fact that Maryland, West Virginia and Pennsylvania have similar requirements (only M and M-3) either legislatively or administratively. This will also help with the initial goal of cross-border standardization.

Again, we thank you for gathering input from all interested parties. Some of us have a larger "stake" in this than others. This will be our position when the study comes before the two Transportation Committees.

Charlie Finley
Executive Vice President
Virginia Motorcycle Dealers Association
1011 East Main Street, LL 90
Richmond, VA 23219
phone & fax 804-648-0357
charfinley@mindspring.com

Kim Harrison
General Manager
Coleman Powersports
Where the power is!

Off (703) 237-3400 x 220 or 703-497-1500 x255
Fax (571) 766-1655
email :kharrison@wherethepoweris.com
435 S. Washington St., Falls Church, VA 22046
web: <http://www.wherethepoweris.com>



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET

RICHMOND, VIRGINIA 23219-2000

November 15, 2012

Richard D. Holcomb
Commissioner, Department of Motor Vehicles
2300 West Broad Street
Richmond, Virginia 23269

Dear Commissioner Holcomb:

The Virginia Department of Transportation (VDOT) participated in the Non-Conventional Vehicles Study executed by the Department of Motor Vehicles at the request of House Transportation Chairman Joe T. May, Senate Transportation Chairman Yvonne B. Miller and subsequently, Senate Transportation Chairman Stephen D. Newman. The study was conducted, at the direction of the Chairs, for the purpose of proposing legislation “as needed regarding the definition, titling and registration, safety, title authority, and licensing of drivers for any vehicles introduced to the roadways of the Commonwealth which do not fit into current statutes” and included an examination of issues involving three-wheeled motorcycles, three-wheeled automobiles, mopeds and ATVs.

VDOT has reviewed the draft Non-Conventional Vehicles Studies 2012 Report and while the agency supports the majority of the recommendations offered therein, we would like to register our concern regarding the operation of mopeds on higher- speed roadways. As noted in the draft report, various bills have been introduced in the last several years that would restrict operation of mopeds on highways with speed limits greater than certain speeds. (*See*: SB 333 (2012), restricting moped operation on roadways with speed limits exceeding 35 miles per hour and HB 1083 (2010), restricting moped operation on roadways with speed limits exceeding 45 miles per hour.) However, in considering whether or not to include a provision in proposed legislation that would restrict operation of mopeds on high-speed roadways, the report indicates that “the work group did not recommend prohibiting moped use on roads with speed limits exceeding 35 miles per hour.”

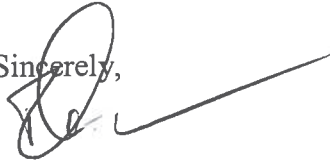
While the work group cited potential issues presented by restricting moped operations on higher-speed roadways, VDOT would like to note the safety issues presented by operation of mopeds on such roadways, particularly those roadways with speed limits in excess of 45 miles per hour. If legislation that generates from this report does not include a provision restricting operation of mopeds on such roadways, given the charge by the Chairs of the House and Senate

Richard D. Holcomb
November 15, 2012
Page 2

Transportation committees and the recognition in the report that this is an ongoing study, VDOT would urge DMV and the working group to revisit this issue in subsequent studies.

Thank you for providing the VDOT the opportunity to participate in this important study.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Walton, Jr.", with a long horizontal flourish extending to the right.

Richard L. Walton, Jr.
Chief of Policy and Environment

Cc: Gregory A. Whirley, Sr.
Jo Anne P. Maxwell