

20104140D

HOUSE BILL NO. 1439

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend and reenact §§ 16.1-69.48:1, 17.1-275.7, 18.2-323.1, 46.2-208, 46.2-325, 46.2-602, 46.2-602.1, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-882, 46.2-947, 46.2-1000, 46.2-1005.1, 46.2-1025, 46.2-1043, 46.2-1048, 46.2-1053, 46.2-1065, 46.2-1072.1, 46.2-1078.1, 46.2-1092, 46.2-1094, 46.2-1150, 46.2-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1165, 46.2-1171, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1300, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, and 46.2-2099.50 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.1-882.1, 46.2-1005.2, 46.2-1060.1, and 46.2-2000.4, and to repeal §§ 46.2-1158.01, 46.2-1158.02, 46.2-1158.1, 46.2-1159, 46.2-1160, 46.2-1164, 46.2-1168, 46.2-1172, 46.2-1173, 46.2-1175, 46.2-1175.1, and 46.2-1540 of the Code of Virginia, relating to transportation safety.

Patron—Jones

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275.7, 18.2-323.1, 46.2-208, 46.2-325, 46.2-602, 46.2-602.1, 46.2-694.1, as it is currently effective and as it may become effective, 46.2-730, 46.2-730.1, 46.2-882, 46.2-947, 46.2-1000, 46.2-1005.1, 46.2-1025, 46.2-1043, 46.2-1048, 46.2-1053, 46.2-1065, 46.2-1072.1, 46.2-1078.1, 46.2-1092, 46.2-1094, 46.2-1150, 46.2-1157, 46.2-1158, 46.2-1161.1, 46.2-1163, 46.2-1165, 46.2-1171, 46.2-1176, 46.2-1190.2, 46.2-1213, 46.2-1300, 46.2-1531, 46.2-1539, 46.2-1539.1, 46.2-1600, and 46.2-2099.50 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.1-882.1, 46.2-1005.2, 46.2-1060.1, and 46.2-2000.4 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, and 46.2-1053; and ~~46.2-1158.02~~.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

- 1. Processing fee (General Fund) (.573770);
- 2. Virginia Crime Victim-Witness Fund (.049180);
- 3. Regional Criminal Justice Training Academies Fund (.016393);
- 4. Courthouse Construction/Maintenance Fund (.032787);
- 5. Criminal Injuries Compensation Fund (.098361);

- 59 6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
- 60 7. Sentencing/supervision fee (General Fund) (.131148); and
- 61 8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

62 C. In criminal actions and proceedings in district court for a violation of any provision of Article 1
 63 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136.
 64 The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to
 65 the following funds in the fractional amounts designated:

- 66 1. Processing fee (General Fund) (.257353);
- 67 2. Virginia Crime Victim-Witness Fund (.022059);
- 68 3. Regional Criminal Justice Training Academies Fund (.007353);
- 69 4. Courthouse Construction/Maintenance Fund (.014706);
- 70 5. Criminal Injuries Compensation Fund (.044118);
- 71 6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
- 72 7. Drug Offender Assessment and Treatment Fund (.551471);
- 73 8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
- 74 9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

75 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of
 76 \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
 77 law, to the following funds in the fractional amounts designated:

- 78 1. Processing fee (General Fund) (.764706);
- 79 2. Virginia Crime Victim-Witness Fund (.058824);
- 80 3. Regional Criminal Justice Training Academies Fund (.019608);
- 81 4. Courthouse Construction/Maintenance Fund (.039216);
- 82 5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
- 83 6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

84 **§ 17.1-275.7. Fixed misdemeanor fee.**

85 In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony;
 86 (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally
 87 charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8,
 88 16.1-278.9, 18.2-57.3, or 19.2-303.2; (iii) any and each conviction of a traffic infraction or referral to a
 89 driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv)
 90 proof of compliance with law under §§ § 46.2-104 and ~~46.2-1158.02~~, there shall be assessed as court
 91 costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to
 92 those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the
 93 district court.

94 The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as
 95 provided by law, to the following funds in the fractional amounts designated:

- 96 1. Sentencing/supervision fee (General Fund) (.0125000);
- 97 2. Witness expenses/expert witness fee (General Fund) (.0250000);
- 98 3. Virginia Crime Victim-Witness Fund (.0375000);
- 99 4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
- 100 5. Criminal Injuries Compensation Fund (.2500000);
- 101 6. Commonwealth's Attorney Fund (state share) (.0937500);
- 102 7. Commonwealth's Attorney Fund (local share) (.0937500);
- 103 8. Regional Criminal Justice Academy Training Fund (.0125000);
- 104 9. Warrant fee, as prescribed by § 17.1-272 (.1500000);
- 105 10. Courthouse Construction/Maintenance Fund (.0250000); and
- 106 11. Clerk of the circuit court (.2500000).

107 **§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container in a motor**
 108 **vehicle and presumption; penalty.**

109 A. It ~~shall be~~ is unlawful for any person to consume ~~an~~ or knowingly or intentionally possess any
 110 alcoholic beverage while driving other than in the manufacturer's unopened original container in a
 111 motor vehicle that is upon a public highway of ~~this~~ the Commonwealth, including the shoulder thereof,
 112 as defined in § 46.2-100. If the seal on a container of an alcoholic beverage is broken or some of the
 113 contents have been removed, a container shall presumed to be open.

114 B. A rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this
 115 section shall be created if (i) an open container is located within the passenger area of the motor
 116 vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed and (iii) the
 117 appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver of the motor
 118 vehicle may be reasonably associated with the consumption of an alcoholic beverage.

119 C. The provisions of this section shall not apply:

- 120 1. If an open container containing an alcoholic beverage is in a locked glove compartment or in the

121 *trunk of the motor vehicle, or is behind the last upright seat or in an area not normally occupied by the*
 122 *driver or a passenger in a motor vehicle that is not equipped with a trunk; or*

123 2. *If an open container containing an alcoholic beverage is in the passenger area of a motor vehicle*
 124 *designed, maintained, and used primarily for the transportation of persons for compensation or is in the*
 125 *living quarters of a motor home, provided that the container is not in the possession of the driver of the*
 126 *motor vehicle.*

127 D. For the purposes of this section:

128 "Open container" means any vessel containing an alcoholic beverage, except the originally sealed
 129 manufacturer's container.

130 "Passenger area" means the area designed to seat the driver of any motor vehicle, any area within the
 131 reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers.
 132 This term shall not include the trunk of any passenger vehicle, the area behind the last upright seat of a
 133 passenger van, station wagon, hatchback, sport utility vehicle or any similar vehicle, the living quarters
 134 of a motor home, or the passenger area of a motor vehicle designed, maintained or used primarily for
 135 the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the
 136 transportation of such persons.

137 "*Public highway*" shall not include any motor vehicle parking lot.

138 C. E. A violation of this section is punishable as a Class 4 misdemeanor.

139 **§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

140 A. All records in the office of the Department containing the specific classes of information outlined
 141 below shall be considered privileged records:

- 142 1. Personal information, including all data defined as "personal information" in § 2.2-3801;
- 143 2. Driver information, including all data that relates to driver's license status and driver activity; and
- 144 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
 145 activity data.

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

- 147 1. Notwithstanding other provisions of this section, medical data included in personal data shall be
 148 released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
- 149 2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
- 150 3. Notwithstanding other provisions of this section, information disclosed or furnished shall be
 151 assessed a fee as specified in § 46.2-214.

152 4. When the person requesting the information is (i) the subject of the information, (ii) the parent or
 153 guardian of the subject of the information, (iii) the authorized representative of the subject of the
 154 information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner
 155 shall provide him with the requested information and a complete explanation of it. Requests for such
 156 information need not be made in writing or in person and may be made orally or by telephone, provided
 157 that the Department is satisfied that there is adequate verification of the requester's identity. When so
 158 requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of
 159 the information, (c) the authorized representative of the subject of the information, or (d) the owner of
 160 the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct
 161 the personal information provided and furnish driver and vehicle information in the form of an abstract
 162 of the record.

163 5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or
 164 surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the
 165 record of any person subject to the provisions of this title. The abstract shall include any record of any
 166 conviction of a violation of any provision of any statute or ordinance relating to the operation or
 167 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of
 168 which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60
 169 months from the date of the conviction or accident unless the Commissioner or court used the
 170 conviction or accident as a reason for the suspension or revocation of a driver's license or driving
 171 privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto
 172 shall not be reported after 60 months from the date that the driver's license or driving privilege has been
 173 reinstated. This abstract shall not be admissible in evidence in any court proceedings.

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

181 7. The Commissioner shall provide vehicle information to any business organization or agent on such

182 business' or agent's written request. Disclosures made under this subdivision shall not include any
183 personal information and shall not be subject to the limitations contained in subdivision 6.

184 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the
185 Commissioner shall (i) compare personal information supplied by the company or agent with that
186 contained in the Department's records and, when the information supplied by the company or agent is
187 different from that contained in the Department's records, provide the company or agent with correct
188 information as contained in the Department's records and (ii) provide the company or agent with driver
189 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
190 shall include any record of any conviction of a violation of any provision of any statute or ordinance
191 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
192 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
193 shall include any record of any conviction or accident more than 60 months after the date of such
194 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
195 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
196 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
197 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
198 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

199 9. On the request of any federal, state, or local governmental entity, local government group
200 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
201 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
202 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
203 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
204 Department's records and, when the information supplied by the governmental entity, local government
205 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
206 authorized agent of any of the foregoing, is different from that contained in the Department's records,
207 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
208 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
209 information as contained in the Department's records and (ii) provide driver and vehicle information in
210 the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions
211 or revocations. The Commissioner may also release other appropriate information as the governmental
212 entity, local government group self-insurance pool, law-enforcement officer, attorney for the
213 Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out
214 its official functions. The abstract shall be provided free of charge.

215 10. On request of the driver licensing authority in any other state or foreign country, the
216 Commissioner shall provide whatever classes of information the requesting authority shall require in
217 order to carry out its official functions. The information shall be provided free of charge.

218 11. On the written request of any employer, prospective employer, or authorized agent of either, and
219 with the written consent of the individual concerned, the Commissioner shall (i) compare personal
220 information supplied by the employer, prospective employer, or agent with that contained in the
221 Department's records and, when the information supplied by the employer, prospective employer, or
222 agent is different from that contained in the Department's records, provide the employer, prospective
223 employer, or agent with correct information as contained in the Department's records and (ii) provide the
224 employer, prospective employer, or agent with driver information in the form of an abstract of an
225 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
226 any type of driver's license that the individual currently possesses, provided that the individual's position
227 or the position that the individual is being considered for involves the operation of a motor vehicle.

228 12. On the written request of any member of or applicant for membership in a volunteer fire
229 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
230 emergency medical services personnel, the Commissioner shall (i) compare personal information
231 supplied by the volunteer fire company or volunteer emergency medical services agency with that
232 contained in the Department's records and, when the information supplied by the volunteer fire company
233 or volunteer emergency medical services agency is different from that contained in the Department's
234 records, provide the volunteer fire company or volunteer emergency medical services agency with
235 correct information as contained in the Department's records and (ii) provide driver information in the
236 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,
237 license suspensions or revocations, and any type of driver's license that the individual currently
238 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate
239 written evidence that the person is a member of or applicant for membership in a volunteer fire
240 company or a volunteer emergency medical services agency to serve as a member of a volunteer
241 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer
242 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant
243 to operate equipment owned by the volunteer fire company or volunteer emergency medical services

244 agency.

245 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
 246 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information
 247 supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the
 248 Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big
 249 Sisters of America is different from that contained in the Department's records, provide the Virginia
 250 affiliate of Big Brothers/Big Sisters of America with correct information as contained in the
 251 Department's records and (ii) provide driver information in the form of an abstract of the applicant's
 252 record showing all convictions, accidents, license suspensions or revocations, and any type of driver's
 253 license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half
 254 the normal charge if the request is accompanied by appropriate written evidence that the person has
 255 applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

256 14. On the written request of any person who has applied to be a volunteer with a court-appointed
 257 special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the
 258 applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of
 259 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
 260 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
 261 with a court-appointed special advocate program pursuant to § 9.1-153.

262 15. Upon the request of any employer, prospective employer, or authorized representative of either,
 263 the Commissioner shall (i) compare personal information supplied by the employer, prospective
 264 employer, or agent with that contained in the Department's records and, when the information supplied
 265 by the employer, prospective employer, or agent is different from that contained in the Department's
 266 records, provide the employer, prospective employer, or agent with correct information as contained in
 267 the Department's records and (ii) provide driver information in the form of an abstract of the driving
 268 record of any individual who has been issued a commercial driver's license, provided that the
 269 individual's position or the position that the individual is being considered for involves the operation of
 270 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,
 271 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

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

275 17. Upon the request of an attorney representing a person in a motor vehicle accident, the
 276 Commissioner shall provide vehicle information, including the owner's name and address, to the
 277 attorney.

278 18. Upon the request, in the course of business, of any authorized representative of an insurance
 279 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform
 280 rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle
 281 information, including the owner's name and address, descriptive data and title, registration, and vehicle
 282 activity data as requested or (ii) all driver information including name, license number and classification,
 283 date of birth, and address information for each driver under the age of 22 licensed in the
 284 Commonwealth of Virginia meeting the request criteria designated by such person, with such request
 285 criteria consisting of driver's license number or address information. No such information shall be used
 286 for solicitation of sales, marketing, or other commercial purposes.

287 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a
 288 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner
 289 shall provide vehicle information, including the owner's name and address.

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

294 21. Upon the request of the operator of a toll facility, ~~or~~ traffic light photo-monitoring system, *or*
 295 *speed monitoring system* acting on behalf of a government entity, or of the Dulles Access Highway, or
 296 an authorized agent or employee of a toll facility operator, ~~or~~ traffic light photo-monitoring system
 297 operator, *or speed monitoring system* acting on behalf of a government entity, or the Dulles Access
 298 Highway, for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 ~~or~~,
 299 subsection H of § 15.2-968.1 ~~or~~, subsection N of § 46.2-819.5, *or subdivision B 6 of § 46.2-882.1*.
 300 Information released pursuant to this subdivision shall be limited to the name and address of the owner
 301 of the vehicle having (i) failed to pay a toll ~~or~~ *having*, (ii) failed to comply with a traffic light signal,
 302 (iii) *driven in excess of maximum speed limits*, or (iv) having improperly used the Dulles Access
 303 Highway, and the vehicle information, including all descriptive vehicle data and title and registration
 304 data of the same vehicle.

305 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
306 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of
307 Compeer with that contained in the Department's records and, when the information supplied by a
308 Virginia affiliate of Compeer is different from that contained in the Department's records, provide the
309 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)
310 provide driver information in the form of an abstract of the applicant's record showing all convictions,
311 accidents, license suspensions or revocations, and any type of driver's license that the individual
312 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the
313 request is accompanied by appropriate written evidence that the person has applied to be a volunteer
314 with a Virginia affiliate of Compeer.

315 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
316 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
317 pursuant to § 46.2-1178.1.

318 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
319 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
320 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
321 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
322 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
323 with correct information as contained in the Department's records and (ii) provide driver information in
324 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
325 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
326 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
327 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a
328 Virginia chapter of the American Red Cross.

329 25. On the written request of any person who has applied to be a volunteer vehicle operator with a
330 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
331 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
332 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
333 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
334 information as contained in the Department's records and (ii) provide driver information in the form of
335 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
336 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
337 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
338 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
339 the Civil Air Patrol.

340 26. On the written request of any person who has applied to be a volunteer vehicle operator with
341 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action
342 with that contained in the Department's records and, when the information supplied by Faith in Action is
343 different from that contained in the Department's records, provide Faith in Action with correct
344 information as contained in the Department's records and (ii) provide driver information in the form of
345 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
346 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
347 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
348 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

349 27. On the written request of the surviving spouse or child of a deceased person or the executor or
350 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued
351 a driver's license or special identification card by the Department, supply the requestor with a hard copy
352 image of any photograph of the deceased person kept in the Department's records.

353 28. On the written request of any person who has applied to be a volunteer with a Virginia Council
354 of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a
355 Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and,
356 when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from
357 that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA
358 with correct information as contained in the Department's records and (ii) provide driver information in
359 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
360 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
361 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
362 appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of
363 the Girl Scouts of the USA.

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

367 by the Commissioner.

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

373 C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving
374 privilege of any individual, he may notify the National Driver Register Service operated by the United
375 States Department of Transportation and any similar national driver information system and provide
376 whatever classes of information the authority may require.

377 D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

378 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia
379 Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial
380 Driver License Information System, or any similar national commercial driver information system,
381 regarding such action.

382 F. In addition to the foregoing provisions of this section, vehicle information may also be inspected
383 under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

384 G. The Department may promulgate regulations to govern the means by which personal, vehicle, and
385 driver information is requested and disseminated.

386 H. Driving records of any person accused of an offense involving the operation of a motor vehicle
387 shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If
388 such counsel is from the public defender's office or has been appointed by the court, such records shall
389 be provided free of charge.

390 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
391 subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded
392 by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
393 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of
394 subdivision B 9.

395 J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the
396 National Motor Vehicle Title Information System, or any other nationally recognized system providing
397 similar information, or any entity contracted to collect information for such system, and may provide
398 whatever classes of information are required by such system.

399 **§ 46.2-224.1. Education and oversight of enforcement of highway safety policies.**

400 A. *The Commissioner shall establish an advisory council to monitor the effectiveness and*
401 *enforcement of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. The council shall include members*
402 *representing (i) DRIVE SMART Virginia, (ii) the Virginia Association of Chiefs of Police, (iii)*
403 *organizations focused on social equity and justice issues, (iv) the Virginia State Police, and (v) a traffic*
404 *safety organization. The council shall review whether the enforcement of §§ 18.2-323.1, 46.2-1078.1,*
405 *and 46.2-1094 has a disproportionate impact on minority or low-income populations.*

406 B. *The Commissioner, working with the Virginia Association of Chiefs of Police and DRIVE SMART*
407 *Virginia, shall create training and educational materials on the implementation and enforcement of*
408 *§§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. These materials shall be reviewed by the advisory council*
409 *established pursuant to subsection A and made available to law-enforcement agencies.*

410 C. *The Commissioner, working with DRIVE SMART Virginia and other traffic safety organizations,*
411 *shall create and provide educational materials for the public regarding the provisions of §§ 18.2-323.1,*
412 *46.2-1078.1, and 46.2-1094.*

413 D. *The Commissioner shall report annually to the Governor and the General Assembly on (i) the*
414 *citations issued pursuant to §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094, including, to the extent*
415 *available, the relevant demographic characteristics of those persons issued citations, and (ii) any*
416 *findings of the advisory council created pursuant to subsection A.*

417 **§ 46.2-325. Examination of applicants; waiver of Department's examination under certain**
418 **circumstances; behind-the-wheel and knowledge examinations.**

419 A. The Department shall examine every applicant for a driver's license before issuing any license to
420 determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without
421 jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of
422 a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall
423 not include investigation of any facts other than those directly pertaining to the ability of the applicant
424 to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance
425 of a license under this chapter. No applicant otherwise competent shall be required to demonstrate
426 ability to park any motor vehicle except in an adequate parking space between horizontal markers, and
427 not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants

428 for licensure to drive motor vehicles of the classifications referred to in § 46.2-328 shall submit to
429 examinations which relate to the operation of those vehicles. The motor vehicle to be used by the
430 applicant for the behind-the-wheel examination shall meet the safety and equipment requirements
431 specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant
432 to § 46.2-1157. An autocycle shall not be used by the applicant for a behind-the-wheel examination.

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

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

447 B. Any person who fails the behind-the-wheel examination for a driver's license administered by the
448 Department shall wait two days before being permitted to take another such examination. No person
449 who fails the behind-the-wheel examination for a driver's license administered by the Department three
450 times shall be permitted to take such examination a fourth time until he successfully completes,
451 subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver
452 training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the
453 Department or the Department of Education. In addition, no person who fails the driver knowledge
454 examination for a driver's license administered by the Department three times shall be permitted to take
455 such examination a fourth time until he successfully completes, subsequent to the third examination
456 failure, the classroom component of driver instruction at a driver training school licensed under Chapter
457 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of
458 Education or, for (i) persons at least 18 years old or (ii) persons less than 18 years old who have
459 previously completed the classroom component of driver instruction, a course of instruction based on the
460 Virginia Driver's Manual, which may be conducted in a classroom or online, offered by a driver training
461 school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the
462 Department or the Department of Education. Any driver training school authorized to provide the
463 Virginia Driver's Manual course online shall be a computer-based driver education provider as defined in
464 § 46.2-1700. Providers of the Virginia Driver's Manual course online shall ensure that the certificate of
465 completion is issued to the same person who took the course in a manner prescribed by the Department.
466 All persons required to complete the in-vehicle component of driver instruction or the classroom
467 component of driver instruction pursuant to this section shall be required after successful completion of
468 the necessary courses to have the applicable examination administered by the Department.

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

471 **§ 46.2-602. Titling and registration of foreign market vehicles.**

472 A. The Department shall not issue a permanent certificate of title or registration for a foreign market
473 vehicle until the applicant submits proof that the vehicle complies with federal safety requirements.

474 B. The Department shall accept as proof that a foreign market vehicle complies with federal safety
475 requirements documents from either the United States Department of Transportation or the United States
476 Customs Service stating that the vehicle conforms or has been brought into conformity with federal
477 safety requirements.

478 C. The certificate of title of any foreign market vehicle titled under this section shall contain an
479 appropriate notation that the owner has submitted proof that it complies with federal safety requirements.

480 D. Any foreign market vehicle previously titled in the Commonwealth shall be titled and registered
481 without further proof of compliance with federal safety requirements. If, however, proof of compliance
482 is not submitted to the Department, the certificate of title shall contain an appropriate notation that the
483 owner of the foreign market vehicle has not submitted proof that the vehicle complies with federal
484 safety requirements.

485 E. No foreign market vehicle manufactured prior to 1968 shall be subject to this section.

486 F. Notwithstanding the provisions of subsection A of this section, the Department shall issue a
487 nonnegotiable title for a foreign market vehicle on submission of a complete application for a title
488 including all necessary documents of ownership. A negotiable title will be issued on proof of
489 compliance as provided in subsection A of this section. The Department shall show on the face of any

490 title issued under this section any negotiable security interests in the motor vehicle as provided in
 491 §§ 46.2-636 through 46.2-643.

492 G. The Department shall not transfer the title to a foreign market vehicle if ownership of the vehicle
 493 is evidenced by a nonnegotiable title, unless the nonnegotiable title owner is deceased. If the
 494 nonnegotiable title owner is deceased, a new, nonnegotiable title may be issued to the legatee or
 495 distributee in accordance with §§ 46.2-633 and 46.2-634.

496 H. A nonnegotiable title may be issued for the purpose of recording a lien. A negotiable certificate
 497 of title shall be issued on proof of compliance with all regulations prescribed in this section.

498 I. Notwithstanding other provisions of this section, the Department shall issue, on application, a
 499 temporary, nonrenewable 180-day registration to a foreign market vehicle upon:

500 1. Proof that the vehicle has been brought into compliance with all federal safety requirements and
 501 that the applicant is merely waiting for documentary releases from the Federal Department of
 502 Transportation; *and*

503 2. Proof of satisfactory passage of a Virginia safety inspection; and

504 3- Submission of a complete application for a title, including all necessary documents of ownership.

505 J. The Department shall withhold delivery of the certificate of title during the 180-day period of
 506 conditional registration and shall not issue the permanent title until the requirements of subsection A of
 507 this section have been met.

508 K. Upon application, the Department shall issue a temporary one-trip permit for the purpose of
 509 transporting a foreign market vehicle from the port of entry to the applicant's home or to a conversion
 510 facility. The one-trip permit shall be issued in accordance with § 46.2-651.

511 **§ 46.2-602.1. Titling and registration of replica vehicles.**

512 Notwithstanding any other provision of this chapter, the model year of vehicles constructed or
 513 assembled by multiple manufacturers or assemblers shall be the model year of which the vehicle is a
 514 replica. No vehicle titled under this section shall be driven more than 5,000 miles per year as shown by
 515 the vehicle's odometer. No vehicle titled under this section shall be automatically eligible for antique
 516 motor vehicle license plates provided for in § 46.2-730.

517 Any vehicle registered under this section shall be subject to ~~vehicle safety inspections as provided for~~
 518 ~~in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 and emissions inspections as provided for in Article 22~~
 519 ~~(§ 46.2-1176 et seq.) of Chapter 10. Such vehicles shall meet such safety and emission requirements as~~
 520 ~~established for the model year of which the vehicle is a replica.~~

521 The Department shall assign each such vehicle a new vehicle identification number, line-make, and
 522 model year, if required.

523 **§ 46.2-694.1. (Contingent expiration date) Fees for trailers and semitrailers not designed and**
 524 **used for transportation of passengers.**

525 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
 526 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$18.00	\$36.00	\$70.00
1,501-4,000 lbs	\$28.50	\$57.00	\$75.00
4,001 lbs & above	\$40.00	\$80.00	\$100.00

531 ~~From the foregoing registration fees, the following amounts, regardless of weight category, shall be~~
 532 ~~paid by the Department into the state treasury and set aside for the payment of the administrative costs~~
 533 ~~of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this~~
 534 ~~title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year~~
 535 ~~registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.~~

536 **§ 46.2-694.1. (Contingent effective date) Fees for trailers and semitrailers not designed and used**
 537 **for transportation of passengers.**

538 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
 539 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$8.00	\$16.00	\$50.00
1,501-4,000 lbs	\$18.50	\$37.00	\$50.00
4,001 lbs & above	\$23.50	\$47.00	\$50.00

544 ~~From the foregoing registration fees, the following amounts, regardless of weight category, shall be~~
 545 ~~paid by the Department into the state treasury and set aside for the payment of the administrative costs~~
 546 ~~of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this~~
 547 ~~title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year~~
 548 ~~registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.~~

549 **§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.**

550 A. On receipt of an application and evidence that the applicant owns or has regular use of another
 551 passenger car, autocycle, or motorcycle, the Commissioner shall issue appropriately designed license

552 plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so
 553 long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates
 554 of any of these vehicles shall be a one-time fee of \$50.

555 B. On receipt of an application and evidence that the applicant owns or has regular use of another
 556 passenger car, autocycle, or motorcycle, the Commissioner may authorize for use on antique motor
 557 vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use
 558 without decals, if such license plates are embossed with or are of the same year of issue as the model
 559 year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal
 560 year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in
 561 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor
 562 vehicles and antique trailers that are of the same model year as the year the metal tab was originally
 563 issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in
 564 the applicant. The fee for the registration card and permission to use the license plates and metal tabs on
 565 any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as
 566 provided in this section, of license plates having the same number, the Department shall accept only the
 567 first such application.

568 C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display
 569 single license plates if the original manufacturer's design of the antique motor vehicles allows for the
 570 use of only single license plates or if the license plate was originally issued in one of the following
 571 years and is displayed in accordance with the provisions of subsection B: 1906, 1907, 1908, 1909, 1945,
 572 or 1946.

573 D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for
 574 use under this section shall not be used for general transportation purposes, including, but not limited to,
 575 daily travel to and from the owner's place of employment, but shall only be used:

576 1. For participation in club activities, exhibits, tours, parades, and similar events;

577 2. On the highways of the Commonwealth for the purpose of testing their operation or selling the
 578 vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in
 579 subdivision 1, and for occasional pleasure driving not exceeding 250 miles from the residence of the
 580 owner; and

581 3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the
 582 antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for
 583 show purposes.

584 The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to
 585 subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

586 E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C
 587 shall submit to the Department, in the manner prescribed by the Department, certifications that such
 588 vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

589 Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer
 590 registered with license plates issued under this section that the Department or the Department of State
 591 Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer
 592 shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer
 593 registered with license plates issued under this section when he observes any defect in such vehicle or
 594 trailer as set forth in § 46.2-1000.

595 F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use
 596 pursuant to subsections B and C may be used for general transportation purposes if the following
 597 conditions are met:

598 1. The physical condition of the vehicle's license plate or plates has been inspected and approved by
 599 the Department;

600 2. The license plate or plates are registered to the specific vehicle by the Department;

601 3. The owner of the vehicle periodically registers the vehicle with the Department and pays a
 602 registration fee for the vehicle equal to that which would be charged to obtain regular state license
 603 plates for that vehicle;

604 4. ~~The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of~~
 605 ~~Chapter 10;~~

606 5. The vehicle displays current decals attached to the license plate, issued by the Department,
 607 indicating the valid registration period for the vehicle; and

608 6. ~~When applicable, the~~ 5. ~~The vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) the~~
 609 ~~applicable safety and equipment requirements of Chapter 10.~~

610 If more than one request is made for use, as provided in this subsection, of license plates having the
 611 same number, the Department shall accept only the first such application. Only vehicles titled to the
 612 person seeking to use license plates as provided in this subsection shall be eligible to use license plates
 613 as provided in this subsection.

614 G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to
615 tow a trailer or semitrailer.

616 H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to
617 this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon
618 receiving a record of conviction of a violation of this section, the Department shall revoke and not
619 reinstate the owner's privilege to register the vehicle operated in violation of this section with license
620 plates issued or authorized for use pursuant to this section for a period of five years from the date of
621 conviction.

622 I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of
623 this section shall apply to all owners of vehicles and trailers registered with license plates issued under
624 this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by
625 the Department, (i) provide evidence that they own or have regular use of another passenger car or
626 motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of
627 subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to
628 January 1, 2008, do not provide the Department (i) evidence of owning or having regular use of another
629 autocycle, passenger car, or motorcycle as required under subsections A and B, and (ii) the certification
630 required pursuant to subsection E.

631 **§ 46.2-730.1. License plates for military surplus motor vehicles; fee; penalty.**

632 A. On receipt of an application and evidence that the applicant owns or has regular use of another
633 passenger car, autocycle, or motorcycle, the Commissioner shall issue a registration card and
634 appropriately designed license plates to owners of military surplus motor vehicles. These license plates
635 shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card
636 and license plates for any of these vehicles shall be a one-time fee of \$100.

637 B. Military surplus motor vehicles registered with license plates issued under this section shall not be
638 used for general transportation purposes, including, but not limited to, daily travel to and from the
639 owner's place of employment, but shall only be used:

640 1. For participation in off-road events, on-road club activities, exhibits, tours, parades, and similar
641 events; and

642 2. On the highways of the Commonwealth for the purpose of selling the vehicle, obtaining repairs or
643 maintenance, transportation to and from events as described in subdivision 1, and occasional pleasure
644 driving not exceeding 125 miles from the address at which the vehicle is stored for use.

645 The registration card issued to the owner of a military surplus motor vehicle registered pursuant to
646 this section shall indicate that such vehicle is for limited use.

647 C. Any owner of a military surplus motor vehicle applying for registration pursuant to this section
648 shall submit to the Department, in the manner prescribed by the Department, certification that such
649 vehicle is capable of being safely operated on the highways of the Commonwealth.

650 Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle registered with
651 license plates issued under this section that the Department or the Department of State Police determines
652 is not properly equipped or is otherwise unsafe to operate. Any law-enforcement officer shall take
653 possession of the license plates, registration card, and decals, if any, of any vehicle registered with
654 license plates issued under this section when he observes any defect in such vehicle as set forth in §
655 46.2-1000.

656 D. Any law-enforcement officer may require any person operating a military surplus motor vehicle
657 registered pursuant to this section to provide, upon request, the address at which the vehicle is stored for
658 use and the destination of such operation. Any owner of a military surplus motor vehicle registered with
659 license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class
660 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department
661 shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this
662 section with license plates issued pursuant to this section for a period of five years from the date of
663 conviction.

664 E. Military surplus motor vehicles registered with the Department under any other provision of this
665 Code prior to January 1, 2019, may continue to be registered under such provision. ~~Such vehicles shall~~
666 ~~be considered to be registered under this section for the purpose of § 46.2-1158.01.~~ In the event that
667 any such vehicle is transferred to a new owner, the vehicle must be registered pursuant to this section.

668 F. No military surplus motor vehicle shall be registered as an antique vehicle pursuant to § 46.2-730.

669 **§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest**
670 **without warrant.**

671 The speed of any motor vehicle may be determined by the use of (i) a laser speed determination
672 device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and
673 both measures and records distance traveled and elapsed time to determine the average speed of a motor
674 vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures

675 and records distance traveled and elapsed time to determine the average speed of a motor vehicle being
 676 operated on highways within the Interstate System of highways as defined in § 33.2-100, *or (v) a speed*
 677 *monitoring system as provided in § 46.2-882.1.* The results of such determinations shall be accepted as
 678 prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the
 679 speed of the motor vehicle is at issue.

680 In any court or legal proceeding in which any question arises about the calibration or accuracy of
 681 any laser speed determination device, radar, ~~or~~ microcomputer device, *or speed monitoring system* as
 682 described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy
 683 thereof, showing the calibration or accuracy of ~~(i)~~ (a) the speedometer of any vehicle, ~~(ii)~~ (b) any tuning
 684 fork employed in calibrating or testing the radar or other speed determination device, or ~~(iii)~~ (c) any
 685 other method employed in calibrating or testing any laser speed determination device *or speed*
 686 *monitoring system*, and when and by whom the calibration was made, shall be admissible as evidence of
 687 the facts therein stated. No calibration or testing of such device *or system* shall be valid for longer than
 688 six months.

689 The driver of any such motor vehicle may be arrested without a warrant under this section if the
 690 arresting officer is in uniform and displays his badge of authority and if the officer has observed the
 691 registration of the speed of such motor vehicle by the laser speed determination device, radar, or
 692 microcomputer device as described in this section, or has received a radio message from the officer who
 693 observed the speed of the motor vehicle registered by the laser speed determination device, radar, or
 694 microcomputer device as described in this section. However, in case of an arrest based on such a
 695 message, such radio message shall have been dispatched immediately after the speed of the motor
 696 vehicle was registered and furnished the license number or other positive identification of the vehicle
 697 and the registered speed to the arresting officer.

698 Neither State Police officers nor local law-enforcement officers shall use laser speed determination
 699 devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed
 700 of motor vehicles.

701 State Police officers may use laser speed determination devices, radar, and/or microcomputer devices
 702 as described in this section. All localities may use radar ~~and~~, laser speed determination devices, *or speed*
 703 *monitoring devices as provided in § 46.2-882.1* to measure speed. The Cities of Alexandria, Fairfax,
 704 Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince
 705 William and towns within such counties may use microcomputer devices as described in this section.

706 ~~The~~ *With the exception of a speed monitoring system as defined in § 46.2-882.1, the* Division of
 707 Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine
 708 the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police
 709 chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986,
 710 meet or exceed the standards established by the Division.

711 **§ 46.2-882.1. Use of speed monitoring systems.**

712 A. *For purposes of this section:*

713 "*Highway safety corridor*" means those portions of highways in the primary state highway system
 714 and Interstate System designed in accordance with § 33.2-253.

715 "*Speed monitoring system*" means a vehicle sensor that automatically produces two or more
 716 photographs, two or more microphotographs, video, or other recorded data of a motor vehicle traveling
 717 at a speed of at least 10 miles per hour in excess of the maximum applicable speed limit. For each such
 718 vehicle, at least two recorded images shall include the motor vehicle and the same stationary object
 719 near the motor vehicle and at least one recorded image shall include the license plate of the motor
 720 vehicle. All recorded images shall include the time, date, and location of the vehicle when the image is
 721 recorded.

722 B. *The Department of State Police shall establish a speed enforcement program by installing and*
 723 *operating a speed monitoring system in highway safety corridors for the purpose of recording violations*
 724 *of §§ 46.2-870 and 46.2-878.*

725 1. *The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section*
 726 *if such vehicle is found, as evidenced by information obtained from a speed monitoring system, to have*
 727 *violated the maximum speed limit in a designated highway safety corridor. Notwithstanding the*
 728 *provisions of § 46.2-947, such civil penalty imposed pursuant to this section shall not be doubled and*
 729 *shall not exceed the applicable fine set forth in the Traffic Infractions and Uniform Fine Schedule*
 730 *adopted by the Supreme Court for prepayments of fines for violations of §§ 46.2-870 and 46.2-878, and*
 731 *any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic*
 732 *infractions. Any finding in a district court that an operator has violated the maximum applicable speed*
 733 *limit in a highway safety corridor shall be appealable to the circuit court in a civil proceeding.*
 734 *Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and*
 735 *shall not be made a part of the operating record of the person upon whom such liability is imposed, nor*
 736 *shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.*

737 2. If a speed monitoring system is used, proof of a violation of § 46.2-870 or 46.2-878 shall be
 738 evidenced by information obtained from such system. A certificate, sworn to or affirmed by a technician
 739 employed or authorized by the speed monitoring system operator, or a facsimile thereof, based upon
 740 inspection of photographs, microphotographs, videotape, or other recorded images produced by a speed
 741 monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs,
 742 microphotographs, videotape, or other recorded images evidencing such a violation shall be available
 743 for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-870 or 46.2-878.

744 3. In the prosecution for a violation of § 46.2-870 or 46.2-878, in which a summons was issued
 745 pursuant to this section, prima facie evidence that the vehicle described in the summons issued pursuant
 746 to this section was operated in violation of § 46.2-870 or 46.2-878, together with proof that the
 747 defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in
 748 evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who
 749 committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle
 750 (i) files an affidavit by regular mail with the clerk of the general district court that he was not the
 751 operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that
 752 he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also
 753 be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the
 754 police as stolen prior to the time of the alleged violation of § 46.2-870 or 46.2-878, is presented, prior
 755 to the return date established on the summons issued pursuant to this section, to the court adjudicating
 756 the alleged violation.

757 4. A summons for a violation of § 46.2-870 or 46.2-878 issued pursuant to this section shall be
 758 executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In
 759 the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or
 760 accessible to the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall
 761 be mailed to the address contained in the records of the lessor or renter. Every such mailing shall
 762 include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the
 763 presumption that he was the operator of the vehicle at the time of the alleged violation through the
 764 filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including
 765 the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of
 766 return set out in the summons mailed pursuant to this section, the summons shall be executed in the
 767 manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing
 768 shall be instituted for failure to appear on the return date of the summons. If the summons is issued to
 769 an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person
 770 fails to appear on the date of return set out in the summons mailed pursuant to this section, the
 771 summons will be eligible for all legal collections activities. Any summons executed for a violation of §
 772 46.2-870 or 46.2-878 shall provide to the person summoned at least 30 days from the mailing of the
 773 summons to inspect information collected by a speed monitoring system in connection with the violation.
 774 If the Department of State Police does not execute a summons for a violation § 46.2-870 or 46.2-878
 775 within 14 days from the date of the violation, all information collected pertaining to that suspected
 776 violation shall be purged within 16 days from the date of the violation.

777 5. Information collected by a speed monitoring system installed and operated pursuant to this section
 778 shall be limited exclusively to that information that is necessary for the enforcement of speed limits in a
 779 highway safety corridor. On behalf of the Department of State Police, a private entity that operates a
 780 speed monitoring system may enter into an agreement with the Department of Motor Vehicles, in
 781 accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information
 782 regarding the registered owners of vehicles that fail to comply with the maximum speed limit in a
 783 highway safety corridor. Information provided to the operator of a speed monitoring system shall be
 784 protected in a database with security comparable to that of the Department of Motor Vehicles' system,
 785 and used only for enforcement against individuals who violate the provisions of this section.
 786 Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or
 787 other personal information collected by a speed monitoring system shall be used exclusively for
 788 enforcing applicable speed limits and shall not (i) be open to the public; (ii) be sold or used for sales,
 789 solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for
 790 the enforcement of a speed limit violation or to a vehicle owner or operator as part of a challenge to
 791 the violation; or (iv) be used in a court in a pending action or proceeding unless the action or
 792 proceeding relates to a speed limit violation or requested upon order from a court of competent
 793 jurisdiction. Information collected under this section pertaining to a specific violation shall be purged
 794 and not retained later than 60 days after the collection of any civil penalties. The Department of State
 795 Police when operating a speed monitoring system shall annually certify compliance with this section and
 796 make all records pertaining to such system available for inspection and audit by the Commissioner of
 797 Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who

798 *discloses personal information in violation of the provisions of this subsection shall be subject to a civil*
 799 *penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall*
 800 *be grounds for termination of the agreement between the Department of Motor Vehicles and the private*
 801 *entity.*

802 *6. A private entity may enter into an agreement with the Department of State Police to be*
 803 *compensated for providing the speed monitoring system or equipment, and all related support services,*
 804 *to include consulting, operations, and administration. The Department of State Police shall enter into an*
 805 *agreement for compensation based on the value of the goods and services provided, not on the number*
 806 *of violations paid or monetary penalties imposed.*

807 *7. The Department of State Police shall evaluate the system on a monthly basis to ensure all*
 808 *cameras are functioning properly and shall have the speed monitoring system calibrated on a*
 809 *semiannual basis by an independent laboratory that is unaffiliated with the manufacturer of the speed*
 810 *monitoring system or equipment. Evaluation and calibration results shall be made available to the*
 811 *public.*

812 *8. The Department of Transportation shall place a conspicuous sign, in accordance with § 33.2-253,*
 813 *indicating the use of a speed monitoring system for speed enforcement in the highway safety corridor.*
 814 *There shall be a rebuttable presumption that such signs were in place at the time of the commission of*
 815 *the speed limit violation.*

816 *9. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a*
 817 *speed monitoring system is owned, leased, or rented by the Commonwealth, or a county, city, or town,*
 818 *then the Commonwealth, county, city, or town may access and use the recorded images and associated*
 819 *information for employee disciplinary purposes.*

820 **§ 46.2-947. Violations committed within highway safety corridor; report on benefits.**

821 Notwithstanding any other provision of law, the fine for any moving violation of any provision of
 822 this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to
 823 § 33.2-253 shall be no more than \$500 for any violation which is a traffic infraction and not less than
 824 \$200 for any violation which is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2
 825 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of
 826 guilty under § 16.1-69.40:1 or § 19.2-254.2 for a violation of a provision of this chapter while operating
 827 a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. *The fine for any moving*
 828 *violation imposed pursuant to § 46.2-882.1 shall not be doubled.* The Commissioner shall report, on an
 829 annual basis, statistical data related to benefits derived from the designation of such highway safety
 830 corridors. This information may be posted on the Virginia Department of Transportation's official
 831 website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities and
 832 towns may not adopt ordinances providing for penalties under this section.

833 **§ 46.2-1000. Department to suspend registration of vehicles lacking certain equipment; officer to**
 834 **take possession of registration card, license plates and decals when observing defect in motor**
 835 **vehicle; when to be returned.**

836 The Department shall suspend the registration of any motor vehicle, trailer, or semitrailer which the
 837 Department or the Department of State Police determines is not equipped with proper (i) brakes, (ii)
 838 lights, (iii) horn or warning device, (iv) turn signals, (v) safety glass when required by law, (vi) mirror,
 839 (vii) muffler, (viii) windshield wiper, (ix) steering gear adequate to ensure the safe movement of the
 840 vehicle as required by this title or when such vehicle is equipped with a smoke screen device or cutout
 841 or when such motor vehicle, trailer, or semitrailer is otherwise unsafe to be operated.

842 Any law-enforcement officer shall, when he observes any defect in a motor vehicle as described
 843 above, take possession of the registration card, license plates, and decals of any such vehicle and retain
 844 the same in his possession for a period of 15 days unless the owner of the vehicle corrects the defects
 845 or obtains a new safety inspection sticker from an authorized safety inspection station. When the defect
 846 or defects are corrected as indicated above the registration card, license plates, and decals shall be
 847 returned to the owner.

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

851 **§ 46.2-1005.1. Auxiliary lights on motorcycles.**

852 The Superintendent of State Police shall establish guidelines setting forth a procedure pursuant to
 853 § 46.2-1005 to allow for the submission and approval of auxiliary lights on motorcycles that are not
 854 approved by the Society of Automotive Engineers and shall publish such procedure on the Department
 855 of State Police's website by January 1, 2017. The approval of any lights or equipment shall also be
 856 published on the Department's website and the Department shall notify official safety inspection stations
 857 of such approved equipment.

858 **§ 46.2-1005.2. Inspection of emergency vehicles.**

859 *Inspections of firefighting and emergency medical services vehicles shall be conducted pursuant to*

860 regulations promulgated by the Department of State Police, taking into consideration the special
861 purpose of such vehicles and the conditions under which they are operated.

862 **§ 46.2-1025. Flashing amber, purple, or green warning lights.**

863 A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning
864 lights of types approved by the Superintendent:

865 1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

866 2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public
867 highways, or in assisting with the management of roadside and traffic incidents, or performing traffic
868 management services along public highways;

869 3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state
870 waters and drainage areas on or along public highways, or state vehicles used to perform other
871 state-required environmental activities, provided that the amber lights are not lit while the vehicle is in
872 motion;

873 4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while
874 the vehicle is in motion;

875 5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are
876 engaged in refuse collection operations;

877 6. Vehicles used by individuals for emergency snow-removal purposes;

878 7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad
879 rails;

880 8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in
881 addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from
882 behind the vehicle;

883 9. Vehicles owned and used by businesses providing security services, provided the amber lights are
884 not lit while the vehicle is being operated on a public highway;

885 10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only
886 when the vehicle is actually engaged in such collection or delivery;

887 11. Vehicles used to collect and deliver packages weighing less than 150 pounds by a national
888 package delivery company that delivers such packages in all 50 states, provided that the amber lights are
889 lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;

890 12. Vehicles used to transport petroleum or propane products, provided the amber light is mounted
891 on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane
892 products, or when the vehicle's back-up lights are lit and its device producing an audible signal when
893 the vehicle is operated in reverse gear, as provided for in ~~§ 46.2-1175.1~~, is in operation;

894 13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor
895 vehicle parking;

896 14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of
897 giving directional warning to vehicular traffic to move one direction or another and are not lit while the
898 vehicle is in motion;

899 15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after
900 landing, provided the amber lights are not lit while the vehicle is in motion;

901 16. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

902 17. Vehicles owned and used by construction companies operating under Virginia contractors
903 licenses;

904 18. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of
905 Transportation or the locality in which the race is being conducted;

906 19. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights
907 are not lit while the vehicle is in motion;

908 20. Vehicles used by municipal safety officers in the performance of their official duties. For the
909 purpose of this subdivision, "municipal safety officers" means municipal employees responsible for
910 managing municipal safety programs and ensuring municipal compliance with safety and environmental
911 regulatory mandates;

912 21. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor
913 vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a
914 public highway;

915 22. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief
916 law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that
917 the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while
918 the vehicle is in motion;

919 23. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a
920 towing and recovery business, provided that the amber lights are lit only when the vehicle is being used

921 at a towing and recovery site;

922 24. Vehicles used or operated by federally licensed amateur radio operators, provided that the amber
923 lights are not lit while the vehicle is in motion, (i) while participating in emergency communications or
924 drills on behalf of federal, state, or local authorities or (ii) while providing communications services to
925 localities for public service events authorized by the Department of Transportation where the event is
926 being conducted;

927 25. Publicly owned or operated transit buses; and

928 26. Vehicles used for hauling trees, logs, or any other forest products when hauling such products,
929 provided that the amber lights are mounted or installed so as to be visible from behind the vehicle.

930 B. Except as otherwise provided in this section, such amber lights shall be lit only when performing
931 the functions which qualify them to be equipped with such lights.

932 C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning
933 lights or purple warning lights, but amber warning lights and purple warning lights shall not
934 simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards
935 and specifications for purple lights authorized in this subsection.

936 D. Vehicles used by police, firefighting, or emergency medical services personnel as command
937 centers at the scene of incidents may be equipped with and use green warning lights of a type approved
938 by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the
939 highway.

940 **§ 46.2-1043. Tire tread depth.**

941 A. No person shall operate a motor vehicle, trailer, or semitrailer on any highway in the
942 Commonwealth if it is equipped with one or more tires which:

943 1. When measured in any two adjacent major tread grooves where the tread is thinnest, at three
944 equally spaced intervals around the circumference of the tire and exclusive of "tiebars" by a tread depth
945 gauge calibrated in thirty-seconds of an inch, are found to have tread depth of less than two
946 thirty-seconds of an inch at such locations; or

947 2. When equipped with tread wear indicators, are found to have such indicators in contact with
948 pavement at any two adjacent grooves at three equally spaced intervals around the circumference of the
949 tire.

950 ~~B. No motor vehicle, trailer, or semitrailer shall be issued a safety inspection approval sticker if
951 equipped with any tire whose use is prohibited under the provisions of this section.~~

952 ~~C. This section shall not apply to tires mounted on dual wheels installed on motor vehicles which
953 have seats for more than seven passengers and are (i) operated wholly within a municipality, or (ii)
954 operated by urban and suburban bus lines. For purposes of this section, "urban and suburban bus lines"
955 are defined as bus lines operating over regular scheduled routes the majority of whose passengers use
956 the buses for traveling one-way distances not exceeding forty miles on the same day between their
957 residence and their place of work, shopping areas, or schools.~~

958 ~~D. C. The foregoing exemptions shall not apply to buses owned or operated by any public school
959 district, private school, or contract operator of school buses.~~

960 ~~E. D. The provisions of this section shall not apply to any vehicle not required to be registered or
961 licensed.~~

962 **§ 46.2-1048. Pollution control systems or devices.**

963 No motor vehicle registered in the Commonwealth and manufactured for the model year 1973 or for
964 subsequent model years shall be operated on the highways in the Commonwealth unless it is equipped
965 with an air pollution control system, device, or combination of such systems or devices installed in
966 accordance with federal laws and regulations.

967 ~~It shall be is unlawful for any person to operate a motor vehicle, as herein described, on the
968 highways in the Commonwealth with its pollution control system or device removed or otherwise
969 rendered inoperable.~~

970 ~~It shall be is unlawful for any person to operate on the highways in the Commonwealth a motor
971 vehicle, as described in this section, equipped with any emission control system or device unless it is of
972 a type installed as standard factory equipment, or comparable to that designed for use upon the
973 particular vehicle as standard factory equipment.~~

974 ~~No motor vehicle, as described in this section, shall be issued a safety inspection approval sticker
975 unless it is equipped as provided under the foregoing provisions of this section or if it violates this
976 section.~~

977 The provisions of this section shall not prohibit or prevent shop adjustments or replacements of
978 equipment for maintenance or repair or the conversion of engines to low polluting fuels, such as, but not
979 limited to, natural gas or propane, so long as such action does not degrade the antipollution capabilities
980 of the vehicle power system.

981 The provisions of this section shall not apply to converted electric vehicles.

982 **§ 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications.**

983 Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to
 984 transport any person with a medical condition which renders him susceptible to harm or injury from
 985 exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its
 986 windows, with sun-shading or tinting films or applications which reduce the transmission of light into
 987 the vehicle to levels not less than 35 percent. Such sun-shading or tinting film when applied to the
 988 windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less
 989 than 70 percent except for the upper five inches of such windshield or the AS-1 line, whichever is
 990 closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting films shall not
 991 be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle
 992 has in his possession a written authorization issued by the Commissioner of the Department of Motor
 993 Vehicles authorizing such operation. The Commissioner shall issue such written authorization only upon
 994 receipt of a signed statement from a licensed physician or licensed optometrist (i) identifying with
 995 reasonable specificity the person seeking the written authorization and (ii) stating that, in the physician's
 996 or optometrist's professional opinion, the equipping of a vehicle with sun-shading or tinting films or
 997 applications is necessary to safeguard the health of the person seeking the written authorization. Written
 998 authorizations issued by the Commissioner under this section shall be valid so long as the condition
 999 requiring the use of sun-shading or tinting films or applications persists or until the vehicle is sold,
 1000 whichever first occurs. ~~Such written authorizations shall permit the approval of any such vehicle upon~~
 1001 ~~its safety inspection as required by this chapter if such vehicle otherwise qualifies for inspection~~
 1002 ~~approval.~~ In the discretion of the Commissioner, one or more written authorizations may be issued to an
 1003 individual or a family. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine
 1004 the proper standards for equipment or devices used to measure light transmittance through windows of
 1005 motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light
 1006 transmittance through windows that meet the standards established by the Division. Such measurements
 1007 made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

1008 For any summons issued for a violation of this section, the court may, in its discretion, dismiss the
 1009 summons, where proof of compliance with this section is provided to the court on or before the court
 1010 date.

1011 **§ 46.2-1060.1. Alarm signal; certain refuse collection and highway maintenance vehicles.**

1012 *Any publicly or privately owned vehicle (i) used for garbage and refuse collection and disposal or*
 1013 *(ii) having a manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily*
 1014 *for highway repair or maintenance shall be equipped with a device, in good working order, that*
 1015 *automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Any such*
 1016 *device shall be of a type approved by the Superintendent of State Police.*

1017 **§ 46.2-1065. Steering gear; installation, sale, etc., of repair kit or preventive maintenance kit for**
 1018 **use on part of steering gear prohibited.**

1019 Every motor vehicle driven on a highway shall be equipped with steering gear adequate to ensure the
 1020 safe control of the vehicle. Such steering gear shall not show signs of weakness or breaking under
 1021 ordinary conditions. The Superintendent may promulgate regulations establishing standards of adequacy
 1022 of steering gear, which shall be the current standard specifications of steering gear adopted by the
 1023 United States Bureau of Standards or the Society of Automotive Engineers, or the regulations of the
 1024 federal Department of Transportation, for determining whether or not any motor vehicle operated on any
 1025 highway conforms to the requirements of the Department of State Police.

1026 No Virginia-registered motor vehicle shall be ~~issued a safety inspection approval sticker or be~~
 1027 ~~operated on a highway in the Commonwealth if equipped with a repair kit or preventive maintenance kit~~
 1028 ~~installed on a tie rod end, idler arm, ball joint or any other part of the vehicle's steering gear.~~

1029 ~~It shall be is~~ unlawful for any person to sell or offer for sale any repair kit or preventive
 1030 maintenance kit for use on a tie rod end, idler arm, ball joint, or any other part of a vehicle's steering
 1031 gear to prevent wear or to repair or remove play or looseness in the steering gear components.

1032 Nothing contained in this section shall prohibit or prevent shop adjustments or the replacement of
 1033 parts or complete components of a motor vehicle's steering gear that meet Society of Automotive
 1034 Engineers standards of excellence, in order to correct deficiencies in the steering gear.

1035 **§ 46.2-1072.1. Fees.**

1036 The Commissioner may charge a fee of \$125 per vehicle, for the examination, verification, or
 1037 identification of the serial or identification number of any vehicle, motor vehicle, trailer, or semitrailer.
 1038 The Commissioner may also receive applications for the issuance of an identification number and
 1039 investigate the circumstances of the application. When the Commissioner is satisfied that the applicant is
 1040 entitled to the identification number, the fee for the issuance of such identification number shall be ~~five~~
 1041 ~~dollars~~ \$5. If any inspection under this provision is done at the same time as an ~~inspection~~ *examination*
 1042 under § 46.2-1605, then only one \$125 fee shall be charged for both inspections. All fees collected
 1043 under this section shall be paid by the Commissioner into the state treasury and set aside as a special

1044 fund to be used to meet the expenses of the vehicle identification number and salvage vehicle inspection
1045 program.

1046 **§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles;**
1047 **exceptions; penalty.**

1048 A. It is unlawful for any person to operate while driving a moving motor vehicle on the highways in
1049 the Commonwealth while using any to hold, in his hand, a handheld personal communications device
1050 to:

1051 1. Manually enter multiple letters or text in the device as a means of communicating with another
1052 person; or

1053 2. Read any email or text message transmitted to the device or stored within the device, provided
1054 that this prohibition shall not apply to any name or number stored within the device nor to any caller
1055 identification information while physically manipulating the device to view, read, or enter data.

1056 B. It is unlawful for any person while driving a moving motor vehicle in a highway work zone to
1057 hold in his hand a handheld personal communications device.

1058 C. The provisions of this section shall not apply to:

1059 1. The operator of any emergency vehicle while he is engaged in the performance of his official
1060 duties;

1061 2. An operator who is lawfully parked or stopped;

1062 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless
1063 communications devices used to transmit or receive data as part of a digital dispatch system; or

1064 4. Any person using a handheld personal communications device to report an emergency;

1065 4. A person using an amateur radio or citizen band radio; or

1066 5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the
1067 Department of Transportation safety service patrol program or pursuant to a contract with the
1068 Department of Transportation for, or that includes, traffic incident management services as defined in
1069 subsection B of § 46.2-920.1 during the performance of traffic incident management services.

1070 D. A violation of subsection A is a traffic infraction punishable, for a first offense, by a fine of \$125
1071 and, for a second or subsequent offense, by a fine of \$250. A violation of subsection B is punishable by
1072 a mandatory fine of \$250. Upon a conviction under this section, the court shall furnish to the
1073 Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the
1074 record of such conviction, which shall become a part of the person's driving record.

1075 E. For the purposes of this section:

1076 "Emergency vehicle" means:

1077 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
1078 law-enforcement officer while engaged in the performance of official duties;

1079 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
1080 responding to an emergency call or operating in an emergency situation;

1081 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
1082 traveling in response to a fire alarm or emergency call;

1083 4. Any emergency medical services vehicle designed or used for the principal purpose of supplying
1084 resuscitation or emergency medical services relief where human life is endangered;

1085 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
1086 vehicle, when responding to an emergency call or operating in an emergency situation;

1087 6. Any Department of Corrections vehicle designated by the Director of the Department of
1088 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
1089 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
1090 request for assistance from a law-enforcement officer; and

1091 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
1092 secondary warning lights pursuant to § 46.2-1029.2.

1093 "Highway work zone" means a construction or maintenance area that is located on or beside a
1094 highway and is marked by appropriate warning signs with attached flashing lights or other traffic control
1095 devices indicating that work is in progress.

1096 F. Distracted driving shall be included as a part of the driver's license knowledge examination.

1097 **§ 46.2-1092. Safety lap belts or a combination of lap belts and shoulder harnesses to be**
1098 **installed in certain motor vehicles.**

1099 No passenger car or autocycle registered in the Commonwealth and manufactured for the year 1963
1100 or for subsequent years shall be operated on the highways in the Commonwealth unless the front seats
1101 thereof are equipped with adult safety lap belts or a combination of lap belts and shoulder harnesses of
1102 types approved by the Superintendent.

1103 Failure to use the safety lap belts or a combination of lap belts and shoulder harnesses after
1104 installation shall not be deemed to be negligence. Nor shall evidence of such nonuse of such devices be
1105 considered in mitigation of damages of whatever nature.

1106 No motor vehicle registered in the Commonwealth and manufactured after January 1, 1968, shall be
 1107 issued a safety inspection approval sticker *operated on the highways in the Commonwealth* if any lap
 1108 belt, combination of lap belt and shoulder harness, or passive belt systems required to be installed at the
 1109 time of manufacture by the federal Department of Transportation have been either removed from the
 1110 motor vehicle or rendered inoperable.

1111 No autocycle registered in the Commonwealth shall be issued a safety inspection sticker *operated on*
 1112 *the highways in the Commonwealth* if any lap belt, combination of lap belt and shoulder harness, or
 1113 passive belt systems required to be installed under this section have been either removed from the
 1114 autocycle or rendered inoperable.

1115 No passenger car, except convertibles, registered in the Commonwealth and manufactured on or after
 1116 September 1, 1990, shall be operated on the highways in the Commonwealth unless the forward-facing
 1117 rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed
 1118 at the time of manufacture by the federal Department of Transportation.

1119 No passenger car, including convertibles, registered in the Commonwealth and manufactured on or
 1120 after September 1, 1991, shall be operated on the highways in the Commonwealth unless the
 1121 forward-facing rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types
 1122 required to be installed at the time of manufacture by the federal Department of Transportation.

1123 No truck, multi-purpose vehicle, or bus, except school buses and motor homes, with a gross vehicle
 1124 weight rating of 10,000 pounds or less, registered in the Commonwealth and manufactured on or after
 1125 September 1, 1991, shall be operated on the highways in the Commonwealth unless the forward-facing
 1126 rear outboard seats thereof are equipped with rear seat lap/shoulder belts of types required to be installed
 1127 at the time of manufacture by the federal Department of Transportation.

1128 Passenger cars, trucks, multipurpose vehicles, and buses, except school buses and motor homes,
 1129 registered in the Commonwealth and manufactured on or after September 1, 1992, shall not be operated
 1130 on the highways of the Commonwealth unless equipped with rear seat lap/shoulder belts of types
 1131 required to be installed at the time of manufacture by the federal Department of Transportation for each
 1132 forward-facing rear outboard seating position on a readily removable seat.

1133 For the purposes of this section, forward-facing rear outboard seats are defined as those designated
 1134 seating positions for passengers in outside front facing seats behind the driver and front passenger seats,
 1135 except any designated seating position adjacent to a walkway that is located between the seat and the
 1136 near side of the vehicle and is designed to allow access to a more rearward seating position.

1137 The Superintendent of State Police shall include in the Official Motor Vehicle Inspection Regulations
 1138 a section which identifies *enact regulations identifying* each classification of motor vehicle required to
 1139 be equipped with any of the devices described in the foregoing provisions of this section.

1140 Such regulations shall also include a listing of the exact devices ~~which~~ *that* are required to be
 1141 installed in each motor vehicle classification and the model year of each motor vehicle classification on
 1142 which the standards of the federal Department of Transportation first became applicable.

1143 **§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and**
 1144 **shoulder harnesses; penalty.**

1145 A. Any driver, and any other person at least 18 years of age and occupying ~~the front seat,~~ *any seat*
 1146 of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt
 1147 system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear
 1148 the appropriate safety belt system at all times while the motor vehicle is in motion on any public
 1149 highway. A passenger under the age of 18 years, however, shall be protected as required by the
 1150 provisions of Article 13 (§ 46.2-1095 et seq.) ~~of this chapter.~~

1151 B. This section shall not apply to:

1152 1. Any person for whom a licensed physician determines that the use of such safety belt system
 1153 would be impractical by reason of such person's physical condition or other medical reason, provided the
 1154 person so exempted carries on his person or in the vehicle a signed written statement of the physician
 1155 identifying the exempted person and stating the grounds for the exemption; or

1156 2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which
 1157 render the wearing of such safety belt system impractical; or

1158 3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the
 1159 United States Postal Service; or

1160 4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier,
 1161 newspaper bundle hauler or newspaper rack carrier; or

1162 5. Drivers of ~~and passengers in~~ taxicabs; or

1163 6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery
 1164 of goods or services, including but not limited to solid waste, where such collection or delivery requires
 1165 the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render
 1166 the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such

1167 personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or
 1168 when the vehicle is in transit to or from a point of final disposition or disposal, including but not
 1169 limited to solid waste facilities, terminals, or other location where the vehicle may be principally
 1170 garaged; or

1171 7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

1172 8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor
 1173 vehicle parking.

1174 C. Any person who violates this section shall be subject to a civil penalty of ~~twenty-five dollars~~ \$25
 1175 *for a first offense, \$35 for a second offense, and \$50 for a third or subsequent offense to be paid into*
 1176 *the state treasury and credited to the Literary Fund. Upon a conviction under this section, the court shall*
 1177 *furnish the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an*
 1178 *abstract of the record of such conviction, which shall become part of the person's driving record. No*
 1179 *assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this*
 1180 *title and no court costs shall be assessed for violations of this section.*

1181 D. A violation of this section shall not constitute negligence, be considered in mitigation of damages
 1182 of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for
 1183 the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor
 1184 shall anything in this section change any existing law, rule, or procedure pertaining to any such civil
 1185 action.

1186 E. A violation of this section may be charged on the uniform traffic summons form.

1187 F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation~~
 1188 ~~has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of~~
 1189 ~~this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or~~
 1190 ~~any criminal statute.~~

1191 G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the
 1192 provisions of this section, requiring the use of safety belt systems. The penalty for violating any such
 1193 ordinance shall not exceed a fine or civil penalty of ~~twenty-five dollars~~ \$25.

1194 **§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.**

1195 Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle ~~which that~~
 1196 ~~has not been inspected pursuant to Article 21 (§ 46.2-1157 et seq.) or 22 (§ 46.2-1176 et seq.) of~~
 1197 ~~Chapter 10 of this title.~~

1198 Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a
 1199 construction site as an office or for storage or a trailer or semitrailer ~~which that~~ has been used on a
 1200 construction site as an office or for storage, ~~but which has not been inspected pursuant to Article 21 of~~
 1201 ~~Chapter 10 of this title,~~ provided that any such unlicensed or uninspected trailer or semitrailer (i) is
 1202 towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled
 1203 vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents,
 1204 of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v)
 1205 is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as
 1206 provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section
 1207 shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of
 1208 a tractor truck ~~except for the purpose of having such trailer or semitrailer inspected as provided in~~
 1209 ~~§ 46.2-1157.~~

1210 **§ 46.2-1157. Inspection of salvaged and converted electric vehicles required.**

1211 A. The owner ~~or operator~~ of any motor *salvage* vehicle, ~~trailer, or semitrailer registered in Virginia~~
 1212 ~~and operated or parked on a highway within the Commonwealth as defined in § 46.2-1600 that has been~~
 1213 ~~rebuilt for use on the highway, converted electric vehicle as defined in § 46.2-100, or off-road~~
 1214 ~~motorcycle converted to on-road use as defined in § 46.2-602.4 shall submit his vehicle to an~~
 1215 inspection of its mechanism and equipment by an official inspection station, designated for that purpose,
 1216 in accordance with § 46.2-1158. No owner ~~or operator~~ shall fail to submit a *motor salvage* vehicle,
 1217 ~~trailer, or semitrailer operated or parked on the highways in the Commonwealth that has been rebuilt for~~
 1218 ~~use on the highway, a converted electric vehicle, or an off-road motorcycle converted to on-road use to~~
 1219 such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this
 1220 title any mechanical defects found by such inspection to exist. *If no defects are discovered or when the*
 1221 *equipment has been corrected in accordance with this title, the official inspection station shall issue to*
 1222 *the owner of the vehicle, in a manner prescribed by the Department, a certification that such salvage*
 1223 *vehicle that has been rebuilt for use on the highway, converted electric vehicle, or off-road motorcycle*
 1224 *converted to on-road use has passed the safety inspection.*

1225 B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to
 1226 vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to
 1227 regulations promulgated by the Superintendent of State Police, taking into consideration the special
 1228 purpose of such vehicles and the conditions under which they operate.

1229 C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any
1230 highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

1231 D. Except as otherwise provided, motorcycles shall be inspected as motorcycles under this article.

1232 **§ 46.2-1158. Timing of inspection; scope of inspection.**

1233 Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of
1234 ~~§ 46.2-1157~~ A salvage vehicle as defined in § 46.2-1600 that has been rebuilt for use on the highway
1235 shall be reinspected within 12 months of the month of the first inspection and at least once every 12
1236 months thereafter inspected prior to a salvage examination conducted by the Department pursuant to
1237 § 46.2-1605.

1238 A converted electric vehicle required to be inspected pursuant to the provisions of § 46.2-1157 shall
1239 be inspected after a safety inspector has certified that the conversion to electric propulsion as required
1240 by § 46.2-602.3 has been completed, but prior to application for certificate of title to the Department.

1241 An off-road motorcycle converted to on-road use required to be inspected pursuant to § 46.2-1157
1242 shall be inspected prior to application for registration to the Department.

1243 Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same
1244 station during the period of validity of the rejection sticker on such vehicle, however, need only include
1245 an inspection of the item or items previously found defective unless there is found an obvious defect
1246 that would warrant further rejection of the vehicle.

1247 A rejection sticker shall be valid for 15 calendar days beyond the day of issuance. A complete
1248 inspection shall be performed on any vehicle bearing an expired rejection sticker.

1249 The completion of the conversion process for a converted electric vehicle shall invalidate any
1250 inspection of such vehicle conducted in accordance with this section prior to the conversion. Following
1251 the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of
1252 this chapter, such vehicle shall be reinspected in accordance with this section.

1253 **§ 46.2-1161.1. Inspections of trailers and semitrailers equipped with heating or cooking
1254 appliances.**

1255 If any trailer or semitrailer subject to the periodic safety inspections required by this article
1256 § 33.2-1158 is equipped with a heating or cooking appliance, the safety inspection of such trailer or
1257 semitrailer shall include a visual inspection of the venting of such cooking or heating appliance to the
1258 outside of the trailer or semitrailer. No safety inspection approval sticker shall be issued to any such
1259 trailer or semitrailer unless any such heating or cooking appliance is adequately vented to prevent the
1260 asphyxiation of occupants of any such trailer or semitrailer by the operation of the heating or cooking
1261 appliance.

1262 **§ 46.2-1163. Official inspection stations; actions of Superintendent subject to the Administrative
1263 Process Act.**

1264 The Superintendent may designate, furnish instructions to, and supervise official inspection stations
1265 for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment
1266 enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The
1267 Superintendent shall adopt and furnish to such official inspection stations regulations governing the
1268 making of inspections required by this chapter. The Superintendent may at any time, after five days'
1269 written notice, revoke the designation of any official inspection station designated by him.

1270 If no defects are discovered or when the equipment has been corrected in accordance with this title,
1271 the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by
1272 the Department of State Police, a duplicate of which is retained by such station, a certificate showing
1273 the date of correction, registration number of the vehicle, and the official designation of such station. On
1274 or before December 1, 2010, any information an official inspection station is required to provide to the
1275 Department of State Police shall be accepted by the Department in electronic form. There also shall be
1276 placed on the windshield of the vehicle at a place to be designated by the Superintendent an approval
1277 sticker furnished by the Department of State Police. If any vehicle is not equipped with a windshield,
1278 the approval sticker shall be placed on the vehicle in a location designated by the Superintendent. If the
1279 vehicle is a motorcycle, the approval sticker may, at the discretion of the motorcycle owner, be placed
1280 on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or affixed to the
1281 motorcycle. The Superintendent shall designate the location on which such plate shall be fastened or
1282 such sticker shall be affixed to the motorcycle. This sticker shall be displayed on the windshield of such
1283 vehicle or at such other designated place upon the vehicle at all times when it is operated or parked on
1284 the highways in the Commonwealth and until such time as a new inspection period shall be designated
1285 and a new inspection sticker issued. Common carriers, operating under certificate from the State
1286 Corporation Commission or the Department of Motor Vehicles, who desire to do so may use with the
1287 approval of the Superintendent private inspection stations for the inspection and correction of their
1288 equipment.

1289 The Superintendent shall provide motor vehicle safety inspection information upon the written

1290 request of an individual or corporate entity or such entity's agent. Any information provided shall not
1291 include personal information. The Superintendent may make a reasonable charge for furnishing
1292 information under this section but no fee shall be charged to any official of the Commonwealth,
1293 including court and police officials; officials of counties, cities, or towns; local government
1294 self-insurance pools; or the court, police, or licensing officials of other states or of the federal
1295 government, provided that the information requested is for official use and such officials do not charge
1296 the Commonwealth a fee for the provision of the same or substantially similar information. Vehicle
1297 information, including all descriptive vehicle data, submitted to or received from the Department of State
1298 Police related to such a request shall not be considered a public record for the purposes of the Virginia
1299 Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the Superintendent pursuant to
1300 this section shall be paid into the state treasury and shall be set aside as a special fund to be used to
1301 meet the expenses of the Department of State Police's motor vehicle safety inspection program.

1302 Actions of the Superintendent relating to official inspection stations shall be governed by the
1303 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

1304 **§ 46.2-1165. Regulations for inspection of vehicles; posting.**

1305 The Superintendent shall promulgate regulations for the inspection of ~~motor~~ salvage vehicles ~~under~~
1306 ~~this title~~ rebuilt for use on the highways, converted electric vehicles, and off-road motorcycles converted
1307 to on-road use required to be inspected pursuant to § 46.2-1157 and shall furnish each official
1308 inspection station with a printed set of such regulations suitable for posting. Such station shall post the
1309 regulations in a conspicuous place in the portion of its premises where inspections are made and shall
1310 cause its employees making official inspections to be conversant with such regulations.

1311 **§ 46.2-1171. Penalties for violation of article.**

1312 Any person violating the provisions of this article, with the exception of the provision requiring a
1313 safety inspection pursuant to § 46.2-1157, shall be guilty of a Class 3 misdemeanor for the first offense
1314 and guilty of a Class 1 misdemeanor for each subsequent offense except as otherwise provided in this
1315 article. If the violation of this article or regulations of the Superintendent made pursuant thereto is by an
1316 official inspection station in addition to or in lieu of such fine imposed by a court the Superintendent
1317 may, whether or not the violation is a first offense against this article or regulation of the
1318 Superintendent, suspend the appointment of the inspection station or, if in his opinion after a hearing,
1319 the facts warrant such action, the Superintendent may revoke the designation of such inspection station.

1320 **§ 46.2-1176. Definitions.**

1321 The following words and phrases when used in this article shall have the following meanings except
1322 where the context clearly indicates a different meaning:

1323 "Basic, test and repair program" means a motor vehicle emissions inspection system established by
1324 regulations of the Board which shall designate the use of an OBD-II (on-board diagnostic system) with
1325 wireless capability, and a two-speed idle analyzer as the only authorized testing equipment. Only those
1326 computer software programs and emissions testing procedures necessary to comply with the applicable
1327 provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be
1328 approvable for motor vehicle manufacturers' warranty repairs.

1329 "Board" means the State Air Pollution Control Board.

1330 "Certificate of emissions inspection" means a document, device, or symbol, prescribed by the
1331 Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily
1332 complied with the emissions standards and passed the emissions inspection provided for in this article;
1333 (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor
1334 vehicle has failed such emissions inspection.

1335 "Director" means the Director of the Department of Environmental Quality.

1336 "Emissions inspection station" means any facility or portion of a facility that has obtained an
1337 emissions inspection station permit from the Director authorizing the facility to perform emissions
1338 inspections in accordance with this article.

1339 "Enhanced emissions inspection program" means a motor vehicle emissions inspection system
1340 established by regulations of the Board that shall designate, as the only authorized testing equipment for
1341 emissions inspection stations, (i) the use of the ASM 50-15 (acceleration simulation mode or method)
1342 together with an OBD-II (on-board diagnostic system) with wireless capability, (ii) the use of the ASM
1343 50-15 together with the use of a dynamometer, and (iii) two-speed tailpipe testing equipment. Possession
1344 and availability of a dynamometer shall be required for enhanced emissions inspection stations. Only
1345 those computer software programs and emissions testing procedures necessary to comply with applicable
1346 provisions of Title I of the federal Clean Air Act shall be included. Such testing equipment shall be
1347 approvable for motor vehicle manufacturers' warranty repairs. An enhanced emissions inspection
1348 program shall include remote sensing and an on-road clean screen program as provided in this article.

1349 "Fleet emissions inspection station" means any inspection facility operated under a permit issued to a
1350 qualified fleet owner or lessee as determined by the Director.

1351 "Motor vehicle" means any vehicle that:

- 1352 1. Is designed for the transportation of persons or property; and
 1353 2. Is powered by an internal combustion engine.
- 1354 "On-road clean screen program" means a program that allows a motor vehicle owner to voluntarily
 1355 certify compliance with emissions standards by means of on-road remote sensing.
- 1356 "On-road emissions inspector" means the entity or entities authorized by the Department of
 1357 Environmental Quality to perform on-road testing, including on-road testing in accordance with the
 1358 on-road clean screen program.
- 1359 "On-road testing" means tests of motor vehicle emissions or emissions control devices by means of
 1360 roadside pullovers or remote sensing devices.
- 1361 "Program coordinator" means any person or corporation that has entered into a contract with the
 1362 Director to provide services in accordance with this article.
- 1363 "Qualified hybrid motor vehicle" means a motor vehicle that (i) meets or exceeds all applicable
 1364 regulatory requirements, (ii) meets or exceeds the applicable federal motor vehicle emissions standards
 1365 for gasoline-powered passenger cars, and (iii) can draw propulsion energy both from gasoline or diesel
 1366 fuel and a rechargeable energy storage system.
- 1367 "Referee station" means an inspection facility operated or used by the Department of Environmental
 1368 Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between
 1369 motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support
 1370 and information, as appropriate, to emissions inspection stations and vehicle owners.
- 1371 "Remote sensing" means the measurement of motor vehicle emissions through electronic or
 1372 light-sensing equipment from a remote location such as the roadside. Remote sensing equipment may
 1373 include devices to detect and record the vehicle's registration or other identification numbers.
- 1374 "Test and repair" means motor vehicle emissions inspection facilities that perform official motor
 1375 vehicle emissions inspections and may also perform vehicle repairs. No regulation of the Board
 1376 pertaining to test and repair shall bar inspection facilities from also performing vehicle repairs.
 1377 Emissions inspections and vehicle safety inspections may be performed in the same service bay,
 1378 provided that the facility is both an emissions inspection station and an official safety inspection station
 1379 pursuant to §§ 46.2-1163 and 46.2-1166. Emissions inspections may be performed in any service bay of
 1380 the emissions inspection station or, if by wireless means, in any other area on the premises of the
 1381 emissions inspection station.
- 1382 "Validation program" or "program validation" means a program approved by the Director by which
 1383 vehicles are randomly identified and provided a free emissions inspection for the purpose of monitoring
 1384 the effectiveness of the emissions inspection program. A "validation program" may be conducted at an
 1385 emissions inspection station, as defined by § 46.2-1176, in conjunction with a state safety inspection or
 1386 using on-road testing.
- 1387 **§ 46.2-1190.2. Facilities and equipment; requirements and approval.**
- 1388 A. A training center shall possess or have access to the use of all classroom, range, storage facilities,
 1389 and equipment. A training center's facilities and equipment shall be approved by the Department and
 1390 include, but not be limited to:
- 1391 1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced,
 1392 and sidecar and three-wheeled motorcycle rider courses;
- 1393 2. A paved range area for the on-cycle portion of the novice, experienced rider, and sidecar and
 1394 three-wheeled motorcycle courses consistent with the minimum range requirements established by the
 1395 Department-approved curriculum used in the course;
- 1396 3. For those agencies, organizations, businesses and individuals that apply to receive reimbursement,
 1397 adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental
 1398 damage;
- 1399 4. Audio-visual equipment; and
 1400 5. Fire extinguisher and first aid kit.
- 1401 B. The training center shall be responsible for procuring and providing a minimum of one
 1402 motorcycle per student. Each such motorcycle shall be of a type that may lawfully be operated on the
 1403 highways of the Commonwealth and, subject to the provisions of subsection D, meets two of the
 1404 following three criteria: (i) an engine displacement of no more than 500 cubic centimeters, (ii) a weight
 1405 of less than 400 pounds, and (iii) a seat height of 30 inches or less. Each participant in the experienced
 1406 rider course shall provide a motorcycle for use in the course. One sidecar rig or three-wheeled
 1407 motorcycle, provided by either a participant or the training center, shall be required for use by every two
 1408 students in the sidecar and three-wheeled motorcycle course.
- 1409 C. The training center shall be responsible for the normal maintenance and repair of all motorcycles
 1410 it provides for each novice rider and sidecar and three-wheeled motorcycle course participant. All
 1411 motorcycles used in course instruction shall ~~pass a safety inspection performed by the instructors be~~
 1412 *inspected by an instructor and certified by such instructor to be lawful to operate on the highways of*

1413 *the Commonwealth* prior to use in any motorcycle rider-training course.

1414 D. The Department, or its authorized agent, shall inspect and approve each training center's facilities
 1415 and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria under
 1416 subsection B, the Department or its authorized agent may deny its use by motorcycle rider safety
 1417 training centers if it is deemed unsafe by the Department. A motorcycle may be deemed unsafe because
 1418 of modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety
 1419 reason.

1420 **§ 46.2-1213. Removal and disposition of unattended, or immobile vehicles; ordinances in**
 1421 **counties, cities, and towns.**

1422 A. The governing body of any county, city, or town may by ordinance provide for the removal for
 1423 safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

1424 1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;

1425 2. It is illegally parked;

1426 3. It is left unattended for more than 10 days either on public property or on private property without
 1427 the permission of the property owner, lessee, or occupant;

1428 4. It is immobilized on a public roadway by weather conditions or other emergency situation.

1429 B. Removal shall be carried out by or under the direction of a law-enforcement officer or other
 1430 uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the
 1431 chief law-enforcement officer or his designee. The ordinance, however, shall not authorize removal of
 1432 motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request
 1433 of the owner, lessee, or occupant of the premises. The ordinance may also provide that the person at
 1434 whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is
 1435 removed from private property shall indemnify the county, city, or town against any loss or expense
 1436 incurred by reason of removal, storage, or sale thereof. Any such ordinance may also provide that it
 1437 shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks
 1438 either a current license plate; or a current county, city or town license plate or sticker; ~~or a valid state~~
 1439 ~~safety inspection certificate or sticker~~; and (ii) it has been in a specific location for four days without
 1440 being moved. As promptly as possible, each removal shall be reported to a local governmental office to
 1441 be designated in the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before
 1442 obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the
 1443 parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the
 1444 owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable
 1445 after a diligent search has been made, and after notice to him at his last known address and to the
 1446 holder of any lien of record with the office of the Department against the motor vehicle, trailer,
 1447 semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned
 1448 vehicle under the provisions of Article 1 (§ 46.2-1200 et seq.).

1449 **§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum**
 1450 **penalties.**

1451 A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the
 1452 provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and
 1453 towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or
 1454 markers on the highway showing the general regulations applicable to the operation of vehicles on such
 1455 highways. The governing body of any county, city, or town may by ordinance, or may by ordinance
 1456 authorize its chief administrative officer to:

1457 1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in
 1458 speed shall be based upon an engineering and traffic investigation by such county, city or town and
 1459 provided such speed area or zone is clearly indicated by markers or signs;

1460 2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a
 1461 temporary period not to exceed ~~sixty~~ 60 days, without such engineering and traffic investigation, the
 1462 speed limit on any portion of any highway of the city or town on which work is being done or where
 1463 the highway is under construction or repair;

1464 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or
 1465 more of the intersecting streets has been designated as a part of the primary state highway system in a
 1466 town which has a population of less than 3,500;

1467 4. *Reduce the speed limit to less than 25 miles per hour on any highway within its boundaries that is*
 1468 *located in a business district or residential district, provided such reduced speed limit is indicated by*
 1469 *lawfully placed signs.*

1470 B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker
 1471 placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily
 1472 observant person under the same circumstances would not be aware of the existence of the ordinance.

1473 C. No governing body of a county, city, or town may provide penalties for violating a provision of
 1474 an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar

1475 offense under the provisions of this title.

1476 D. No county whose roads are under the jurisdiction of the Department of Transportation shall
1477 designate, in terms of distance from a school, the placement of flashing warning lights unless the
1478 authority to do so has been expressly delegated to such county by the Department of Transportation, in
1479 its discretion.

1480 **§ 46.2-1531. Consignment vehicles; contract.**

1481 Any motor vehicle dealer offering a vehicle for sale on consignment shall have in his possession a
1482 consignment contract for the vehicle, executed and signed by the dealer and the consignor. The
1483 consignment contract shall include:

1484 1. The complete name, address, and the telephone number of the owners.

1485 2. The name, address, and dealer certificate number of the selling dealer.

1486 3. A complete description of the vehicle on consignment, including the make, model year, vehicle
1487 identification number, and body style, except that trailers shall not be subject to the requirement for
1488 vehicle identification number or body style.

1489 4. The beginning and termination dates of the contract.

1490 5. The percentage of commission, the amount of the commission, or the net amount the owner is to
1491 receive, if the vehicle is sold.

1492 6. Any fees for which the owner is responsible.

1493 7. A disclosure of all unsatisfied liens on the vehicle and the location of the certificate of title to the
1494 vehicle.

1495 8. ~~A requirement that the motor vehicle pass a safety inspection prior to sale certification that the~~
1496 ~~motor vehicle meets the applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et~~
1497 ~~seq.) or, if the motor vehicle is found not to be in compliance with any safety inspection requirement~~
1498 ~~after having been inspected meet such requirements,~~ the dealer shall either take steps to bring it into
1499 compliance or furnish any buyer intending to use that vehicle on the public highways a written
1500 disclosure, prior to sale, that the vehicle did not ~~pass a safety inspection meet such requirements.~~

1501 Any dealer offering a vehicle for sale on consignment shall inform any prospective customer that the
1502 vehicle is on consignment.

1503 Dealer license plates shall not be used to demonstrate a vehicle on consignment except on (i) motor
1504 vehicles with gross vehicle weight of 15,000 pounds or more, excluding RVs, (ii) vehicles on
1505 consignment from another licensed motor vehicle dealer, and (iii) vehicles on consignment from a
1506 nonprofit organization certified pursuant to subsection B of § 46.2-1508.1. The owner's license plates
1507 may be used if liability insurance coverage is in effect in the amounts prescribed by § 46.2-472.

1508 No vehicles except motorcycles shall be sold on consignment by motorcycle dealers.

1509 No vehicles except recreational vehicles shall be sold on consignment by recreational vehicle dealers.

1510 No vehicles other than trailers shall be sold on consignment by trailer dealers.

1511 The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1512 **§ 46.2-1539. Inspection of vehicles required; penalty.**

1513 No person required to be licensed as a dealer under this chapter shall sell at retail any motor vehicle
1514 ~~which that is intended by the buyer for use on the public highways, and which is required to comply~~
1515 ~~with the safety inspection requirements provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10~~
1516 ~~unless between the time the vehicle comes into the possession of the dealer and the time it is sold at~~
1517 ~~retail it is inspected by an official safety inspection station unless the vehicle meets the applicable safety~~
1518 ~~and equipment requirements to be lawfully operated on the highways of the Commonwealth.~~ In the event
1519 the vehicle is found not to be in compliance with all ~~safety inspection such~~ requirements, the dealer
1520 shall either take steps to bring it into compliance or shall furnish any buyer intending it for use on the
1521 public ~~highway highways~~ a written disclosure, prior to sale, that the vehicle ~~did not pass a safety~~
1522 ~~inspection may not be operated on the highways of the Commonwealth.~~ Any person found guilty of
1523 violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

1524 The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.

1525 **§ 46.2-1539.1. Safety inspections or disclosure required before sale of certain trailers; penalty.**

1526 Any trailer required by any provision of this title to undergo periodic safety inspections shall be
1527 ~~inspected by an official inspection station between the time it comes into the possession of a retail~~
1528 ~~dealer and the time the trailer is sold by the dealer~~ Retail dealers shall inspect or cause to be inspected
1529 any trailer prior to the sale of such trailer and shall certify that such trailer meets the applicable safety
1530 and equipment requirements to be used on the highways of the Commonwealth or, in lieu of ~~an~~
1531 ~~inspection such certification,~~ the dealer shall present to the purchaser, prior to purchase of the trailer, a
1532 written itemization of all the trailer's deficiencies relative to applicable safety ~~inspection and equipment~~
1533 requirements. The provisions of this section shall not apply to (i) sales of trailers or watercraft trailers
1534 by individuals not ordinarily engaged in the business of selling trailers or watercraft trailers or (ii) the
1535 retail sale of five or more trailers to the same buyer. Any person found guilty of violating any provision

1536 of this section is guilty of a Class 1 misdemeanor.

1537 **§ 46.2-1600. (Effective July 1, 2021) Definitions.**

1538 The following words, terms, and phrases when used in this chapter shall have the meaning ascribed
1539 to them in this section, except where the context indicates otherwise:

1540 "Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to
1541 damage as determined, using recognized evaluation sources, either (i) by an insurance company
1542 responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the
1543 Department.

1544 "Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage
1545 dealer, rebuilder, demolisher, or scrap metal processor.

1546 "Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket
1547 equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail
1548 damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by
1549 the manufacturer or (ii) damage that requires any repair to enable a vehicle to ~~pass a safety inspection~~
1550 ~~pursuant to § 46.2-1157~~ *be lawfully operated on the highways of the Commonwealth*. The cost for
1551 cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the
1552 calculation for a nonrepairable vehicle.

1553 "Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as
1554 determined by the insurer responsible for paying the claim, or (ii) if no insurance company is
1555 responsible therefor, 25 percent of the actual cash value.

1556 "Demolisher" means any person whose business is to crush, flatten, bale, shred, log, or otherwise
1557 reduce a vehicle to a state where it can no longer be considered a vehicle.

1558 "Diminished value compensation" means the amount of compensation that an insurance company
1559 pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle
1560 due to damage.

1561 "Independent appraisal firm" means any business providing cost estimates for the repair of damaged
1562 motor vehicles for insurance purposes and having all required business licenses and zoning approvals.
1563 This term shall not include insurance companies that provide the same service, nor shall any such entity
1564 be a rebuilder or affiliated with a rebuilder.

1565 "Late model vehicle" means the current-year model of a vehicle and the five preceding model years,
1566 or any vehicle whose actual cash value is determined to have been at least \$ 10,000 prior to being
1567 damaged.

1568 "Licensee" means any person who is licensed or is required to be licensed under this chapter.

1569 "Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip
1570 assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission;
1571 (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related
1572 parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

1573 "Nonrepairable certificate" means a document of ownership issued by the Department for any
1574 nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage
1575 certificate.

1576 "Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose
1577 estimated cost of repair, excluding the cost to repair cosmetic damages, exceeds 90 percent of its actual
1578 cash value prior to damage; (ii) any vehicle that has been determined to be nonrepairable by its insurer
1579 or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other
1580 vehicle that has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

1581 "Rebuilder" means any person who acquires and repairs, for use on the public highways, two or
1582 more salvage vehicles within a 12-month period.

1583 "Rebuilt vehicle" means (i) any salvage vehicle that has been repaired for use on the public highways
1584 and the estimated cost of repair did not exceed 90 percent of its actual cash value or (ii) any late model
1585 vehicle that has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash
1586 value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

1587 "Repairable vehicle" means a late model vehicle that is not a rebuilt vehicle, but is repaired to its
1588 pre-loss condition by an insurance company and is not accepted by the owner of said vehicle
1589 immediately prior to its acquisition by said insurance company as part of the claims process.

1590 "Salvage certificate" means a document of ownership issued by the Department for any salvage
1591 vehicle upon surrender or cancellation of the vehicle's title and registration.

1592 "Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts
1593 thereof or who acquires and sells any salvage vehicle as a unit except as permitted by subdivision B 2
1594 of § 46.2-1602.

1595 "Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable
1596 vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or
1597 nonrepairable vehicles, but this definition shall not apply to an insurance company that stores and

1598 displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two
 1599 or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same
 1600 facilities, shall be considered a salvage pool.

1601 "Salvage vehicle" means (i) any late model vehicle that has been (a) acquired by an insurance
 1602 company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of
 1603 collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost
 1604 of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment
 1605 for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii)
 1606 any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose
 1607 estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle that is
 1608 determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage
 1609 certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

1610 "Scrap metal processor" means any person who acquires one or more whole vehicles to process into
 1611 scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for
 1612 processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose
 1613 principal product is metallic scrap.

1614 "Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or
 1615 declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the
 1616 purposes of this chapter, a major component shall not be considered a vehicle.

1617 "Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it
 1618 to a demolisher, scrap metal processor, or salvage dealer.

1619 **§ 46.2-2000.4. Operators of certain commuter buses to maintain certain records; inspection of**
 1620 **records; penalty.**

1621 A. For the purpose of this section, "commuter bus" means a motor vehicle that has a seating
 1622 capacity of more than 17 passengers, is used primarily to transport workers directly to and from
 1623 factories, plants, offices, or other places where they work, and is registered with the Department for
 1624 such operation.

1625 B. Persons, firms, corporations, and other business entities operating commuter buses for
 1626 compensation in intrastate commerce shall maintain records of all maintenance performed on such
 1627 buses. Such records shall include the dates of service, the odometer reading of the bus on that date, the
 1628 maintenance performed, and the name of the person or persons performing the maintenance. Such
 1629 records shall be open to inspection during the operator's normal business hours by employees of the
 1630 Department of State Police specifically designated by the Superintendent. Employees of the Department
 1631 of State Police designated for that purpose by the Superintendent shall also be authorized with the
 1632 consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the
 1633 procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2 to go onto the property of business
 1634 entities operating commuter buses for compensation in intrastate commerce to inspect buses directly on
 1635 such property or on the property where such buses are principally garaged at any time during normal
 1636 business hours. Such inspections may be either for the purpose of determining the safe condition of the
 1637 buses or to verify the accuracy of the maintenance logs or for both purposes.

1638 C. A violation of any provision of this section constitutes a Class 3 misdemeanor.

1639 D. The provisions of this section shall not apply to local or regional governments, to authorities
 1640 created to provide local or regional mass transit service, or to buses that those governments or
 1641 authorities own or operate.

1642 **§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation**
 1643 **network company.**

1644 A. A TNC partner vehicle shall:

- 1645 1. Be a personal vehicle;
- 1646 2. Have a seating capacity of no more than eight persons, including the driver;
- 1647 3. Be validly titled and registered in the Commonwealth or in another state;
- 1648 4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the
 1649 vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
- 1650 5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for
 1651 which the Department of State Police has determined that such motor vehicle safety inspection standards
 1652 adequately ensure public safety and carry proof of that inspection on or in the vehicle Meet the
 1653 applicable safety and equipment requirements of Chapter 10 (§ 46.2-1000 et seq.); and

1654 6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or
 1655 46.2-2099.52, as applicable.

1656 No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of
 1657 this subsection.

1658 B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network

1659 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
1660 TNC partner with proof of any TNC insurance policy maintained by the transportation network
1661 company.

1662 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress
1663 to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the
1664 transportation network company or digital platform with which the vehicle is affiliated and shall be
1665 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and
1666 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is
1667 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade
1668 dress may take the form of a removable device that meets the identification and visibility requirements
1669 of this subsection.

1670 Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no
1671 more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in
1672 identifying and communicating with TNC partners. Such devices may use a single steady-burning color
1673 while the TNC partner is logged in to a transportation network company's associated digital platform
1674 and may change to a different steady-burning color once the TNC partner accepts a request to transport
1675 a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall
1676 not (i) exceed five candlepower; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv)
1677 project a glaring or dazzling light; or (v) attach to the windshield.

1678 The transportation network company shall submit to the Department proof that the transportation
1679 network company has established the trade dress required under this subsection by filing with the
1680 Department an illustration or photograph of the trade dress. Any TNC that issues an illuminated
1681 removable interior trade dress device for use in the Commonwealth shall file with the Department the
1682 specifications of such device, including the default color.

1683 A TNC partner shall keep the trade dress issued under this subsection visible at all times while the
1684 vehicle is being operated as a TNC partner vehicle.

1685 No person shall operate a vehicle bearing trade dress issued under this subsection without the
1686 authorization of the transportation network company issuing the trade dress.

1687 2. That §§ 46.2-1158.01, 46.2-1158.02, 46.2-1158.1, 46.2-1159, 46.2-1160, 46.2-1164, 46.2-1168,
1688 46.2-1172, 46.2-1173, 46.2-1175, 46.2-1175.1, and 46.2-1540 of the Code of Virginia are repealed.

1689 3. That the owner or lessee of a motor vehicle may remove a safety inspection approval sticker
1690 from such motor vehicle on or after July 1, 2020, provided that the owner or lessee shall remove
1691 such sticker prior to the expiration of the sticker.