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HOUSE BILL NO. 2205

Offered January 13, 2025

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A BILL to amend and reenact §§ 46.2-100, 46.2-316, 46.2-436, 46.2-439, 46.2-441, 46.2-706, and 46.2-707 through 46.2-709 of the Code of Virginia, relating to Department of Motor Vehicles; proof of financial responsibility in the future.

Patrons—Kilgore and Lovejoy

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-316, 46.2-436, 46.2-439, 46.2-441, 46.2-706, and 46.2-707 through 46.2-709 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

59 used essential parts other than those required for the conversion to electric propulsion.

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

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

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

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

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

75 "Driver's license" means any license, including a commercial driver's license as defined in the Virginia  
76 Commercial Driver's License Act (§ 46.2-341.1 et seq.) and a driver privilege card issued pursuant to §  
77 46.2-328.3, issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

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

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

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

89 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used  
90 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of  
91 20 miles per hour; and

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

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

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

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

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

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

108 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising  
109 out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in §  
110 46.2-472.

111 "*Financial responsibility in the future*" means the future ability to respond to damages for liability  
112 incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle in the amounts  
113 provided for in §§ 46.2-316 and 46.2-472.

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

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

120 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their

121 equipment on a golf course.

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

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

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

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

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

143 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for  
144 violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement  
145 databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes  
146 city and county commissioners of the revenue and treasurers, together with their duly designated deputies and  
147 employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and  
148 46.2-754 and local ordinances enacted thereunder.

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

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

152 "Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a  
153 motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf  
154 cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is  
155 manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, §  
156 571.500.

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

167 "Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or  
168 under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale  
169 to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in §  
170 46.2-700, trailers, or semitrailers.

171 "Moped" means every vehicle that travels on not more than three wheels in contact with the ground that  
172 (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to  
173 the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b)  
174 has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by  
175 human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include an  
176 electric power-assisted bicycle or a motorized skateboard or scooter. For purposes of this title, a moped shall  
177 be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§  
178 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

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

182 "Motor home" means every private motor vehicle with a normal seating capacity of not more than 10

183 persons, including the driver, designed primarily for use as living quarters for human beings.

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

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

196 "Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact  
197 with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued  
198 vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than  
199 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered  
200 solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars  
201 but does not include electric personal assistive mobility devices or electric power-assisted bicycles.

202 "Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign  
203 corporation that is authorized to do business in the Commonwealth by the State Corporation Commission  
204 shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated  
205 in the Commonwealth but doing business outside the Commonwealth, only such principal place of business  
206 or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a  
207 person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days  
208 shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii)  
209 a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a  
210 full-time church service or proselyting mission of not more than 36 months and who is not gainfully  
211 employed, who has actually resided in the Commonwealth for a period of six months, whether employed or  
212 not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for  
213 registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia  
214 Commercial Driver's License Act (§ 46.2-341.1 et seq.).

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

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

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

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

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

241 "Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used  
242 primarily for the transportation of no more than 10 persons, including the driver.

243 "Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other

244 means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also  
 245 include a card that enables a person to pay for transactions through the use of value stored on the card itself.

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

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

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

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

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

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

275 "Residence district" means the territory contiguous to a highway, not comprising a business district, where  
 276 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300  
 277 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings,  
 278 or consists of land or buildings in use for business purposes, or consists of territory zoned residential or  
 279 territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

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

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

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

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

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

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

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

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

304 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or

305 runners, and supported in whole or in part by one or more skis, belts, or cleats.

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

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

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

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

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

319 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of  
320 a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least  
321 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a  
322 capacity to haul or tow another vehicle, commonly referred to as "rollback." "Tow truck" does not include  
323 any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor  
324 truck" as those terms are defined in this section.

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

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

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

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

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

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

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

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

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

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

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

366 "Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or

367 combinations that transport watercraft on their power unit, designed and used exclusively for the  
368 transportation of watercraft.

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

374 **§ 46.2-316. Persons convicted or found not innocent of certain offenses; requirement of proof of**  
375 **financial responsibility in the future for certain offenses.**

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

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

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

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

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

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

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

397 B. Except as provided in subsection C, the Department shall not issue a driver's license or learner's permit  
398 to any person convicted of a crime ~~mentioned~~ set forth in subsection A of this section for a further period of  
399 three years after he otherwise becomes entitled to a license or permit ~~until unless he proves~~ furnishes proof of  
400 financial responsibility in the future to the Commissioner as provided in § 46.2-439 proving his ability to  
401 respond in damages as provided in Article 15 (§ 46.2-435 et seq.) of Chapter 3 of this title or any other law of  
402 the Commonwealth requiring proof of financial responsibility.

403 C. In addition to the prohibition on licensure set forth in subsection A, the Department shall not issue or  
404 reinstate a driver's license or learner's permit to any person convicted of a violation set forth in subdivision A  
405 4 for a period of three years after he otherwise becomes entitled to a license or permit ~~until unless~~ he  
406 furnishes proof of financial responsibility in the future as provided in § 46.2-439 under a motor vehicle  
407 liability insurance policy that satisfies the requirements of § 46.2-472 except that the limits of coverage  
408 exclusive of interest and costs, with respect to each motor vehicle insured under the policy, shall be not less  
409 than double the minimum limits set forth in subdivision A 3 of § 46.2-472 for bodily injury or death of one  
410 person in any one accident, for bodily injury to or death of two or more persons in any one accident, and for  
411 injury to or destruction of property of others in any one accident.

412 **§ 46.2-436. Methods of proving financial responsibility.**

413 Proof of financial responsibility when required under this chapter may be given by proof that:

414 1. A policy or policies of motor vehicle liability insurance have been obtained and are in full force;

415 2. A bond has been duly executed;

416 3. A deposit has been made of money or securities; or

417 4. A self-insurance certificate has been filed, all as provided in this chapter.

418 *Such proof shall be presented to the Department in a form prescribed by the Commissioner.*

419 **§ 46.2-439. Proof of financial responsibility in the future.**

420 Proof of financial responsibility, ~~when requested,~~ in the future shall be made by filing with the  
421 Commissioner the written certificate of any insurance carrier authorized to do business in the  
422 Commonwealth, certifying that there is in effect a motor vehicle liability policy for the benefit of the person  
423 required to furnish proof of financial responsibility: ~~This in the future.~~ *Such certificate shall be an American*  
424 *Association of Motor Vehicle Administrators Uniform Financial Responsibility Form (SR-22), or Virginia*  
425 *Uniform Financial Responsibility Form (FR-44), depending on the circumstances. Such certificate shall give*  
426 *its effective date and the effective date of the policy and shall be submitted in a form prescribed by the*  
427 *Commissioner.*

428 **§ 46.2-441. Nonresident may file proof of financial responsibility in the future from insurance**

429 **company or other state-authorized entity providing insurance.**

430 Notwithstanding the requirement of §§ 46.2-439 and 46.2-440, a nonresident required to file proof of  
 431 ~~future~~ financial responsibility *in the future* under this chapter may ~~file~~ give proof of ~~future~~ financial  
 432 responsibility *in the future by filing with the Commissioner the written certificate* of an insurance company or  
 433 other state-authorized entity providing insurance and authorized or licensed to do business in the  
 434 nonresident's state of residence as long as such proof of ~~future~~ financial responsibility *in the future* is in ~~the~~  
 435 amounts equal to those required by §§ 46.2-316 and 46.2-472. *Such certificate shall be an American*  
 436 *Association of Motor Vehicle Administrators Uniform Financial Responsibility Form (SR-22), or Virginia*  
 437 *Uniform Financial Responsibility Form (FR-44), depending on the circumstances. Such certificate shall give*  
 438 *its effective date and the effective date of the policy and shall be submitted in a form prescribed by the*  
 439 *Commissioner.*

440 **§ 46.2-706. Proof of insurance required of applicants for registration of motor vehicles; verification**  
 441 **of insurance; suspension of driver's license, registration certificates, and license plates for certain**  
 442 **violations.**

443 A. Every person applying for registration of a motor vehicle shall, under the penalties set forth in §  
 444 46.2-707, execute and furnish to the Commissioner his certificate that the motor vehicle is an insured motor  
 445 vehicle as defined in § 46.2-705, or that the Commissioner has issued to its owner, in accordance with §  
 446 46.2-368, a certificate of self-insurance applicable to the vehicle sought to be registered. The Commissioner,  
 447 or his duly authorized agent, may verify that the motor vehicle is properly insured by comparing owner and  
 448 vehicle identification information on file at the Department of Motor Vehicles with liability information on  
 449 the owner and vehicle transmitted to the Department by any insurance company licensed to do business in the  
 450 Commonwealth as provided in § 46.2-706.1. If no record of liability insurance is found, the Department may  
 451 require the motor vehicle owner to verify insurance in a method prescribed by the Commissioner.

452 B. The refusal or neglect of any owner within 30 days to submit the liability insurance information when  
 453 required by the Commissioner or his duly authorized agent, or the electronic notification by the insurance  
 454 company or surety company that the policy or bond named in the certificate of insurance is not in effect, shall  
 455 require the Commissioner to suspend any driver's license and all registration certificates and license plates  
 456 issued to the owner of the motor vehicle until the person (i) has paid to the Commissioner a noncompliance  
 457 fee of \$600 to be disposed of as provided for in § 46.2-710 and (ii) furnishes proof of financial responsibility  
 458 ~~for~~ *in the future* in the manner prescribed in Article 15 (§ 46.2-435 et seq.) of Chapter 3. No order of  
 459 suspension required by this section shall become effective until the Commissioner has offered the person an  
 460 opportunity for an administrative hearing to show cause why the order should not be enforced. Notice of the  
 461 opportunity for an administrative hearing may be included in the order of suspension. Any request for an  
 462 administrative hearing made by such person must be received by the Department within 180 days of the  
 463 issuance date of the order of suspension unless the person presents to the Department evidence of military  
 464 service as defined by the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.), incarceration,  
 465 commitment, hospitalization, or physical presence outside the United States at the time the order of  
 466 suspension was issued. When three years have elapsed from the effective date of the suspension required in  
 467 this section, the Commissioner may relieve the person of the requirement of furnishing proof of ~~future~~  
 468 financial responsibility *in the future*.

469 C. The Commissioner shall suspend the driver's license and all registration certificates and license plates  
 470 of any person on receiving a record of his conviction of a violation of any provisions of § 46.2-707, but the  
 471 Commissioner shall dispense with the suspension when the person is convicted for a violation of § 46.2-707  
 472 and the Department's records show conclusively that the motor vehicle was insured prior to the date and time  
 473 of the alleged offense.

474 D. The Commissioner may dispense with a suspension for a violation of this section or § 46.2-708 if the  
 475 person determined to have committed the violation provides to the Commissioner proof that conclusively  
 476 shows that the motor vehicle in question was insured at the time the Department initiated insurance  
 477 monitoring under this section or § 46.2-706.1 or at the time of a violation of § 46.2-708.

478 **§ 46.2-707. Operation of uninsured vehicle; false evidence of insurance; penalty.**

479 Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to  
 480 registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558  
 481 who operates or permits the operation of that motor vehicle is guilty of a Class 3 misdemeanor.

482 Any person who is the operator of such an uninsured motor vehicle and not the titled owner and who  
 483 knows that such motor vehicle is uninsured is guilty of a Class 3 misdemeanor.

484 The Commissioner or his duly authorized agent, having reason to believe that a motor vehicle is being  
 485 operated or has been operated on any specified date, may require the owner of such motor vehicle to verify  
 486 insurance in a method prescribed by the Commissioner as provided for by § 46.2-706. The refusal or neglect  
 487 of the owner to provide such verification shall be prima facie evidence that the motor vehicle was an  
 488 uninsured motor vehicle at the time of such operation.

489 Any person who falsely verifies insurance to the Commissioner or gives false evidence that a motor



490 vehicle sought to be registered is an insured motor vehicle, shall be guilty of a Class 3 misdemeanor.  
 491 However, the foregoing portions of this section shall not be applicable if it is established that the owner  
 492 had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which  
 493 event the provisions of § 46.2-609 shall be applicable.

494 Any person who owns an uninsured motor vehicle (i) licensed in the Commonwealth, (ii) subject to  
 495 registration in the Commonwealth, or (iii) displaying temporary license plates provided for in § 46.2-1558  
 496 shall immediately surrender the vehicle's license plates to the Department, unless the vehicle's registration has  
 497 been deactivated as provided by § 46.2-646.1. Any person who fails to immediately surrender his vehicle's  
 498 license plates as required by this section is guilty of a Class 3 misdemeanor.

499 Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this  
 500 section shall be forwarded to the Commissioner as prescribed by § 46.2-383.

501 The Commissioner shall suspend the driver's license and all registration certificates and license plates of  
 502 any titled owner of an uninsured motor vehicle upon receiving a record of his conviction of a violation of any  
 503 provisions of this section, and he shall not thereafter reissue the driver's license and the registration  
 504 certificates and license plates issued in the name of such person until such person pays a noncompliance fee  
 505 of \$600 to be disposed of as provided for in § 46.2-710 and furnishes proof of ~~future~~ financial responsibility  
 506 *in the future* as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3. However, when three years have  
 507 elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the  
 508 requirement of furnishing proof of ~~future~~ financial responsibility *in the future*. When such suspension results  
 509 from a conviction for presenting or causing to be presented to the Commissioner false verification as to  
 510 whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be  
 511 registered is insured, then the Commissioner shall not thereafter reissue the driver's license and the  
 512 registration certificates and license plates issued in the name of such person so convicted for a period of 180  
 513 days from the date of such order of suspension, and only then when all other provisions of law have been  
 514 complied with by such person.

515 The Commissioner shall suspend the driver's license of any person who is the operator but not the titled  
 516 owner of a motor vehicle upon receiving a record of his conviction of a violation of any provisions of this  
 517 section and he shall not thereafter reissue the driver's license until 30 days from the date of such order of  
 518 suspension.

519 **§ 46.2-707.1. Noncompliance fee payment plan.**

520 A. The Department may establish a noncompliance fee payment plan to allow individuals to pay the fees  
 521 for a motor vehicle determined to be uninsured as prescribed in § 46.2-706, 46.2-707, or 46.2-708.  
 522 Notwithstanding §§ 46.2-706, 46.2-707, and 46.2-708, an individual 18 years of age or older whose driver's  
 523 license and vehicle registration have been suspended pursuant to § 46.2-706, 46.2-707, or 46.2-708 may  
 524 apply to the Department to enter into a payment plan agreement with a duration of no more than three years  
 525 from the agreement date, referred to in this section as the "payment plan period."

526 B. To be eligible to enter into the payment plan, the individual must (i) have one or more outstanding  
 527 suspensions of driving privileges pursuant to the provisions of § 46.2-706, 46.2-707, or 46.2-708 and have no  
 528 other outstanding suspensions or revocations; (ii) meet all other conditions for reinstatement of driving  
 529 privileges; and (iii) have not defaulted twice on the same uninsured motor vehicle payment plan agreement.

530 C. An eligible individual who pays a \$25 administrative fee when entering into a payment plan agreement  
 531 or when reentering into a payment plan agreement with the Department, and pays the reinstatement fee  
 532 pursuant to §§ 46.2-333.1 and 46.2-411, if required, shall be eligible to have his driving privileges reinstated  
 533 by the Department.

534 D. The amount and frequency of each payment and the duration of the payment plan shall be described in  
 535 the payment plan agreement signed by the Department and the individual. Payments may be made in person,  
 536 online, by telephone, or by mail. The full fee must be paid in no more than three years from the agreement  
 537 date; however, an individual may repay the balance of the fee at any time during the payment plan period  
 538 with no penalty.

539 E. If an individual defaults on the payment plan agreement, the Commissioner shall suspend the driver's  
 540 license and all registration certificates and license plates issued to the owner of the motor vehicle determined  
 541 to be uninsured. Such driver's license, registration certificates, and license plates shall remain suspended until  
 542 the individual pays the balance of the fee applicable to his offense as prescribed in § 46.2-706, 46.2-707, or  
 543 46.2-708 and furnishes proof of ~~future~~ financial responsibility *in the future* as prescribed by Article 15 (§  
 544 46.2-435 et seq.) of Chapter 3. An individual is in default if he (i) pays an installment payment late as defined  
 545 in the payment plan agreement or (ii) fails to make an installment payment as agreed to in the payment plan  
 546 agreement. If an individual is in default and is ineligible to reenter the payment plan, full payment of the  
 547 balance of the fee shall be due as agreed to in the payment plan agreement. The Commissioner may extend  
 548 the due date of any installment payment for not more than 30 days if the Department is unable to process an  
 549 installment payment due to circumstances beyond its control.

550 F. When all fees are paid, the individual shall continue to furnish proof of financial responsibility *in the*

551 *future* pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 and § 46.2-709.

552 G. Installment payments of the fee with respect to the motor vehicle determined to be uninsured shall be  
553 disposed of pursuant to § 46.2-710. The administrative fee shall be paid to the Commissioner and deposited  
554 into the state treasury account set aside in a special fund to be used to meet the necessary expenses incurred  
555 by the Department.

556 **§ 46.2-708. Suspension of driver's license and registration when uninsured motor vehicle is involved**  
557 **in reportable accident; hearing prior to suspension.**

558 When it appears to the Commissioner from the records of his office or from a report submitted by an  
559 insurance company licensed to do business in the Commonwealth that an uninsured motor vehicle as defined  
560 in § 46.2-705, subject to registration in the Commonwealth, is involved in a reportable accident in the  
561 Commonwealth resulting in death, injury, or property damage, the Commissioner shall, in addition to  
562 enforcing the applicable provisions of Article 13 (§ 46.2-417 et seq.) of Chapter 3, suspend such owner's  
563 driver's license and all of his license plates and registration certificates until such person has complied with  
564 Article 13 of Chapter 3 and has paid to the Commissioner a noncompliance fee of \$600, to be disposed of as  
565 provided by § 46.2-710, with respect to the motor vehicle involved in the accident and furnishes proof of  
566 ~~future~~ financial responsibility *in the future* in the manner prescribed in Article 15 (§ 46.2-435 et seq.) of  
567 Chapter 3. However, no order of suspension required by this section shall become effective until the  
568 Commissioner has offered the person an opportunity for an administrative hearing to show cause why the  
569 order should not be enforced. Notice of the opportunity for an administrative hearing may be included in the  
570 order of suspension. Any request for an administrative hearing made by such person must be received by the  
571 Department within 180 days of the issuance date of the order of suspension unless the person presents to the  
572 Department evidence of military service as defined by the federal Servicemembers Civil Relief Act (50  
573 U.S.C. § 3901 et seq.), incarceration, commitment, hospitalization, or physical presence outside the United  
574 States at the time the order of suspension was issued.

575 However, when three years have elapsed from the effective date of the suspension herein required, the  
576 Commissioner may relieve such person of the requirement of furnishing proof of ~~future~~ financial  
577 responsibility *in the future*. The presentation by a person subject to the provisions of this section of a  
578 certificate of insurance, executed by an agent or representative of an insurance company qualified to do  
579 business in this Commonwealth, showing that on the date and at the time of the accident the vehicle was an  
580 insured motor vehicle as herein defined shall be sufficient bar to the suspension provided for in this section.

581 **§ 46.2-709. Requiring other proof of financial responsibility in the future; suspended driver's**  
582 **license, registration certificate and license plates to be returned to Commissioner; Commissioner may**  
583 **take possession thereof.**

584 Whenever any proof of financial responsibility *in the future* filed by any person as required by this article  
585 no longer fulfills the purpose for which *it is* required, the Commissioner shall require other proof of financial  
586 responsibility *in the future* as required by this article and shall suspend such person's driver's license,  
587 registration certificates, and license plates and decals pending the furnishing of proof as required.

588 Any person whose driver's license or registration certificates, or license plates and decals have been  
589 suspended as provided in this article and have not been reinstated shall immediately return every such license,  
590 registration certificate, and set of license plates and decals held by him to the Commissioner. Any person  
591 failing to comply with this requirement shall be guilty of a traffic infraction and upon conviction thereof shall  
592 be punished as provided in § 46.2-113.

593 The Commissioner is authorized to take possession of any license, registration certificate, or set of license  
594 plates and decals on their suspension under the provisions of this chapter or to direct any police officer to take  
595 possession of and return them to the office of the Commissioner.