

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act 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*
 3 *through 46.2-709 of the Code of Virginia, relating to Department of Motor Vehicles; proof of financial*
 4 *responsibility in the future.*

5 [S 959]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **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**
 9 **the Code of Virginia are amended and reenacted as follows:**

10 **§ 46.2-100. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

48 "Commission" means the State Corporation Commission.

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

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

56 "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral

57 lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs,
58 from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere
59 distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

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

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

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

71 "Driver's license" means any license, including a commercial driver's license as defined in the Virginia
72 Commercial Driver's License Act (§ 46.2-341.1 et seq.) and a driver privilege card issued pursuant to §
73 46.2-328.3, issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

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

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

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

85 2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used
86 exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of
87 20 miles per hour; and

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

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

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

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

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

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

104 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising
105 out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in §
106 46.2-472.

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

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

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

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

118 "Governing body" means the board of supervisors of a county, council of a city, or council of a town, as

119 context may require.

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

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

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

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

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

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

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

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

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

163 "Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or
 164 under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale
 165 to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in §
 166 46.2-700, trailers, or semitrailers.

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

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

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

180 "Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-

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

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

192 "Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact
193 with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued
194 vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than
195 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered
196 solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars
197 but does not include electric personal assistive mobility devices or electric power-assisted bicycles.

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

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

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

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

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

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

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

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

242 "Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and

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

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

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

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

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

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

271 "Residence district" means the territory contiguous to a highway, not comprising a business district, where
 272 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300
 273 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings,
 274 or consists of land or buildings in use for business purposes, or consists of territory zoned residential or
 275 territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

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

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

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

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

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

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

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

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

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

302 "Special construction and forestry equipment" means any vehicle which is designed primarily for highway
 303 construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work

304 and which is not designed for the transportation of persons or property on a public highway.

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

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

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

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

315 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of
316 a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least
317 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a
318 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include
319 any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor
320 truck" as those terms are defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

365 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to

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

370 **§ 46.2-316. Persons convicted or found not innocent of certain offenses; requirement of proof of**
 371 **financial responsibility in the future for certain offenses.**

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

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

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

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

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

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

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

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

399 C. In addition to the prohibition on licensure set forth in subsection A, the Department shall not issue or
 400 reinstate a driver's license or learner's permit to any person convicted of a violation set forth in subdivision A
 401 4 for a period of three years after he otherwise becomes entitled to a license or permit ~~until unless~~ he
 402 furnishes proof of financial responsibility in the future *as provided in § 46.2-439* under a motor vehicle
 403 liability insurance policy that satisfies the requirements of § 46.2-472 except that the limits of coverage
 404 exclusive of interest and costs, with respect to each motor vehicle insured under the policy, shall be not less
 405 than double the minimum limits set forth in ~~subdivision A 3 of~~ § 46.2-472 for bodily injury or death of one
 406 person in any one accident, for bodily injury to or death of two or more persons in any one accident, and for
 407 injury to or destruction of property of others in any one accident.

408 **§ 46.2-436. Methods of proving financial responsibility.**

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

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

411 2. A bond has been duly executed;

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

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

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

415 **§ 46.2-439. Proof of financial responsibility in the future.**

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

424 **§ 46.2-441. Nonresident may file proof of financial responsibility in the future from insurance**
 425 **company or other state-authorized entity providing insurance.**

426 Notwithstanding the requirement of §§ 46.2-439 and 46.2-440, a nonresident required to file proof of

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

436 **§ 46.2-706. Proof of insurance required of applicants for registration of motor vehicles; verification**
 437 **of insurance; suspension of driver's license, registration certificates, and license plates for certain**
 438 **violations.**

439 A. Every person applying for registration of a motor vehicle shall, under the penalties set forth in §
 440 46.2-707, execute and furnish to the Commissioner his certificate that the motor vehicle is an insured motor
 441 vehicle as defined in § 46.2-705, or that the Commissioner has issued to its owner, in accordance with §
 442 46.2-368, a certificate of self-insurance applicable to the vehicle sought to be registered. The Commissioner,
 443 or his duly authorized agent, may verify that the motor vehicle is properly insured by comparing owner and
 444 vehicle identification information on file at the Department of Motor Vehicles with liability information on
 445 the owner and vehicle transmitted to the Department by any insurance company licensed to do business in the
 446 Commonwealth as provided in § 46.2-706.1. If no record of liability insurance is found, the Department may
 447 require the motor vehicle owner to verify insurance in a method prescribed by the Commissioner.

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

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

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

474 **§ 46.2-707. Operation of uninsured vehicle; false evidence of insurance; penalty.**

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

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

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

485 Any person who falsely verifies insurance to the Commissioner or gives false evidence that a motor
 486 vehicle sought to be registered is an insured motor vehicle, shall be guilty of a Class 3 misdemeanor.

487 However, the foregoing portions of this section shall not be applicable if it is established that the owner

488 had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which
489 event the provisions of § 46.2-609 shall be applicable.

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

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

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

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

515 **§ 46.2-707.1. Noncompliance fee payment plan.**

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

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

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

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

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

546 F. When all fees are paid, the individual shall continue to furnish proof of financial responsibility *in the*
547 *future* pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 and § 46.2-709.

548 G. Installment payments of the fee with respect to the motor vehicle determined to be uninsured shall be

549 disposed of pursuant to § 46.2-710. The administrative fee shall be paid to the Commissioner and deposited
550 into the state treasury account set aside in a special fund to be used to meet the necessary expenses incurred
551 by the Department.

552 **§ 46.2-708. Suspension of driver's license and registration when uninsured motor vehicle is involved**
553 **in reportable accident; hearing prior to suspension.**

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

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

577 **§ 46.2-709. Requiring other proof of financial responsibility in the future; suspended driver's**
578 **license, registration certificate and license plates to be returned to Commissioner; Commissioner may**
579 **take possession thereof.**

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

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

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