

SENATE BILL NO. 12
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Senator DeSteph)

A BILL to amend and reenact §§ 4.1-1302, 46.2-1003, 46.2-1013, and 46.2-1014 of the Code of Virginia, relating to issuing citations; certain traffic offenses and odor of marijuana; exclusion of evidence.

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-1302, 46.2-1003, 46.2-1013, and 46.2-1014 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-1302. Search without warrant; odor of marijuana.

A. No law-enforcement officer, as defined in § 9.1-101, may lawfully stop, search, or seize any person, place, or thing and no search warrant may be issued solely on the basis of the odor of marijuana and no evidence discovered or obtained pursuant to a violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

B. The provisions of subsection A shall not apply (i) in any airport as defined in § 5.1-1 ~~or~~, (ii) if the violation occurs in a commercial motor vehicle as defined in § 46.2-341.4, or (iii) if the odor of marijuana creates a reasonable suspicion of a violation of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2.

§ 46.2-1003. Illegal use of defective and unsafe equipment.

A. It ~~shall be~~ is unlawful for any person to use or have as equipment on a motor vehicle operated on a highway any device or equipment mentioned in § 46.2-1002 ~~which~~ that is defective and in an unsafe condition.

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

~~C. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-1013. Tail lights.

~~A.~~ Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle.

~~B. All *Such* tail lights required pursuant to subsection A shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. No law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

~~C. Any *such* tail lights or special white light required pursuant to this section shall be of a type approved by the Superintendent.~~

~~D. In any instance where the tail light is to be installed on a boat trailer and the boat extends beyond the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may be attached to the exposed rear of the boat, provided such installation complies with the visibility requirements of this section. The provisions of this section shall not apply to motorcycles.~~

§ 46.2-1014. Brake lights.

A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles or autocycles equipped with brake lights as required by § 46.2-1012.

~~B. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of

63 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of
64 commitment to the custody of the Department of Juvenile Justice.