

Code of Virginia

Title 46.2. Motor Vehicles

Subtitle I. General Provisions; Department of Motor Vehicles

Chapter 1. General Provisions

## **§ 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 used essential parts other than those required for the conversion to electric propulsion.

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

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

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

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

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

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

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

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

1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;
2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and
3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural

purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

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

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

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

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

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

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

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour.



"Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

owner or private official having jurisdiction.

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

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

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

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

"Truck" does not include any pickup or panel truck.

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

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes.

"Utility vehicle" does not include riding lawn mowers.

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

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

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

Code 1950, §§ 46-1, 46-169, 46-185, 46-186, 46-343; 1954, c. 59; 1958, cc. 501, 541, §§ 46.1-1, 46.1-161; 1964, c. 618; 1966, c. 643; 1968, cc. 285, 641, 653, 685; 1972, cc. 433, 609; 1974, c. 347; 1975, cc. 382, 426; 1976, c. 372; 1977, cc. 252, 585; 1978, cc. 36, 550, 605; 1979, c. 100; 1980, c. 51; 1981, c. 585; 1983, c. 386; 1984, cc. 404, 780; 1985, c. 447; 1986, cc. 72, 613; 1987, c. 151; 1988, cc. 107, 452, 865; 1989, cc. 645, 705, 727; 1990, cc. 45, 418; 1992, c. 98; 1993, c. 133; 1994,

c. 866;1996, cc. 943, 994;1997, cc. 9, 186, 486, 783, 904;1998, c. 888;1999, cc. 67, 77;2001, c. 834;2002, cc. 214, 234, 254;2003, cc. 29, 46;2004, cc. 746, 796;2005, cc. 310, 928;2006, cc. 529, 538, 540, 874, 891, 896;2007, cc. 209, 325, 366, 393;2010, c. 135;2011, c. 128;2012, c. 177;2013, cc. 128, 400, 783;2014, cc. 53, 256;2016, cc. 428, 500, 764;2017, cc. 251, 370, 554, 788;2018, c. 555;2019, c. 780;2020, cc. 59, 260, 1269;2021, Sp. Sess. I, c. 421;2023, cc. 148, 149.

**§ 46.2-100.1. Certified mail; subsequent mail or notices may be sent by regular mail**

Whenever in this title the Commissioner or the Department is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Commissioner or the Department may be sent by regular mail.

2011, c. 566.

**§ 46.2-101. Applicability of title to vehicles on certain toll roads and parking facilities**

This title shall apply to any vehicle and any person operating or owning a vehicle operated on any toll facility controlled by the Department of Transportation or any political subdivision of the Commonwealth.

This title shall also apply to any vehicle and any person operating or owning a vehicle operated on or in parking lots, parking garages, or other parking facilities owned, controlled, or leased by the Commonwealth or any of its agencies, instrumentalities, or political subdivisions.

1958, c. 541, § 46.1-21; 1989, c. 727.

**§ 46.2-102. Enforcement by law-enforcement officers; officers to be uniformed; officers to be paid fixed salaries**

State police officers and law-enforcement officers of every county, city, town, or other political subdivision of the Commonwealth shall enforce the provisions of this title punishable as felonies, misdemeanors, or traffic infractions. Additionally, notwithstanding § 52-22, state police officers may enforce local ordinances, adopted under subsection G of § 46.2-752, requiring the obtaining and displaying of local motor vehicle licenses. Fifty percent of the revenue collected from such enforcement shall be remitted by the locality to the Department of State Police and disposed of by the Department to cover its costs of operation. Every law-enforcement officer shall be uniformed at the time of the enforcement or shall display his badge or other sign of authority. All officers making arrests incident to the enforcement of this title shall be paid fixed salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this title.

With the consent of the landowner, any such officer or other uniformed employee of the local law-enforcement agency may patrol the landowner's property to enforce state, county, city, or town motor vehicle registration and licensing requirements.

Any law-enforcement officer may patrol the streets and roads within subdivisions of real property or within a condominium pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or land submitted to a horizontal property regime pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.), which streets and roads are maintained by the owners of the lots or parcels of land within the subdivision or the owners of condominium units within any horizontal property regime or any association of owners, on the request or with the consent of the owners or

association of owners, to enforce the provisions of this title punishable as felonies, misdemeanors, or traffic infractions.

Code 1950, § 46-14; 1958, c. 541, § 46.1-6; 1972, c. 700; 1975, c. 516; 1980, c. 523; 1989, c. 727; 1995, c. [132](#).

#### **§ 46.2-103. Stopping vehicles for inspection or to secure information**

Except as prohibited by § [19.2-59](#), on his request or signal, any law-enforcement officer who is in uniform or displays his badge or other sign of authority may:

1. Stop any motor vehicle, trailer, or semitrailer to inspect its equipment, operation, manufacturer's serial or engine number; or
2. Stop any property-carrying motor vehicle, trailer, or semitrailer to inspect its contents or load or to obtain other necessary information.

Nothing in this section, however, shall be construed to authorize the establishment on any highway of police check-points where the only vehicles subject to inspection are motorcycles.

Code 1950, § 46-16; 1958, c. 541, § 46.1-8; 1989, c. 727; 2012, c. [11](#).

#### **§ 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry license or registration card**

The operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the Commonwealth shall have in his possession: (i) the physical registration card issued by the Department or the registration card issued by the state or country in which the motor vehicle, trailer, or semitrailer is registered and (ii) his driver's license, learner's permit, or temporary driver's permit.

The owner or operator of any motor vehicle, trailer, or semitrailer shall stop on the signal of any law-enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on the officer's request, exhibit his registration card, driver's license, learner's permit, or temporary driver's permit and write his name in the presence of the officer, if so required, for the purpose of establishing his identity.

Every person licensed by the Department as a driver or issued a learner's or temporary driver's permit who fails to carry his license or permit, and the registration card for the vehicle which he operates, is guilty of a traffic infraction and upon conviction punished by a fine of \$10. However, if any person summoned to appear before a court for failure to display his license, permit, or registration card presents, before the return date of the summons, to the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, or appears pursuant to the summons and produces before the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, he shall, upon payment of all applicable court costs, have complied with the provisions of this section.

Code 1950, §§ 46-15, 46-80; 1958, c. 541, § 46.1-7; 1964, c. 205; 1972, c. 362; 1978, cc. 500, 605; 1984, c. 780; 1988, c. 74; 1989, c. 727; 2008, cc. [551](#), [691](#); 2009, c. [756](#); 2022, c. [183](#).

#### **§ 46.2-105. Making false affidavit or swearing falsely, perjury**

Any person who knowingly makes any false affidavit or knowingly swears or affirms falsely to any

matter or thing required by this title or the Commissioner incidental to his administration of this title to be sworn to or affirmed shall be guilty of perjury.

Code 1950, § 46-66; 1958, c. 541, § 46.1-15; 1989, c. 727.

**§ 46.2-105.1. Unlawful procurement of certificate, license, or permit; unauthorized possession of examination or answers; unlawful distribution of false operator's license; penalty**

A. It shall be unlawful:

1. For any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a certificate, license, or permit, from the Department;
2. For any person, other than an authorized agent of the Department, to procure or have in his possession or furnish to another person, prior to the beginning of an examination, any question intended to be used by the Department in conducting an examination;
3. For any person to receive or furnish to any person taking an examination, prior to or during an examination, any written or printed material purporting to be answers to questions intended to be used by the Department in conducting an examination;
4. For any person to communicate by any means to any person taking an examination, during an examination, any information purporting to be answers to questions intended to be used by the Department in conducting an examination;
5. For any person to attempt to procure, through theft, fraud or other illegal means, any questions intended to be used by the Department in conducting an examination, or the answers to the questions; or
6. To promise or offer any valuable or other consideration to a person having access to the questions or answers as an inducement to procure for delivery to the promisor, or any other person, a copy or copies of any questions or answers.

B. If an examination is divided into separate parts, each of the parts shall be deemed an examination for the purposes of this section.

C. Any violation of any provision of subsection A of this section shall be punishable as a Class 2 misdemeanor.

D. Any person or entity other than the Department that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a license to operate a motor vehicle in the Commonwealth is guilty of a Class 1 misdemeanor.

E. Nothing in this section or in any regulations of the Department shall be construed to prohibit (i) the possession, use, or provision of the Department's driver license examination questions by or to any person for the purpose of administering a knowledge examination or (ii) the Department from making sample examination questions available to the public or the public from possessing sample examination questions.

1990, c. 964; 2006, c. [871](#); 2015, c. [464](#); 2022, c. [139](#).

**§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty**

A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department if such

person has not satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or altered documents.

B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle registration, certificate of title, or other document in violation of the provisions of subsection A.

C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special identification card, vehicle registration, certificate of title, or other document obtained in violation of the provisions of subsection A.

D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any document issued by the Department for the purpose of engaging in any age-limited activity, including but not limited to obtaining, possessing, or consuming alcoholic beverages. However, if a person is charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department has been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of the cancellation to the address of record maintained by the Department.

F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any document issued by the Department, (ii) where any person received or created any counterfeit, forged, or altered document used to obtain any document issued by the Department, or (iii) where any counterfeit, forged, or altered document has been filed with the Department.

1992, c. 99; 2002, cc. [767](#), [834](#); 2003, cc. [817](#), [819](#); 2024, c. [89](#).

#### **§ 46.2-106. Reciprocal agreements entered into by Governor**

The Governor may enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States with respect to all taxes imposed by the Commonwealth and by any other state of the United States on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles.

Except as provided in this section, all agreements entered into by the Governor with respect to any subject of reciprocity as to which provision is expressly made by statute shall conform to the provisions of that statute. As to any other subject of reciprocity appropriate to the powers vested in the Governor by this section, the Governor may agree to whatever terms and conditions as in his judgment are best calculated to promote the interests of the Commonwealth. Except as provided in this section, it is the policy of the Commonwealth to grant reciprocity to the residents of another state when that state grants reciprocity to the residents of the Commonwealth.

All agreements entered into by the Governor pursuant to this section shall be reduced to writing, and a copy shall be furnished to the Secretary of the Commonwealth and the Superintendent of State Police.



Code 1950, §§ 46-21, 46-22; 1956, c. 354; 1958, c. 541, §§ 46.1-19, 46.1-20; 1964, c. 253; 1989, c. 727; 1995, cc. [744](#), [803](#); 2003, c. [299](#).

**§ 46.2-107. Lists of vehicles used for rent or hire, or by contract carriers**

Every person engaged in hiring or renting motor vehicles for the transportation of passengers or property and every contract carrier by motor vehicle of passengers or property who operates, or who should operate, under a permit issued by the State Corporation Commission or by the Interstate Commerce Commission, as provided by law, shall furnish to the Commissioner, whenever required to do so, a list and description of motor vehicles used in his business.

Code 1950, § 46-157; 1958, c. 541, § 46.1-151; 1989, c. 727.

**§ 46.2-108. Records required of persons renting motor vehicles without drivers; inspections; insurance**

A. Every person engaged in the business of renting motor vehicles without drivers who rents any vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of the motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of the rental or in possession of the person renting and having the use of the vehicle. These records shall be public records and open to inspection by any person damaged as to his person or property by the operation of the vehicle or by law-enforcement personnel in the discharge of their duties. Any person who has been damaged as to his person or property may require a production of the written record in person or by his authorized agent or attorney.

B. It shall be unlawful for any person who rents a motor vehicle as provided in this section to fail to make or have in possession or to refuse an inspection of the record required in this section.

C. The Commissioner shall prescribe and the owner shall use the form for the keeping of the record provided in this section.

D. No person engaged in the business of renting automobiles and trucks without drivers shall rent any vehicle without a driver unless the vehicle is an insured motor vehicle as defined in [§ 46.2-705](#). A violation of this subsection shall constitute a Class 1 misdemeanor.

Code 1950, § 46-191; 1958, c. 541, § 46.1-14; 1960, c. 141; 1972, c. 373; 1978, c. 605; 1980, c. 9; 1989, c. 727.

**§ 46.2-109. Reports by persons in charge of garages and repair shops; vehicles equipped with bullet-proof glass or smoke projectors or struck by bullets**

The person in charge of any garage or repair shop to which is brought any motor vehicle equipped with bullet-proof glass or any smoke screen device or that shows evidence of having been struck by a bullet shall report in writing, on forms furnished by the Superintendent of State Police, to the nearest police station or to the State Police, within twenty-four hours after the motor vehicle is received, the engine number, registration number, serial number or identification number, and the name and address of the owner or operator of the vehicle if known.

Code 1950, §§ 46-17.1, 46-17.3; 1952, c. 538; 1958, c. 541, §§ 46.1-10, 46.1-12; 1960, c. 119; 1989, c. 727.

**§ 46.2-110. Right to inspect vehicles in garages**

Any law-enforcement officer or Department officer or employee who is in uniform or exhibits a badge or other sign of authority shall have the right to inspect any motor vehicle, trailer, or semitrailer in any public garage or repair shop for the purpose of locating stolen motor vehicles, trailers, and semitrailers and for investigating the title and registration of motor vehicles, trailers, and semitrailers. For this purpose the owner of any garage or repair shop shall permit any law-enforcement officer or Department officer or employee freely to make investigation as authorized in this section.

Code 1950, § 46-17; 1958, c. 541, § 46.1-9; 1989, c. 727.

**§ 46.2-111. Flares and other signals relating to stopped commercial motor vehicles**

A. Whenever any commercial motor vehicle as defined in § 46.2-341.4 is stopped on any roadway or on the shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle shall immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on the roadway or shoulder three red reflectorized triangular warning devices of a type approved by the Superintendent. One of the red reflectorized triangular warning devices shall be placed in the center of the lane of traffic or shoulder occupied by the stopped vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than 10 feet from its front or rear. However, if such vehicle is stopped within 500 feet of a curve or crest of a hill, or other obstruction to view, the red reflectorized triangular warning devices in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the stopped vehicle. Vehicular hazard warning signal flashers shall continue to flash until the operator has placed the three red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernable at a distance of 500 feet to a person on the highway. Flares or torches of a type approved by the Superintendent may be used in lieu of red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator shall ensure that at least one flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion.

The exception provided in this subsection with respect to highways within the corporate limits of cities shall not apply to any portion of any interstate highway within the corporate limits of any city. The provisions of this section shall not apply to any vehicle in a work zone protected by flagmen or approved temporary traffic control channeling devices, as required by the Virginia Work Area Protection Manual or to any vehicle displaying a flashing amber light authorized by § 46.2-1025 when such vehicle is (i) used for the principal purpose of towing or servicing disabled vehicles, or (ii) engaged in road or utility construction or maintenance.

B. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded

or empty, or for transporting inflammable gases, red reflectorized triangular warning devices or red electric lanterns of a type approved by the Superintendent of State Police shall be used. Such reflectors or lanterns shall be lighted and placed on the roadway in the manner provided in subsection A of this section.

C. [Repealed.]

Code 1950, §§ 46-260, 46-261, 46-262; 1950, p. 698; 1956, c. 56; 1958, c. 541, §§ 46.1-255 to 46.1-257; 1960, c. 156; 1966, c. 122; 1968, c. 155; 1970, c. 190; 1989, c. 727; 1999, c. 77; 2003, c. 971.

#### **§ 46.2-112. Tampering with odometer; penalty; civil liability**

A. It shall be unlawful to knowingly cause, either personally or through an agent, the changing, tampering with, disconnection, or nonconnection of any odometer or similar device designed to show by numbers or words the distance which a motor vehicle has traveled or the use it has sustained.

B. It shall be unlawful for any person to sell a motor vehicle if he knows or should reasonably know that the odometer or similar device of the motor vehicle has been changed, tampered with, or disconnected to reflect a lesser mileage or use, unless he gives clear and unequivocal notice of such tampering, etc., or of his reasonable belief thereof, to the purchaser in writing prior to the sale. In a prosecution under this subsection, evidence that a person or his agent has changed, tampered with, disconnected, or failed to connect an odometer or similar device of a motor vehicle shall constitute prima facie evidence of knowledge thereof.

C. It shall be unlawful for any person to advertise for sale, sell, or use any device designed primarily for the purpose of resetting the odometer or similar device of a motor vehicle in any manner.

D. The provisions of this section shall not apply to the following:

1. The changing of odometer or similar device readings registered in the course of predelivery testing of any motor vehicle by its manufacturer prior to its delivery to a dealer.
2. Any necessary repair or replacement of an odometer or similar device, provided that the repaired or replaced odometer or similar device is forthwith set at a reading determined by the reading on the device immediately prior to repair or replacement plus a bona fide estimate of the use of the vehicle sustained between the period when the device ceased to accurately record that use and the time of repair or replacement. Compliance with the requirements of 49 USC § 32704 of the Federal Odometer Act in the service, repair, or replacement of an odometer shall be deemed compliance with this subdivision.
3. Passenger vehicles having a capacity in excess of 15 persons.
4. Trucks having a net weight in excess of 10,000 pounds.

E. Any person convicted of a violation of the provisions of subsections A through D shall, for a first offense, be fined not more than \$10,000 and sentenced to a term of confinement in jail for not more than 12 months, either or both. Any person convicted of a subsequent offense under this section shall be fined not more than \$50,000 and sentenced to a term of confinement in a state correctional facility for not less than one year nor more than five years, either or both, for each offense if the offense is committed with the intent thereby to defraud another. Each violation of this section shall constitute a separate offense.

F. Any person who with intent to defraud violates subsection A or B shall be liable in a civil action in an amount equal to three times the amount of actual damages sustained or \$3,000, whichever is greater. In the case of a successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court, shall be assessed against the person committing the violation. An action under this subsection shall be brought within two years from the date on which liability arises. For the purpose of this subsection, liability arises when the injured party discovers, or with due diligence should have discovered, the violation.

1972, c. 851, §§ 46.1-15.1 to 46.1-15.3; 1978, c. 294; 1986, c. 490; 1989, c. 727; 2012, cc. [32](#), [122](#).

#### **§ 46.2-113. Violations of this title; penalties**

It is unlawful for any person to violate any of the provisions of this title, or any regulation adopted pursuant to this title, or local ordinances adopted pursuant to the authority granted in this title. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor under § [18.2-11](#).

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title was a serious traffic violation as defined in § [46.2-341.20](#) and that such violation was committed while operating a vehicle or combination of vehicles used to transport property that either (i) has a gross vehicle weight rating of 26,001 or more pounds or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, the judge may assess, in addition to any other penalty assessed, a further monetary penalty not exceeding \$500.

1976, c. 135, § 46.1-16.01; 1977, c. 585; 1982, c. 681; 1989, c. 727; 1992, c. 533; 1997, c. [637](#); 2003, c. [844](#); 2022, c. [490](#).

#### **§ 46.2-114. Disposition of fines and forfeitures**

All fines or forfeitures collected on conviction of any person charged with a violation of any of the provisions of this title punishable as felonies, misdemeanors, or traffic infractions shall be paid into the state treasury to be credited to the Literary Fund unless a different form of payment is required specifically by this title.

Code 1950, § 46-20; 1958, c. 541, § 46.1-18; 1989, c. 727; 2012, c. [408](#).

#### **§ 46.2-115. Inapplicability of title on Tangier Island; adoption of local ordinances; penalties**

Except for this section, no provisions of this title shall apply in the Town of Tangier.

The council of the Town of Tangier may adopt such ordinances paralleling any provision of this title and adapt their provisions to suit the Town's unique situation. No penalty for any violation of any such ordinance, however, shall exceed the penalty imposed for a violation of the parallel provision of this title.

1995, c. [670](#).

#### **§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty**

A. As used in this section and §§ [46.2-117](#), [46.2-118](#), and [46.2-119](#):

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is

the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. The Department may offer a temporary registration or driver authorization document that is effective upon the submission of an application and that expires upon the issuance or denial of a permanent registration. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. 1. No registration shall be issued to any person who (i) is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted within the 15 years prior to the date of the application of a violent crime as defined in subsection C of § 17.1-805 unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board; or (iii) has been convicted within the 15 years prior to the date of the application of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.



2. The Department may deny a registration to any person who (i) has been convicted more than 15 years prior to the date of the application of a violent crime as defined in subsection C of § 17.1-805 or (ii) has been convicted more than 15 years prior to the date of the application of any crime involving the driving of a tow truck, including drug or alcohol offenses. The Department shall deny a registration to a person described in clause (i) or (ii) if the person has not completed all terms of probation or parole related to such conviction.

3. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

2012, cc. 803, 835;2014, cc. 59, 441;2017, c. 503;2020, cc. 829, 1237.

**§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs**

A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or upon the failure of a tow truck driver to report to the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow truck driver after notice and hearing as provided in subsection C.

B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or suspend the registration of a tow truck driver for:

1. Conviction of any crime for which a person must register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;
2. Conviction of a violent crime as defined in subsection C of § 17.1-805;or
3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the actual cost of recording the hearing.



2012, cc. [803](#), [835](#);2020, c. [829](#).

**§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators**

**A. No tow truck driver shall:**

1. Use fraud or deceit in the offering or delivering of towing and recovery services;
2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;
3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;
4. Obtain any fee by fraud or misrepresentation;
5. Remove or tow a trespassing vehicle, as provided in § [46.2-1231](#), or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;
6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or
7. Drive by the scene of a wrecked or disabled vehicle for which a law-enforcement tow has been initiated by a law-enforcement agency, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle.

**B. No towing and recovery operator shall:**

1. Use fraud or deceit in the offering or delivering of towing and recovery services;
2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;
3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;
4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;
5. Obtain any fee by fraud or misrepresentation;
6. Advertise services in any manner that deceives, misleads, or defrauds the public;
7. Advertise or offer services under a name other than one's own name;
8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § [46.2-1217](#), but shall be required to accept personal checks;
9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;
  11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;
  12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;
  13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;
  14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ [9.1-900](#) et seq.) of Title 9.1;
  15. Remove or tow a trespassing vehicle, as provided in § [46.2-1231](#), or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;
  16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;
  17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services;
  18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § [46.2-1209](#);
  19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of § [46.2-644.01](#), the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover any personal items without retrieving the vehicle and without paying any fee; or
  20. Require an individual who appears to retrieve a vehicle towed to provide to the towing and recovery operator, in addition to payment of fees, any document not otherwise required by law before releasing the vehicle to the individual.
- C. No tow truck driver as defined in § [46.2-116](#) or towing and recovery operator as defined in § [46.2-100](#) shall knowingly permit another person to occupy a motor vehicle as defined in § [46.2-100](#) while such motor vehicle is being towed.
- D. No tow truck driver or towing and recovery operator as defined in § [46.2-116](#) shall cause any other person to solicit or offer towing services in any manner, directly or indirectly, at the scene of any wrecked or disabled motor vehicle upon a highway, as defined in § [46.2-100](#), when such wrecked or disabled motor vehicle reasonably necessitates removal by a tow truck. In addition to any penalty authorized pursuant to this title, any tow truck driver or towing and recovery operator violating the provisions of this subsection shall be guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

2012, cc. [803](#), [835](#); 2015, c. [217](#); 2020, c. [829](#); 2023, c. [600](#); 2024, cc. [337](#), [409](#), [574](#).

**§ 46.2-119. Complaints against tow truck drivers or towing and recovery operators; enforcement by the Office of the Attorney General**

A. Any consumer aggrieved by the actions of a (i) tow truck driver for an alleged violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or (ii) towing and recovery operator for an alleged violation of subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 may file a complaint with the Division of Consumer Counsel of the Office of the Attorney General for appropriate action in accordance with this section and any other applicable law.

B. The Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages or intent be proved to establish a violation. The standard of proof at trial shall be a preponderance of the evidence. The circuit court may issue temporary or permanent injunctions to restrain and prevent violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.

C. In any action brought under this section, the Attorney General may recover damages and such other relief allowed by law, including restitution on behalf of consumers injured by violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1, as well as costs and reasonable expenses incurred by the Commonwealth in investigating and preparing the case, including attorney fees.

2012, cc. 803, 835.