

Code of Virginia  
Title 46.2. Motor Vehicles  
Chapter 8. Regulation of Traffic

## Article 12. Bicycles.

### § 46.2-903. Riding or driving vehicles on sidewalks; exceptions.

No person shall ride or drive any vehicle on the sidewalks of any county, city, or town of the Commonwealth other than (i) an emergency vehicle, as defined in § 46.2-920; (ii) a vehicle engaged in snow or ice removal and control operations; (iii) a wheel chair or wheel chair conveyance, whether self-propelled or otherwise; (iv) a bicycle; (v) an electric personal assistive mobility device; (vi) an electric power-assisted bicycle; or (vii) unless otherwise prohibited by ordinance, a motorized skateboard or scooter.

Nothing in this section shall be construed to prohibit any public entity, in accordance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) and other applicable state and federal laws, from (a) allowing the use of other power-driven mobility devices, as that term is defined in § 10.1-204, by disabled individuals on a sidewalk or (b) requiring a user of an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability.

Code 1950, § 33-283; 1958, c. 541, § 46.1-229; 1964, c. 522; 1973, c. 158; 1974, c. 541; 1975, c. 187; 1978, c. 605; 1981, c. 585; 1989 c. 727; 1994, c. 116; 2001, c. 834; 2002, c. 254; 2019, cc. 182, 780.

### § 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates, skateboards, and personal delivery devices, and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be posted in general areas where use of roller skates, skateboards, and personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to, or otherwise not unreasonably interfere with, pedestrians.

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle or operate a personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances. A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.

Except as otherwise expressly provided, the governing body of a county, city, or town may not enact or enforce any ordinance or resolution related to (i) the design, manufacture, maintenance, licensing, registration, taxation, assessment or other charges, certification, or insurance of a personal delivery device or (ii) the types of property that may be transported by a personal delivery device.

A violation of any ordinance adopted pursuant to this section or any provision of this section shall be punishable by a civil penalty of not more than \$50.

3/15/202

1981, c. 585, § 46.1-229.01; 1984, c. 124; 1989, c. 727; 1999, c. 943; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2006, cc. 529, 538; 2013, c. 783; 2017, cc. 251, 788; 2019, c. 780; 2020, c. 1269.

#### § 46.2-904.1. Electric power-assisted bicycles.

A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.

B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of this Code relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.

C. 1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.

2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.

3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.

E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.

1. Following notice and a public hearing, a locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class one or class two electric power-assisted bicycles on such path, if it finds that such a restriction is necessary for public safety or compliance with other laws.

2. A locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class three electric power-assisted bicycles on such path.

3. A locality or state agency having jurisdiction over a trail may regulate the use of electric power-assisted bicycles on such trail. For purposes of this subdivision, "trail" means a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

2020, cc. 59, 260.

#### § 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds on roadways and bicycle paths.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, except under any of the following circumstances:

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;
4. When avoiding riding in a lane that must turn or diverge to the right; and
5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safe and practicable.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters on a highway shall not ride more than two abreast. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and shall move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle. However, the failure to move into a single-file formation shall not constitute negligence per se in any civil action. This section shall not change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim that otherwise exists.

Notwithstanding any other provision of law to the contrary, the Department of Conservation and Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path or trail designated by the Department for such use.

1974, c. 347, § 46.1-229.1; 1980, c. 130; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366; 2013, c. 783; 2019, c. 780; 2021, Sp. Sess. I, c. 462; 2022, c. 341.

#### **§ 46.2-906. Carrying articles or passengers on bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds.**

No person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on a highway shall carry any package, bundle, or article that prevents the driver from keeping at least one hand on the handlebars.

No bicycle or moped shall be used to carry more persons at one time than the number of persons for which it was designed or is equipped, except that an adult bicycle rider may carry a child less than six years old if such child is securely attached to the bicycle in a seat or trailer designed for carrying children.

1974, c. 347, § 46.1-229.2; 1981, c. 585; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2003, cc. 29, 46; 2006, cc. 529, 538; 2007, cc. 209, 366.

#### **§ 46.2-906.1. Local ordinances may require riders of bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles to wear helmets.**

The governing body of any county, city or town may, by ordinance, provide that every person 14 years of age or younger shall wear protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle, an electric personal assistive mobility device, a toy vehicle, or an electric power-assisted bicycle on any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

Violation of any such ordinance shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

Violation of any such ordinance shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric personal assistive mobility device, toy vehicle, or electric power-assisted bicycle nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

1993, c. 924; 1994, c. 56; 1995, cc. 42, 671; 2001, c. 834; 2002, c. 254; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366.

#### **§ 46.2-907. Overtaking and passing vehicles.**

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped may overtake and pass another vehicle on either the left or right side, staying in the same lane as the overtaken vehicle, or changing to a different lane, or riding off the roadway as necessary to pass with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped may overtake and pass another vehicle only under conditions that permit the movement to be made with safety.

A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped shall not travel between two lanes of traffic moving in the same direction, except where one lane is a separate turn lane or a mandatory turn lane.

Except as otherwise provided in this section, a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or foot-scooter, or moped shall comply with all rules applicable to the driver of a motor vehicle when overtaking and passing.

1981, c. 585, § 46.1-229.2:1; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2006, cc. 529, 538; 2013, c. 783.

**§ 46.2-908. Registration of bicycle, electric personal assistive mobility device, electric personal delivery device, and electric power-assisted bicycle serial numbers.**

Any person who owns a bicycle, electric personal assistive mobility device, electric personal delivery device, or electric power-assisted bicycle may register its serial number with the local law-enforcement agency of the political subdivision in which such person resides.

1975, c. 171, § 46.1-66.1; 1989, c. 727; 2001, c. 834; 2002, c. 254; 2017, cc. 251, 788.

**§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.**

All electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device at a speed faster than 25 miles per hour or (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

2001, c. 834; 2002, c. 254; 2006, cc. 529, 538; 2007, cc. 209, 366; 2009, c. 795; 2013, c. 783; 2017, cc. 251, 788; 2019, c. 780; 2020, cc 59, 260, 1269.

**§ 46.2-908.1:1. Personal delivery devices.**

A. A personal delivery device is authorized to operate on any sidewalk or crosswalk located in any county, city, or town in the Commonwealth. If a sidewalk or crosswalk is not accessible or available, a personal delivery device is authorized to operate on the side of any roadway in the Commonwealth, provided that the roadway has a speed limit of 25 miles per hour or less and the personal delivery device does not unreasonably interfere with motor vehicles or traffic. A locality may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection, but may by ordinance adopt additional requirements designed to maintain safety for such roadway operation. The Commonwealth Transportation Board may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection but may by regulation adopt additional requirements designed to maintain safety for such roadway operation.


B. A personal delivery device shall:

1. Not block any public rights-of-way;
2. Obey all traffic and pedestrian control devices and signs;

3. Operate at a speed that does not exceed 10 miles per hour on sidewalks and crosswalks;
  4. Include a unique identifying device number;
  5. Include a means of identifying the personal delivery device operator that is in a position and of such a size to be clearly visible; and
  6. Be equipped with a braking system that, when active or engaged, will enable such personal delivery device to come to a controlled stop.
- C. Any personal delivery device transporting hazardous materials shall comply with the federal Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.) and any corresponding federal regulations. For purposes of this section, hazardous materials include ammunition.
- D. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstance.
- E. A personal delivery device operator shall maintain insurance that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.
- F. Any entity or person who uses a personal delivery device to engage in criminal activity is criminally liable for such activity.

2017, cc. [251](#), [788](#); 2020, c. [1269](#).


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